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#ETUC19

**A FAIRER EUROPE  
FOR WORKERS!**

# ETUC Action Programme 2019-2023

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## Introduction to the Action Programme

### Introduction

1. We are living through a crucial and challenging moment for Europe and the European trade union movement. The effects of unregulated globalisation, economic crisis and austerity; the changes in the economy and labour market due to climate change, digitalisation and automation; the attacks on workers' and trade union rights and on the European social model; the growth of inequalities within and between countries; the issue of migration and mobility flows, often leading to discrimination and exploitation; the rise of far-right, sovereignist, nationalist, neo-fascist and xenophobic forces threatening human and social rights, and putting the democratic values of the European Union at risk – all this raises major concerns for the future of Europe and European working people.
2. The trade union movement has a responsibility to defend democracy and the European social model, the most important achievement of the last century, based on peace, human, workers', social and environmental rights, on fair and equal living and working conditions, including quality public services and education systems. To achieve this, the ETUC and its affiliates have designed sound policies for the future of the European economy, society and labour market, and will put in place strong and efficient tools and actions to reinforce the role of trade unions, particularly focusing on a new, progressive and sustainable economic policy; pay rises and upward wage convergence between countries and sectors; employment in quality jobs and a reduction in the working week with no cut in pay and control over working time arrangements; defence and extension of workers' rights, social protection and public services; relaunching social dialogue, strengthening collective bargaining, extending its coverage and promoting workers' participation; just transition, sustainable globalisation and progressive trade; fair mobility and a common migration and asylum policy, based on respect for rights and equal treatment.
3. The ETUC and its affiliates will launch a major initiative for trade union renewal, to build a strong trade union movement for the future, able to change existing economic and labour market policies, and to include those who are now excluded from rights and protection (particularly young and precarious workers, self-employed and platform workers, workers in the informal economy, women, migrants and mobile workers, people with disabilities or affected by any form of discrimination, including on sexual orientation and gender identity). The trade union movement will offer **A Fairer Europe for Workers**, through forward-looking policy and action, and by reinforcing its capacity to organise and negotiate.

### Setting the scene

4. Recent elections in various EU countries have shown rising nationalism and sovereignism, xenophobia, sexism, misogyny and anti-EU sentiments, although support for EU membership stays high in many Member States. Negative attitudes are spreading among workers – but we would be wrong to label workers as racist or populist. They are worried about the future: a future where welfare rights acquired over decades are put at risk; a future that no longer offers the prospect of a stable, good-quality job, a better salary, decent housing and social protection, good education and a secure, solidarity-based society. In this insecure context, without equality and protection, migrants become the scapegoats, and far-right and neo-fascist movements exploit people's fears to gain influence in the political arena. All this requires different policies, putting workers' rights and needs at the centre,

- together with equality between women and men and equal treatment and opportunities for all.
5. It is ten years since the financial crisis of 2007-2008. A banking crisis led to a government debt crisis, with the EU addressing the bankruptcy of banks by transforming private debt into public debt, thus socialising the losses. Economic crisis led to social and political crisis. Austerity was the wrong medicine and has created widespread disillusionment and a backlash against Europe. The 'Troika' intervention in countries such as Greece, Ireland, Portugal, Spain and Cyprus imposed cuts to wages and rights, privatisations and dismantling of social protection and public services, thus harming those countries' economies and societies through increased poverty and inequality. Violent conflict in neighbouring regions and terrorism at home have added to the sense of crisis. Workers see how digitalisation and climate change can impact on their jobs and their lives, while often policy-makers are failing to address these challenges properly.
  6. Europe is now recovering, with slow growth and gradually falling unemployment in some countries. Recession followed by tentative recovery is no cause for celebration, not least because the recovery is very unequal within Europe, which is harmful for economic and social cohesion. In the aftermath of the crisis and austerity measures, many workers and young people, especially women, are experiencing precariousness and in-work poverty and are still at the margins of the labour market and the educational system.
  7. Instead, the shock of the political fallout from the economic crisis and the rise of anti-European and far-right forces have, in recent years, created a mood of reflection on the future: of Europe, of labour, of globalisation, trade and multilateralism. The European Commission and the European Parliament are finally considering the need for investment, wage rises and even increased public spending. The European Pillar of Social Rights (EPSR) has been proclaimed and some initiatives for implementation initiated. A debate has started on the social dimension of the EU, fairer globalisation, and the future of the European Monetary Union (EMU).
  8. In its White Paper on the Future of the EU 27, Commission President Jean-Claude Juncker outlined five scenarios. The ETUC advocates for an EU based on unity, cooperation, integration, solidarity and upward convergence. This will require a stronger democratic accountability of institutions and decision-making processes, and full respect of national best practices in industrial relations, labour markets and social protection systems. On the 60th anniversary of the Treaty of Rome, national governments pledged to work towards a Social Europe which promotes economic and social progress. Member States have achieved a unanimous position on Brexit, while the future relationship between the EU and the UK is still uncertain. Brexit was not the choice of the ETUC and the British and Irish trade unions, and together we insist that workers' and citizens' rights are paramount.
  9. Today, we can affirm that the ETUC played a crucial role in pushing EU institutions to change their approach and to achieve such results, particularly in the social field. Even if we see the long-term benefits of the EMU, yet austerity is not dead. The EU's Stability and Growth Pact is still a strait jacket preventing many countries from investing in better public services, jobs and growth. The ETUC is pleased to note that some European leaders have been pushing for more budgetary flexibility, for more room for growth-friendly economic policies and to ease the burden on working people. However, new policies are far from achieving consensus. The EPSR was long overdue, but it is still necessary to push hard for implementation, through legislative binding measures at both EU and national level, through appropriate policy and funding, and through collective bargaining.
  10. There are many difficult challenges ahead. The growth of bogus self-employment, involuntary temporary or part-time work, the distortive use of traineeships and other precarious and low paid jobs, are the dark side of today's slowly falling unemployment. Trade unions organise to defend workers' rights and press for new

laws, extending rights and social protection, promote the principle of equal pay for equal work, and spreading collective bargaining to all countries, sectors and workers, particularly those left behind. Appropriate policies must tackle digitalisation and climate change and secure a just transition that equips working people and industrial regions to adapt to change and create new jobs.

11. The refugee emergency is not resolved. Refugees are stuck in Turkey, Libya, Jordan, Lebanon, Greece, Italy and the Balkans. Trade unions pledge to redouble their efforts to make institutions complying with international law, to bring about a fair redistribution of refugees across Europe and work with employers and local communities to integrate refugees and applicants for international protection into the workplace. At the same time, the ETUC urges the EU and Member States to adopt a more concrete and fairer European policy on economic migration, to establish legal channels for entry and to foster an integration policy based on respect for rights and equal treatment of both local and migrant workers, as a key tool to address the social impact of migration flows. The ETUC calls for a holistic approach to minimise the adverse drivers and structural factors of migration through fair and more effective cooperation with the countries of origin, where this is possible. Furthermore, the ETUC considers the adoption of the two UN Global Pacts on Migration and Refugees to be a positive step forward, albeit insufficient as they are non-binding instruments.
12. The European Union needs to play a more active role at international level and towards multilateral institutions, protecting and promoting the European social model, the strong need for an ecological transition and a sustainable and progressive reform of multilateral governance at global level.

### **Challenges and mission**

13. Together with affiliates, the ETUC must seize the opportunity to push European policy-makers in the right direction, in order to build a new progressive economic model for sustainable growth. Now is the moment to strengthen our demands on behalf of working people, for increased public investment and for quality public services, decent social protection to tackle inequality, fair taxation, fair wages and good working conditions, universally accessible quality education, a better work-life balance, and respect and support for social dialogue and collective bargaining across Europe. This is the moment for trade unions to be more active than ever in efforts to manage globalisation, digitalisation and climate action to ensure that working people are not being discarded, and to reduce persistent gender, sectoral and regional inequalities.
14. A great effort is needed to defend democracy and restore the rule of law in Europe, by opposing the anti-democratic, far-right and xenophobic narrative, and making the institutional settings and decision-making processes more democratic and inclusive, at all levels.
15. We will build a broad alliance to promote institutional, economic and social democracy. The ETUC will work to push EU and national institutions to be more democratic and transparent and to promote the communitarian and integration-led approach, which was at the basis of the European project, instead of the intergovernmental one. Workers and citizens want to know their voices are heard by decision-makers, and that they can influence EU and national governance. The ETUC will be at the forefront in defending and promoting strong social dialogue, collective bargaining, workers' participation and mobilising actions, as fundamental tools for economic, social and workplace democracy. Trade unions demand action by employers and governments at every level, from local to European, to build a fairer and socially equal future for Europe.
16. In recent years we – the ETUC and its affiliates – have significantly strengthened our internal cooperation and coordination. We have agreed on common policies by overcoming the existing differences between east and west, north and south. We

have created efficient networks and practices within the ETUC to involve and mobilise our affiliates. We have significantly increased our influence on institutions, at both EU and national level – by bringing the ETUC’s voice to the grass-roots, to the national level, where most decisions are taken. We have succeeded in imposing, at least in some fields, our agenda. These actions are therefore to be continued and further implemented and reinforced, particularly in relation to the new European Commission and Parliament, to be elected in 2019.

17. This is the best way to achieve concrete results for the workers we represent and to shape the future of the world of work. We will build a renewed and stronger trade union movement, able to organise and mobilise, to cope with the challenges we have in front of us, to anticipate and shape the changes ahead: a trade union movement that is more inclusive of young people, women, migrants and other societal groups particularly exposed to discrimination; a trade union movement that participates in strengthening democracy and social progress in Europe.

### **ETUC priorities for the 2019-2023 term**

18. In setting its priorities for the next term, the ETUC intends to address the major challenges facing the European trade union movement today. The six priority areas below set out the general strategy of the ETUC for the next term, described in detail in the thematic chapters of the ETUC Action Programme 2019-2023. The ETUC Executive Committee will be invited to approve annual plans for implementation.

19. ETUC priority areas:

- a) Addressing the crisis of democracy, at institutional, economic and social level; shaping the Future of Europe in the interest of workers; building a path towards Treaty reforms where workers’, trade union and social rights are given a primary status, including through a Social Progress Protocol to be included in the Treaties.
- b) Establishing a new economic model for Europe, based on sustainable and inclusive growth, on increased public and private investment in quality job creation in all sectors of the economy and public investment in public services, public goods and social protection; reshaping the EU economic governance, the European Semester, the EMU and EU resources to ensure that social justice goes hand-in-hand with economic competitiveness and that people’s well-being is the objective of economic policies; combating tax dumping and tax evasion and establishing fairer, more progressive and better coordinated taxation systems in the EU, fully respecting that taxation policy is primarily a national competence.
- c) Radically changing wealth distribution and wage share in the economy, to address inequality and strengthen social justice; reinforcing collective bargaining and industrial relations to achieve a general pay rise and upward convergence of wages and working conditions for all, thus promoting quality employment and equality at work; defending and enhancing workers’ and trade union rights; advocating human rights and non-discrimination at all levels; achieving full gender equality in society and in the world of work.
- d) Managing the transition towards a carbon-neutral, circular economy, digitalisation and automation, in the context of globalisation, in a responsible, just and inclusive manner so as not to leave any worker behind; relaunching European industry policy, with particular attention to the weaker economies that have deficits in their industrial production; ensuring that competition law and company law within the single market are reformed in order to ensure full respect of social, workers’ and trade union rights;

improving workers' participation at the workplace and in the changing and restructuring of the economy; making sure that lifelong learning and the right to training are a reality for everyone.

- e) Rebuilding the European social model, by reinforcing the principles and implementing the European Pillar of Social Rights through policies, legislation, collective agreements and sound measures for redistribution and upward convergence, that promote quality jobs and fight precariousness, so that all workers and citizens can benefit equally, irrespective of the employment relationship; achieving fair and inclusive labour markets, labour mobility, quality social protection, public services and education and training systems; implementing the principle of equal pay for equal work and fighting against wage and social dumping; shaping the future of work in a way that reduces precariousness and uncertainty and increases and extends workers' protection; strengthening and promoting social dialogue and tripartite dialogue at all levels.
- f) Addressing the issues faced by migrants and refugees by protecting human and fundamental rights, ensuring full equal treatment and opportunities at work and in society, preventing and combating discrimination and exploitation, paving ways for integration and inclusion; reshaping multilateralism at European and global level through policies that give prominence to social and workers' rights in the context of international institutions and forums where the role of social partners has to be strengthened; advocating a fairer, more socially and environmentally sustainable and enforceable international trade and globalisation agenda, that protects jobs, wages and working conditions, also through international initiatives such as the UN Agenda 2030 for Sustainable Development, a binding Treaty on Human Rights and Business, the Global Deal, and a reinforced role for the ILO.

#### ETUC action plan for the 2019-2023 term: A Renewed Social Contract for Europe

- 20. The social contract underpinning the EU social market economy and Social Model is under threat, because of austerity measures, cuts and deregulation implemented across Europe as the wrong reaction to the economic crisis, and because of social and wage dumping and labour exploitation and abuses. The benefits of the single market have not been shared between capital and labour and many workers and communities have been left behind, suffering stagnant wages, precarious work, poorer access to overstretched public services and a sense that things that were once taken for granted are now slipping inexorably away. At the same time, throughout the EU, companies have reaped the rewards of the single market while often ignoring their responsibilities, the social aspect of the market is underdeveloped, and enforcement of workers' rights has been undermined by CJEU interpretation of the secondary importance of social rights behind economic freedoms.
- 21. All this forms the grounds for widespread social discontent among workers and citizens and calls for urgent new solutions. The European Pillar of Social Rights is an important step in the right direction but on its own it will not be enough. What is needed is a renewed Social Contract for Europe — setting out the relationship between three different groups in society — the state, labour and capital. Institutions have to take responsibility to reinforce the social market economy. Companies should not be able to profit from the single market and at the same time undermine it by exploiting labour or avoiding paying taxes and social contributions.
- 22. Based on the challenges, mission and priorities set for the 2019-2023 term, the ETUC launches its Action Plan for the achievement of a renewed Social Contract for Europe,



and will work and negotiate with the European and national institutions and employers' organisations to achieve it, through flagship initiatives including:

- a) A Social Progress Protocol, giving workers', trade union and social rights primary status, to be included in the Treaties and implemented through EU legislation and policy;
- b) The relaunch of an extraordinary plan for increased public and private investment in quality job creation in all sectors of the economy and public investment in public services, public goods and social protection;
- c) A reform of the EU economic governance, the European Semester, the EMU and EU resources, to ensure that social justice goes hand-in-hand with economic competitiveness, that fiscal policies support job-friendly investment and sustainable growth, that taxation is fair and progressive, and that people's well-being is the objective of economic policies;
- d) Rebuilding the European social model, by reinforcing and implementing the principles of the European Pillar of Social Rights through policies, legislation, social regulation, collective agreements and sound measures for redistribution and upward convergence, including the alignment of the post-EU2020 strategy with the Pillar's principles and the UN Agenda 2030 for Sustainable Development;
- e) Reinforcing bipartite and tripartite Social Dialogue at European, national and sectoral level, through enhanced legislation, policies, agreements and funding for capacity building;
- f) A Partnership for Collective Bargaining, to achieve a general pay rise and upward convergence of wages and working conditions for all, thus promoting quality employment and equality at work. The partnership should lead to Council recommendations and possibly a Framework Directive, to reinforce and build stronger and autonomous national collective bargaining and workers' and trade union rights in each EU Member State;
- g) Enhanced action for gender equality at work and in society, through legislation and policies that address all forms of discrimination, particularly the gender pay gap;
- h) EU legislation, policy measures and dedicated funds, social dialogue and collective bargaining for managing just transitions in the framework of climate change, digitalisation, automation and globalisation;
- i) A reform of the competition law, company law and new legislation on due diligence and supply chains within the single market, in order to ensure full respect for social, workers' and trade union rights;
- j) A reform of the EU legislation on information and consultation, board-level representation and European Works Councils, improving workers' participation at the workplace and in the changing and restructuring of the economy;
- k) Further developing the EU legal frameworks in the fields of labour and social protection, to shape the future of work in a way that reduces precariousness and uncertainty, increases and extends workers' rights and protection especially for the new forms of work, stops wage and social dumping and builds fair mobility and full equal treatment;
- l) An EU legislative initiative to ensure that lifelong learning and the right to training are a reality for everyone;
- m) Increased action to build a fair and sustainable European agenda for migration, globalisation, international trade and external and neighbourhood policies, also through the full implementation in Europe of the Agenda 2030 and the other UN Treaties and tools, including ILO conventions.

### **ETUC working methods and trade union renewal**

23. The ETUC will keep improving its working methods, by strengthening coordination with national and sectoral affiliates to better connect European, national and sectoral actions, notably through:
  - a) Strengthening and consolidating our role as European social partner and lobbying EU institutions and national governments as key decision-makers in setting the European agenda;
  - b) Building alliances with civil society organisations and other actors, while preserving the specificity of social partners;
  - c) Strengthening ETUC coordination, particularly through tools such as social dialogue, institutional dialogue, the Semester process, collective bargaining, workers' participation and European trade union networks;
  - d) Mobilising at both European and national level, to support the ETUC strategy and priorities;
  - e) Launching targeted campaigns and communication actions, with the involvement of affiliates.
24. To help achieve all this, the ETUC will also launch a trade union renewal process, coordinated with similar actions by affiliates in countries and sectors. The strategy for trade union renewal will include initiatives particularly aimed at:
  - a) Reinforcing and coordinating organising and capacity building actions, particularly in the field of collective bargaining, social dialogue and workers' participation;
  - b) Protecting workers in traditional sectors who have been/are at risk of losing their jobs, rights and protection;
  - c) Extending similar rights and protection, as well as trade union rights and organising, to precarious and non-standard workers, including digital economy and platform workers;
  - d) Involving more women, youth and specific groups, such as migrants and other marginalised minority groups, in trade union life and decision-making processes.
  - e) Developing discussions and projects for sharing of best practices, strategies and measures on recruitment, organising and inspiring new workers to join trade unions, as a fundamental action to defend and enforce real democracy at the workplace and in the economy and society.

## **Chapter 1: Building democracy and a better future of Europe for working people**

*Addressing the crisis of democracy, at institutional, economic and social level; shaping the Future of Europe in the interest of workers; building a path towards Treaty reforms where social rights have a prominent role, including through a Social Progress Protocol to be included in the Treaties.*

### **Future of Europe and Democracy**

#### **Setting the scene**

25. The political context poses huge challenges to democracy in Europe, with far-right, nationalistic, xenophobic and neo-fascist movements gaining space in the political arena and even getting into government in some countries. Insecurity, fear and anti-European sentiments are widespread among citizens, including workers and trade union members. The mainstream narrative relates such sentiments to the so-called migration crisis and provides a one-sided solution with a misleading emphasis on defence, security, border control and anti-migrant policies. It neglects the drivers of growing inequality, poverty, including the squeeze on the middle class and the general feeling among ordinary people that politics do not take enough account of their aspirations and needs.
26. Quality public education for all is a prerequisite to democracy. Being trained in critical thinking is essential in developing and safeguarding democracy.
27. However, the current situation is largely due to the incapacity of politicians and institutions, both at national and EU level, to manage unregulated globalisation and financialisation of the economy, which led to the biggest crisis we have ever faced since World War II. Neoliberal policy, austerity and market liberalisation – the main causes of the crisis – were imposed on citizens and workers, thus depressing the potential of our economies, destroying millions of jobs, dismantling the European social model, including social dialogue, social inclusion and industrial relations, and pushing large parts of the population into poverty and precariousness.
28. This has generated the most serious crisis of democratic legitimacy the EU has ever faced in its history: a crisis that affects political and institutional democracy, economic democracy, democracy at work. In this context, a new and alternative vision is needed, which gives back to all European citizens and working people hope for the future: a future based on prosperity, equality and social justice.

### **Priorities**

29. Addressing the crisis of democracy requires a more ambitious strategy for the Future of Europe. The Eurogroup should act in a democratically controlled framework. A 'Europe that protects' cannot be based only on security, defence and border controls. Targeting migrants as the scapegoats is not acceptable. Europe needs to provide its citizens and workers with full employment, more prosperity, decent jobs, fair wages, quality education and training, sound social protection, equality and social justice. If democratic parties cannot deliver on this, then voters will go for abstention, extremist and populist choices.
30. Regarding the future of Europe, the ETUC advocates for an EU based on unity, cooperation, integration, solidarity and upward convergence. This would require a stronger democratic dimension and respect for national collective bargaining models and national decision-making on welfare, taxes and the labour market. We are convinced that the European project can be relaunched and strengthened, and can regain people's trust, only if it returns to the fundamental concepts and values at the core of the EU Treaty: a social market economy, based on a sustainable and inclusive economic model, a fairer wage share, a sound social model, respect for and promotion of collective bargaining, trade union rights, gender equality and non-discrimination, upward convergence on living and working conditions, just globalisation, trade and international policies.
31. The ETUC has set five priorities to build a new Europe for workers:
  - a) The EU needs investment and must provide quality jobs for all. EU initiatives to boost public and private investment must be strengthened. All investment should be sustainable and respect social and environmental criteria. Much more has to be done

to implement the European Pillar of Social Rights at political and legislative level and reinforce collective bargaining.

- b) Wage inequality also has to be addressed much more seriously: the gender pay and pension gap particularly in the digitalisation process, the east-west pay gap and the working poor in all countries. Higher wages and less inequality would boost demand, increase competitiveness, and reduce resentment.
  - c) The EU should be doing all it can to promote efficient industrial relations, collective bargaining, social dialogue at EU and national level, workers' participation and more democracy at work.
  - d) Climate action and digitalisation must be managed to tackle the social and employment impacts and potential job losses, including through EU industrial policy focusing on just transition.
  - e) A common response to migration has to be found, based on rules, multilateralism and human rights and involving social partners and civil society organisations that can play a crucial role in the integration of refugees and migrants. Local workers, mobile workers and migrants must have the same rights and should benefit from equal treatment, quality jobs and decent working conditions, while everyone should have equal rights to decent housing and social protection. Special attention has to be devoted to the integration and inclusion of refugees and migrants into society and labour market. Since the population in EU will still be growing – there will be an increasing demand for infrastructure. Decisions on infrastructure are of utmost importance as well as a satisfactory solution to various budgetary issues.
32. If Europe is able to achieve such results, and to communicate a different narrative to citizens and workers, there is hope of building a renewed and more democratic and social European Union.

### **Actions**

33. The ETUC has been mobilising for the European election campaign, focusing on democratic values, rule of law, human rights, social, trade union and workers' rights and needs. We have established contact with the major democratic parties and with relevant candidates at EU level, to ask them to include trade union demands in their programmes and to influence their strategies for the next parliamentary term.
34. Further actions will be implemented in this area:
- a) The ETUC will actively promote a European Alliance for Democracy and against fascism, nationalism, far-right extremism and xenophobia. The Alliance will involve trade unions, political parties, employers, civil society and community organisations and engage with governments and institutions on countering online and social media hate crime.
  - b) The ETUC will ask its affiliates to campaign around its priorities on democratic values and Social Europe after the European elections, including online through communication strategies and action at workplace level.
  - c) Such initiatives will also put the focus on our messages for European democracy and Social Europe around significant occasions such as May Day, International Women's Day, World Day for Decent Work, International Migrants' Day, International Day Against Racism and Xenophobia, Euro and World Pride events, and others. The ETUC will coordinate international responses and discuss strategic approaches across

- Europe. The ETUC will try to support affiliates organising in communities targeted by the far right in the absence of a strong trade union or anti-racism network.
- d) Specific initiatives will be organised on migration, as indicated in the relevant chapter of the Action Programme.
  - e) Specific training and communication actions are will continue, in cooperation with the ETUI.
  - f) The ETUC will press for greater transparency in the functioning of the EU, in particular the Council, and call for action for institutional reforms at EU level aimed at reinforcing institutional, social and economic democracy and participation, including by strengthening the role of the European Parliament and the European Economic and Social Committee, increasing the legitimacy of the European Commission and reducing the overall number of non-transparent expert groups. The 'community approach' will need to be reinforced to counter the re-nationalisation of the EU decision-making process based on the inter-governmental approach.
  - g) The ETUC will lobby for a Social Progress Protocol to be included in the Treaties, in the event of Treaty changes, or to be implemented via legislation, to guarantee that in the event of a conflict, fundamental social rights take precedence over economic freedoms. The ETUC, together with its affiliates, is committed to rejecting Treaty changes that do not include a Social Progress Protocol.

## **Social dialogue**

### **Setting the scene**

- 35. Social dialogue at all levels is part and parcel of the European social model. Countries with the most developed social partnerships and effective social systems are among the most successful, resilient and competitive in the world. Social dialogue, functioning industrial relations, including collective bargaining and consultation of social partners during the European Semester process, are part of democracy and are fundamental to the right to freedom of trade union association.
- 36. The support of the European Commission was key to establishing the European social partners' important role in developing European social policy. After a period of deregulation, in the context of the economic crisis and the austerity policies, during which social dialogue practices have been weakened at EU and national level, the Commission has recently set a more social agenda with the 're-launch of social dialogue' and the European Pillar of Social Rights. Nevertheless, there is still much to be done to support EU social dialogue and capacity building at all levels.
- 37. The Treaty guarantees social dialogue at European level. For the European trade union movement, it is unacceptable that texts negotiated between social partners fall under the discretionary judgement of the Commission, using the Better Regulation agenda as an excuse. The Better Regulation agenda is only a political tool, lacking any legal base, and should not be used to change the rules established in the Treaties. The autonomy of the social partners and negotiations leading to legislation need to be defended and supported. The reading of article 155 TFEU of the European Trade Union Movement is that once social partners choose to negotiate a Directive, the EC must propose it to Council as negotiated.
- 38. A well-functioning social dialogue should be in the mutual interest of both European employers and the ETUC. However, the continuing reluctance of the employers to

agree to any binding instrument as a matter of principle continues to frustrate the efforts of the ETUC to enter into meaningful negotiations that can have an impact for workers across Europe to avoid a greater labour pay gap. This reluctance was exemplified by the negative position taken by the European employers in the context of the Work Programme 2019-2021. In many countries, social dialogue has been undermined by top-down economic governance through the European Semester process which lacks proper involvement of social partners. The attitude of many Member States has been to oppose social dialogue, thus undermining social partners' involvement in government policies and structural reforms and obstructing proper capacity building, with no respect for social partners' role and autonomy, key elements of trade union representation and collective bargaining.

39. The ETUC now needs to focus on the follow-up to the 'New Start for Social Dialogue'<sup>1</sup> with the new Commission, Member States and employers. The next work programme covering 2019-2021, as well as the European Pillar of Social Rights must also be used to develop momentum to ensure that social partners play a central role in delivering social policy with the new Commission. To deal with environmental, demographic and societal challenges, the social dimension of sustainable development for a fair transition need urgent consolidation.

## **Priorities**

### *The Multiannual Work Programme of the European Social Partners*

40. The European social partners will work together to implement their bipartite work programme 2019-2021<sup>2</sup>. This work programme is a concise set of activities and tools where European social partners envisage a strong added value from autonomously addressing issues at European level, notably an autonomous framework agreement on digitalisation, project activities on skills and the circular economy, as well as a joint focus on the issue of psychosocial risks.

### *Linking European and national social dialogues*

41. European social dialogue depends upon a strong link between national and European levels, as well as between the cross-sectoral and sectoral levels, and the ETUC needs to promote and support the active involvement of its members in every aspect of the European social dialogue. For an outcome at European level to be relevant to workers, processes need to be clear to ensure full participation of trade unions at all levels. The effectiveness of the various meetings and committees, such as the Social Dialogue Committee (SDC) and its sub-group, needs to be maximised to allow for rapid identification of actions and clear decision-making.

### *Implementation of outcomes and capacity building*

42. The activities of the SDC sub-group – another commitment taken in the work programme – on the implementation of the outcomes of the EU social dialogue have been positively evaluated by all those involved from both sides of industry. The sub-group has brought into focus the capacity building needs of social partners in order to implement agreements, as well as more generally to strengthen social dialogue at national level.

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<sup>1</sup> [https://www.etuc.org/sites/default/files/press-release/files/statement\\_on\\_a\\_new\\_start\\_for\\_social\\_dialogue.pdf](https://www.etuc.org/sites/default/files/press-release/files/statement_on_a_new_start_for_social_dialogue.pdf)

<sup>2</sup> Subject to its adoption by written procedure

43. Capacity building has been key for the ETUC for almost 20 years, and it remains a priority looking to the future. The integrated projects, a series of joint projects run with employers, have identified challenges at national level on how to build stronger social partner organisations, to develop more effective social dialogue structures, including collective bargaining, and to support and promote social partners' involvement in policy-making.
44. The commitments made by the Commission and Member States in the 'New Start for Social Dialogue' to involve social partners in policy and law-making and to promote and strengthen the capacities of social partners must be followed by action. Such action should foresee strengthening the institutional framework which underpins national social dialogue where it is weak. The Commission should ensure, especially in relation to the use of European funding, that Member States are delivering on their commitment to promote social dialogue and strengthen capacities.

#### *Autonomy of the social partners*

45. The autonomy of social partners to address common challenges is a fundamental building block of social dialogue. National governments as well as the EU institutions must fully respect this autonomy in the policy-making process and must promote it through supporting capacity building of social partner organisations. The role of NGOs should not be confused with that of the social partners, and unfortunately there is a need to re-emphasise this fact at both national and European levels.
46. While social partners must be better involved in the economic governance process, their autonomy should always be respected, and economic governance must not replace or inhibit the development of stronger bi-partite and tri-partite social dialogue at national level.
47. It must be confirmed that the Commission does not have any discretion over agreements negotiated between the European social partners. It has a duty to put a proposal to Council for legislation, if this is the joint wish of the social partners. Ignoring the consultation process under TFEU Article 154 when initiating draft legislation or ignoring TFEU Article 153 as a legal base to circumvent social partner consultation, needs to be stopped.
48. The Commission must respect the specific consultation process of the European social partners as laid down in the Treaty, as soon as a legislative proposal is made in the social field.

#### *Strengthening the link between European cross-industry and sectoral social dialogues*

49. Social dialogue at cross-industry and sectoral levels should be mutually reinforcing so that European social dialogue can deliver to the best of its ability. A joint effort is needed to identify common issues and strategies whereby cross-industry and sectoral social dialogue activities can support each other in an efficient and fruitful manner.

#### **Actions**

50. The ETUC will evaluate how to improve the functioning of the Social Dialogue Committee.
51. Implementation of the new EU social dialogue Work Programme 2019-2021. The ETUC will continue to develop and operate joint bipartite work programmes and integrated projects drawn up autonomously by the European social partners. These

programmes have to be ambitious, but also deliver concrete, positive outcomes in the form of binding agreements covering all workers.

52. The ETUC will develop a strategy and coordinated actions to secure progress in social dialogue at inter-professional and sectoral levels throughout the public and private sectors, in order to define binding and eligible instruments. Social dialogue must contribute to social progress and the further development of the European social model.
53. The ETUC will urge the Commission, Member States and candidate countries to promote a genuine, autonomous social dialogue at all levels with particular stress on sectoral level. Internal indicators for monitoring and evaluating the state of play and the quality of the national bi/tripartite social dialogue in European countries must be put in place where trade unions want them.
54. The ETUC will advocate for a better social partner involvement in employment and social policy-making. Social partners must be involved in the design and implementation of employment and social policies at all levels.
55. The ETUC will oppose Commission attempts to circumvent TFEU Article 155 and its obligation to present agreements reached by EU inter-professional and sectoral social partners to the Council. This includes any attempt to set up further barriers for the adoption of social partner agreements. The ETUC, in close coordination with the ETUFs, will review developments in relation to the interpretation of TFEU Article 155 and develop concrete actions to defend the legislative role of the European social partners.
56. The ETUC will develop tools and training for national trade unions in Europe (cluster seminars, European Social Dialogue Academy, regional capacity building training such as in the Balkans, training on demand or other activities as may be appropriate for social partners affected by the future EU-UK partnership). Such training opportunities can encourage a broader understanding of the value of European cooperation and promote a common understanding through exchanges among European trade unionists.
57. The work of the sub-group will continue on the basis of a new mandate and will include dedicated work on the implementation of the active ageing autonomous agreement as well as actions linked to capacity building. This work, also linked to the project activities, should help the ETUC to develop a typology of the different EU social dialogue autonomous instruments, where possible jointly with the employers.
58. The implementation of social dialogue outcomes must be improved. In addition to the work on capacity building, the option to examine a clause in the instruments stating *'that in the event of no or insufficient follow-up, the European social partners would request the Commission to transpose the agreement through a directive'* is still valid.
59. Finally, the creation of a permanent European secretariat for social dialogue managed by the European social partners with its own budget and staff should remain a priority action. This secretariat would be a perfect tool to strengthen the implementation and monitoring of the texts adopted in the framework of European social dialogue and to coordinate the daily joint actions linked to various projects and meetings.



## **Democracy at work: workers' participation/European Works Councils**

### **Setting the scene**

60. Workers' liberty and dignity do not stop at the factory gate, the office or hospital door. Workers' participation serves as a safeguard for democracy at the workplace. More democracy at work is needed for the following reasons:
  - a) It complements and strengthens information, consultation and collective bargaining rights.
  - b) it gives a collective voice to workers and to any discontents that may arise.
  - c) it offers them influence over employer's decision-making and strategy.
  - d) it is widely acknowledged that control over the workplace and self-determination are crucial to preventing workers becoming alienated from their work.
  - e) it is a stimulus for motivation, innovation and productivity.
61. In addition, it enhances transparency, sustainability and long-term strategy-making; it allows for influence over corporate restructuring so that transitions to new jobs can be carried out smoothly. It allows better decision-making as workers' representatives can contribute vital knowledge. It gives the management valuable information about how the employees see developments and challenges. And, most important, it is a human right to be active participants in the economy and not commodities.
62. Workers' participation exerts a distinctive influence on decision-making in companies and other workplaces. It can be exercised through workers' representation bodies or trade unions active at the workplace, by shop stewards, national and European Works Councils (EWCs) or workers' board-level representation. Workers' participation should substantially enlarge the impact of trade unions on employers' decision-making. It can serve as multiplier and it can make a difference.
63. While globalisation and transnationalisation of companies have gained pace, the corresponding rights of workers in transnational companies to be informed and consulted too often end at the national border. Analogous to political democracy, where the centre of decision-making lies with national parliaments, democracy in the workplace is mainly based on national industrial relations systems.
64. Different speeds of transnationalisation can be seen. For decades, the European Commission has been facilitating and accelerating company mobility, transnationalisation of companies, mergers etc; whereas since 2001, information, consultation and participation of workers have been at a standstill. The result is a growing rift between companies crossing borders on one hand and workers' information, consultation and participation rights stopping at national borders on the other, creating imbalances and inequalities that need to be corrected.
65. The 20th anniversary of the EWC Directive in 2016 was one reason for assessing EWC-related achievements and shortcomings. Whereas some improvements can be achieved from the trade union side, other advances are impossible without a substantial improvement of the EWC Directive. All too often, workers' involvement is a mere formality and has limited impact as EWCs continue to be presented with a 'fait accompli', especially in the event of transnational company restructuring.

66. The provisions laid down in the European Company Statute (SE) were drafted to protect existing national regulations. However, a decade later the SE Statute is unintentionally paving the way for more and more companies to circumvent national regulations. The problem lies in the nature of the provisions laid down in the SE Statute which do not provide for a joint European minimum standard, but simply “extend” pre-existing national rules in the EU area. Currently, only 66 SEs have provisions for board-level representation. The Cross-Border Merger (CBM) Directive applies lower standards than the SE: board-level representation is implemented only if at least one-third of employees previously enjoyed participation rights (as opposed to 25% in the SE). The CBM Directive also allows negotiations to be skipped, falling back on inadequate standard rules, and missing a provision for the creation of information and consultation bodies. Direct democracy in the workplace is often used by employers to squeeze trade unions out and to exploit individual interests.

### **Priorities**

67. Democracy at the workplace is, more than ever, an important ETUC priority. The ETUC continues to push its 10 demands for a modern EWC Directive in the digital era<sup>3</sup>, especially to ensure the enforcement of rights arising from the EWC Directive through effective and dissuasive sanctions, including a right to a temporary suspension of company decisions with a national trade union prerogative. Before management takes a final decision, the transnational information and consultation process must be properly conducted and completed. In this context, the definition of consultation should be strengthened so that the opinion of the EWC “shall” (instead of “may”) be taken into account by the management. The ETUC pushes for an EU horizontal framework for information, consultation and board-level representation rights based on the ETUC proposal for an escalator for European company forms resulting from cross-border transformation. The ETUC will ask the new Commission for an initiative on more democracy at work.
68. Related to Company Law, it is an ETUC priority to put an end to regime competition, as the negative consequences of the current *laissez-faire* approach are extremely serious. It is exploited by unscrupulous companies who set up artificial arrangements in order to minimise or violate the legal obligations that are attached to the place of registration.
69. The Commission must guarantee that the single market and its economic freedoms become a tool to serve all Europeans, and specifically the working people who generate the wealth of our European Union. The rights of trade unions in foreign companies must be secured.
70. In the framework of European company law and corporate governance, the ETUC can only subscribe to employee Financial participation if the following prerequisites are met: it has to be embedded in a system of worker involvement at all levels; should always provide additional income and not undermine pay rises; must benefit all workers within the company; be subject to prior consultation and agreement with worker representatives and trade unions; pay special attention to the impact on gender equality.

### **Actions**

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<sup>3</sup> <https://www.etuc.org/en/document/etuc-position-paperfor-modern-ewc-directive-digital-era>

71. The ETUC will step up efforts to highlight the need for more democracy at work. It will focus on the immediate improvement of several Directives starting from Directive 2002/14 on information and consultation rights at national level, and delivery on the ETUC demands in particular to improve the EWC Directive and to improve information, consultation and board-level representation rights. A further focus will be to put an end to so-called letterbox companies.
- a) The ETUC will attempt to influence the hearings of the incoming Commission in autumn 2019. The work will address all relevant political levels, in particular the Commission, the Parliament and the Council. The new Commission must publicly commit itself to more democracy at work and to delivering a new horizontal framework and revision of EWCs.
  - b) The ETUC requests a genuine enforcement of rights arising from the EWC Directive, including through effective, dissuasive and proportionate sanctions. The implementation of information and consultation in practice is often inadequate and information is provided too late.
  - c) The ETUC will step up action in favour of introducing ambitious minimum standards for workers' board-level representation in European company forms (such as SE, SCE) based on the ETUC proposal for an escalator. It would also apply to companies wishing to use EU company law instruments enabling company mobility, such as cross-border mergers, cross-border divisions or cross-border transfers of registered office. The protection of board-level representation rights will not impinge on national trade union rights in accordance with national provisions and/or practices. The ETUC secretariat is asked to organise in-depth discussion and assessment of avenues for strengthening Europeanisation of board-level representation. The company law package has shown the need to deepen debate on the framework for information, consultation and board-level representation rights.
  - d) The right to information and consultation must be effective, especially through liaison between company board representatives and other trade union representation bodies at supranational, national and company level.
  - e) The ETUC will encourage exchange of successful practices in democracy at work involving its affiliates in mutual learning processes, starting with good trade union practices that have brought tangible benefits to workers.
  - f) The ETUC will work to ensure that UK workers are covered by agreements on information and consultation in a post-Brexit trade union landscape, with opportunities to share information with their European colleagues.
  - g) The ETUC will ensure fairness for workers in the single market and combat letterbox arrangements, including abusive use of temporary work agencies, and support the effective implementation of the EWC, SE and I&C Directives (including a European register of transnational companies with information on the countries in which the company operates, the nature of activities, size and composition of the workforce and turnover in each Member State).
  - h) The ETUC will fight for gender equality and diversity in company boardrooms as a key democratic principle with positive economic side effects. The principle of gender equality should, however, be kept separate from that of diversity: women are neither a group nor a minority, but more than half of the world's population and 45% of the European workforce.

- i) The ETUC will be active in pressing for a European EWC Ombudsperson to be mandated to address issues that arise out the transnational exercise of workers' participation rights. Without prejudice to the rights of national social partners, a European EWC Ombudsperson should play the role of voluntary mediator in conflicts on the interpretation of EU law, such as EU legislation on EWCs, SEs and cross-border mergers, to help to resolve disputes and thus support trade unionists who are unable (e.g. for lack of legal clarity or financial resources) to go to court. An appeal to the Ombudsperson as mediator would not prevent a case from going to court.
- j) The ETUC will continue to fight for greater public visibility for increasing democracy at work, one tool being a European Appeal. More democracy is a crucial antidote to the populist and right-wing movements which are unfortunately gaining ground in many Member States. It is all the more important to take significant steps to achieve more democracy at work.

## **Chapter 2: Shaping a new and progressive economic model based on a fairer economic and social governance**

*Establishing a new economic model for Europe, based on sustainable and inclusive growth, on increased public and private investment, and on quality job creation in all sectors of the economy, in public services, public goods and social protection; reshaping the EU economic governance, the European Semester, the EMU and EU resources to ensure that social justice goes hand-in-hand with economic competitiveness and that people's well-being is the objective of economic policies; combating tax dumping and tax evasion and establishing fairer, more progressive, and better coordinated taxation systems in the EU.*

### **Macroeconomic policy and economic governance**

#### **Setting the scene**

##### *The macroeconomic context*

- 72. The economy must serve the people. From this perspective, the last decade – in the wake of one of the most profound crises in memory – is a lost decade. More and more Europeans are living at risk of poverty, while income and wealth inequality are rising, divergences between Member States have increased and new economic and social imbalances appeared, but the policies pursued have not grasped the need to re-orient our economic model towards more social justice and environmental concerns to deliver sustainable development and well-being for all.
- 73. Despite better employment and unemployment figures, total hours worked in the euro area and the European Union are still below their 2008 levels. Underemployment remains a key challenge for the EU. Poverty is rising in and out of work. Involuntary temporary employment rates have been continuously increasing since 2012 in the EU and the euro area while rates of involuntary part time jobs stand at a very high level. Short-term, temporary contracts are a special concern, since the average length of temporary contracts has fallen since 2008.
- 74. Compensation of employees as a percentage of GDP at factor costs has maintained its consistent downward trend, even after the great financial crisis, in both the EU and the euro area. On the other hand, the share of profits has maintained its upward trend, but with no equivalent rise in corporate investment.

75. Total and private investments as shares of GDP have not returned to their pre-crisis levels, either in the euro area or the EU. Public investment has been falling continuously since 2008, as a share of GDP, and several Member States now report negative net public investment levels. According to the European Investment Bank (EIB), EU investment in infrastructure is 20% below its pre-crisis level and 34% of municipalities report infrastructure investment levels below their needs. EU infrastructure investment should be no less than €335 billion per year, according to the EIB. The 'ETUC plan for investment, sustainable growth and quality jobs' remains valid, as an investment increase of 2% of European GDP per year would amount to about €300 billion annually, but it should be revised upward in light of recent developments.
76. The Juncker plan was necessary but insufficient. Since the implementation of the programme in mid-2015, €284 billion of new investment has been launched. This is just 5% of the total investment in the EU for the years 2016 and 2017 and does not reach even the annual investment increase the EIB is calling for. Moreover, as most of the European Fund for Strategic Investments (EFSI) programme is devoted to enabling public-private partnerships to develop innovative projects, one should keep in mind that the European Court of Auditors, in the press release on their 2018 special report on the issue, stated that "the EU co-financed Public Private Partnerships (PPPs) cannot be regarded as an economically viable option for delivering public infrastructure". In-depth case studies from the EU and abroad have shown - time and again - that PPPs come with a high cost for the public purse, an excessive level of risk for the public sector and, therefore, a heavy burden for citizens, whilst decision-making is opaque and the benefits not proven.
77. Finally, in many Member States, top rates of income tax and progressivity have been reduced substantially in recent decades. Furthermore, the mean effective corporate tax rate in the EU has also been decreasing steadily for more than 20 years and the trend towards tax competition has not been reversed.

*Economic governance: the architecture of the Economic and Monetary Union*

78. The 2008 financial crisis made apparent the unfinished architecture of the European Union and the euro area. And indeed, after the crisis was triggered, it was mainly national financial support programmes that came to the rescue of the European economy.
79. The financial crisis which hit the EU in 2008 was first and foremost a private finance crisis. The public debt crisis was a consequence of short-termist behaviour on deregulated markets. The consequences of the crisis led to economic situations which were unmanageable within the current economic governance framework. In this respect, lessons should be drawn.
80. The fiscal rules embedded in the Stability and Growth Pact and its legislative apparatus are pro-cyclical and could not allow both well-functioning automatic stabilisers and the maintenance and development of public stock of capital and public services. Furthermore, limiting investment and continuing to believe that wage increases, collective bargaining institutions, and regulation of goods and labour markets constitute barriers to employment, brought the European economy to the verge of deflation, through aggregate demand constraints.
81. Due to an incomplete institutional design of the Economic and Monetary Union and with the worthy aim of preventing any kind of exit from the euro area and Member States' default on sovereign debt, ad-hoc mechanisms came to the rescue, not necessarily under the auspices of the EU. The European Stability Mechanism took the lead in raising bonds for lending to Member States experiencing difficulties with special

facilities, but with conditionalities and fiscal objectives which could not allow a proper recovery.

82. Very conservative policies were put in place because of misguided economic reasoning as magnified in the fiscal compact. All-around austerity and market deregulation were detrimental to economic growth, public indebtedness and social conditions.
83. Finally, a study commissioned by the European Parliament highlights that tax revenue loss from corporate profit shifting within the EU amounts to some €50-70 billion, equivalent to at least 17% of corporate income tax revenue in 2013.

## **Priorities**

### *Macroeconomic policy*

84. The European economy is unbalanced, too export-oriented and short-termist, unequal and still too financialised. This is not the right ground for providing a sustainable economic model based on social justice and ecological transition. The ETUC favours designing and implementing an alternative economic model, based on sustainable and inclusive growth, investment for quality job creation and well-being.
85. The ETUC denounces the increased financialisation: the main root of the 2008 crisis. Still fewer private profits are being invested in the real economy, preventing a stable recovery and endangering the future of our economies. Furthermore, even after introducing limited flexibilities in the Stability and Growth Pact, public investment is stabilising at a very low level after a long, continuous fall.
86. Productivity growth is still low, as are inflation rates (excluding energy prices developments), and this is the direct consequence of the export-oriented, cost competitiveness, model EU leaders selected in 2010. Pressure on wages prevented investment developments, which in the end penalised productivity.
87. A policy aiming to increase wages, with respect for national practices, at least at the same pace as productivity and inflation is a prerequisite for sound and sustainable economic development. Higher wages, while diminishing income inequality by targeting low-earners as a priority, would favour household demand and provide incentives to businesses to increase investment. Wages can be raised without diminishing investment, given that investment as share of profit has shown a decreasing trend for many years and that the economy is continuing to sink into financialisation. Finally, the increase in the stock of capital and the subsequent increase in capital intensity will allow productivity to increase.
88. The ETUC, while defending the need for a more sustainable productive system, will also support an enhanced upward economic and social convergence process between Member States and regions and is demanding the establishment of a European Agency for Tax Coordination.

### *Economic governance*

89. The ETUC continues to oppose the fiscal compact. The obligation to move towards balanced budgets while not allowing debt-financed investment, either out of deficit calculations or through a European scheme for public investment, means tax increases or cuts in public and social spending which damage economic development. Public investment should not be seen as a cost but as a source of future revenue.
90. While flexibility within the European fiscal framework has been introduced, the rules are still very pro-cyclical and do not allow for a fully sustainable recovery.
91. The ETUC therefore continues to promote an institutional set-up which would enable economic development in all Member States at an affordable cost without fiscal transfer between countries. A Treasury, targeting the Eurozone but open to all EU Member

States, would be the right tool to implement the 'golden rule' of sound public finances, whereby new public investment would be debt-financed and anchored to the European integration process. The ETUC is concerned with increasing economic inequality. Thus, the implementation of a European Corporate Tax mandatory for large firms and the adoption of a Common Consolidate Corporate Tax Base (CCCTB), is a necessary condition to carry out a fair redistribution of wealth and eventually attain social justice. Such a plan would make the European project forward-looking and more legitimate.

## **Actions**

### *92. Macroeconomic policy*

- a) Stop the fall in collective bargaining coverage.
- b) Prevent the decentralisation of collective bargaining mechanisms and develop sectoral, national and even European frameworks for higher wage developments and improvement of working conditions.
- c) Prevent labour market deregulation and cuts in employment protection to enable increased wage shares, job stability and productivity. Subsidies should be conditional on work quality, precariousness and security of work contracts.
- d) Prevent and curb the development of precarious work, especially affecting female dominated sectors, in order to fight inequality and poverty with special attention to the new forms of precariousness arising from new business models (digital platforms, e-commerce, crowd work).
- e) Fully respecting that personal income taxation policy remains a national competence, increase progressivity in personal income taxation rates, as well as maximum marginal tax rates and ensure a methodically correct calculation of tax-free existence minimum.
- f) Increase taxation on wealth, real estate income, capital gains and corporate profits for socially meaningful investments, and to curb financialisation.
- g) Encourage Member States to introduce measures to incentivise companies to invest in the real economy and disincentivise financial wealth accumulation.
- h) Increase budget revenue for affordable and universally accessible good-quality public services.
- i) Change the mandate of the European Central Bank (ECB) to integrate economic and employment objectives, in addition to inflation objectives. Make the ECB more transparent and democratic.
- j) Revise and reform the Stability and Growth Pact to allow more fiscal space in order to bring back public investment to its historical level, to put an end to the ongoing reduction of the net value of the public capital stock, and to support well-functioning public services and secure sound public finances, by aiming at sustainable well-being.
- k) Make sure that the European Fund for Strategic Investment (or the new InvestEU) does not promote Public-Private Partnerships in spheres that genuinely belong to public services.
- l) Pursue upward economic convergence between Member States.
- m) Balance the Macroeconomic Imbalances Procedure by making deviations from current account balance symmetric to 3% of GDP and develop an enforceable mechanism for excessive current account surpluses.
- n) Fight tax avoidance and tax evasion in the European Member States.
- o) Establish a European Agency for Tax Coordination, also devoted to combatting tax fraud.

- p) Develop an automatic stabiliser to cushion asymmetric shocks and stabilise the economy. Such an automatic stabiliser should not be linked to ex-ante or ex-post macroeconomic conditionalities linked to the EU fiscal framework.
- q) Assess in the context of strengthening EMU, how coordination can be mobilised to strengthen national social protection systems and protect the unemployed from poverty and other risks. This includes consideration of options related to European public unemployment reinsurance schemes and EU-wide minimum standards to organise solidarity with countries and regions confronted with unemployment shocks, avoiding interfering with the rules and practices of national systems or serving as a new instrument for disciplining Member States and/or harmonising national systems for unemployment insurance.

### 93. *Economic governance*

- a) Implement a fiscal capacity, a Treasury at the Eurozone level, but open to all EU Member States, to allow public investment and investment in public services.
- b) Integrate the European Stability Mechanism (which could be used as a Treasury) within EU law.
- c) Implement a true European safe asset, which could be Treasury bonds, for stabilising European economies.
- d) Make the ECB the lender of last resort to the Treasury.
- e) Make the euro a true international currency.
- f) Implement the 'golden rule' of sound public finances, so that new public investment should be debt-financed and deducted from deficit calculations.
- g) Implement a proper deposit insurance scheme in countries within the European banking union.
- h) Nominate a Minister for Economy and Finance, also Vice-President of the European Commission, chairing the Eurogroup and overseeing, if not co-chairing, the management of the European Monetary Fund, accountable to the European Parliament.
- i) Nominate a European Labour Minister in charge of labour issues in the EU.
- j) The two ministers should be in charge of defining inclusive policies, promoting growth and social justice and a clear path towards ecologically friendly economic development.
- k) Implement a Common Consolidated Corporate Tax Base for all EU businesses as a way to fight tax avoidance.
- l) Implement a common minimum corporate taxation rate of at least 25% at the European level to avoid tax dumping and counter the fall in corporate tax rates.
- m) Require mandatory and systematic, public country-by-country reporting by all multinational companies, in each country where they have operations.
- n) Opportunities for tax avoidance that result from operating digital business models must be identified and prevented as a priority.
- o) Implement a true and all-inclusive European Financial Transaction Tax.
- p) Consolidate the current economic recovery by keeping interest rates low and by a positive fiscal stance in order to maintain the pace of economic growth and job creation.
- q) In order to support productive investments, taxation of share buy-backs or extraordinary dividends should drastically increase.
- r) Ensure low VAT rates on everyday goods and no VAT on goods of public interest.



## **Economic governance, European Semester**

### **Setting the scene**

94. During the last four years, partly thanks to trade union action, a process of making the European Semester more social has started. The New Start for Social Dialogue has secured a more influential role for social partners. The economic analysis began considering social risks with greater attention. Country Specific Recommendations (CSRs) indicate the limited impact that social policies have on the Semester. However, the process is still focused on restrictive macroeconomic policy and not the overall goal set by the Treaty on European Union, which is prosperity for all. As long as the overall focus remains unchanged, progress towards sustainable prosperity for all, especially in the form of pay rises and upward wage convergence, workers' rights, social protection and a just transition, will remain limited. The ETUC TU Involvement Index shows that there is still a long way to go to ensure a satisfactory level of trade union involvement in the process.
95. The European Semester suffers a democratic deficit, as the process is strongly government-centred and national and European parliaments are consulted as mere stakeholders. The Semester has neither created a conducive environment for upward convergence of work and living conditions nor been a driver for implementing the European Pillar of Social Rights. Member States failed many times to accept more solidarity in the form of European Commission proposals to move together on growth and social progress, for instance rejecting the idea of creating a positive fiscal stance for investments in 2017. Flexibility under the SGP is hardly accessible and of little use for Member States. As long as fiscal rules remain unchanged, the European Semester will suffer from a liberal market bias. A focus on budgetary consolidation will remain dominant preventing progressive reforms. In order to make the European Semester more social, an overhaul of fiscal rules is essential.

### **Priorities**

96. In terms of coordination of trade union action on the European Semester, the ETUC has to build on previous successes while designing new tools for the benefit of members. Cooperation and solidarity among workers at European level is key to make the trade union voice heard and influential throughout the entire Semester process. Trade unions need human, financial and technical means to participate in the Semester. The ESF should support capacity building for social partners.
97. Involvement of social partners has to be reinforced. In particular, dialogue with relevant institutions at EU level has to be framed in policy and financial programmes. At national level, a European rule should grant social partners the right to be consulted by their governments at the milestones of the European Semester (in the corrective arm, the right should be extended to the elaboration of Corrective Action Plans). Also, the Commission's national visits, which already include meetings with social partners, should involve representatives of central governments. The coordination role of the ETUC and the European Federations should be recognised and enhanced.
98. The Semester should be democratised by reinforcing the role of the European institutions: in particular the European Parliament should have decision-making power. and the EESC must be consulted in advance. The timeframe of the Semester should also be made more consistent with the need to ensure transparency, ownership, openness and accountability.
99. One of the principle barriers to sustainable well-being and a Social Europe is the SGP. It must be developed further into some kind of 'Sustainable Well-being Pact' focused

on social, economic and ecologic progress. As a pragmatic Plan B for action within the current framework, flexibility under the SGP should be revisited in order to implement social reforms and investments with resources that, in addition to the Multiannual Financial Framework, increase EU support to the European Pillar of Social Rights (EPSR). It is crucial to relaunch investments and reforms for quality jobs, fighting social dumping and reversing downward pressures on working conditions. Action should be taken against excessive surpluses on the current account, generated by certain countries and reinforcing existing macroeconomic imbalances.

100. The Semester has to ensure a faster and more effective upward convergence of working and living conditions, supporting the implementation of the EPSR. A higher degree of enforceability must be applied, preferably through legally binding instruments. At the same time, improvements in soft law are welcome. The objective is to have full sustainable employment in quality jobs, high coverage of collective bargaining and universal, publicly-funded social protection systems through reforms designed and implemented with the support of the social partners. The impact will be measured in the number and quality of 'social' CSRs and specific follow-up mechanisms, also reinforcing the social partners' role in monitoring and accountability.

### **Actions**

101. The ETUC will continue to use the current tools of the European Semester Toolkit 2.0 and will add new tools to implement the EPSR. In particular, the aim and use of social scoreboards to underpin progress (such as on wages and collective bargaining, social protection or the TU Involvement Index) will be improved to support trade union demands in the Semester and encourage a greater participation of ETUC members and workers in the process. Likewise, the ETUC will establish a coordination and convergence framework for macroeconomic and tax issues and for the pooling of policies and tools at EU level.
102. The ETUC will call for a significant change in European (economic) governance as a prerequisite for successful implementation of social, economic and environmental goals at the European level. Such a change requires a European Sustainable Development Strategy 2030, reform of the Stability and Growth Pact, an integrated sustainable development scoreboard, and a renewed European Semester focus on sustainable well-being. Country reports and recommendations must address the whole range of social, economic and environmental challenges, not predominantly compliance with fiscal rules or with a biased macroeconomic scoreboard.
103. ETUC members commit to participate in a spirit of dialogue and solidarity. The TUSLO network (*Trade Union Semester Liaison Officers*) will be consolidated and reinforced. The ETUC and ETUI will provide continuous training and will seek financial resources to ensure continuity of work and opportunities to each TUSLO.
104. The ETUC will call for a specific heading under the ESF to support capacity building of social partners to enable them to influence the European Semester. Such resources should be exclusively for capacity building projects and not reallocated to other ESF projects.
105. The ETUC will advocate a stronger role for trade unions at cross-sectoral and sectoral levels at the milestones of the Semester, at both national and European levels, putting forward proposals to improve processes and legal frameworks. It will support the democratisation of the Semester process, improving the timeframe and urging a stronger role for national and European parliaments.

106. The ETUC will back trade union demands to place the EPSR at the centre of the European Semester, including industry or sector dimensions, in cooperation with European Trade Union Federations (ETUFs). The ETUC will call for the full implementation of the EPSR, including urgent issues identified by social partners in social dialogue agreements.
107. ETUC members will mobilise to obtain an adequate level of dialogue with their governments and improve their influence on the drafting and implementation of national reforms programmes, stability/convergence programmes and CSRs.

## **EU budget, economic and social cohesion, structural funds**

### **Setting the scene**

108. On 2 May 2018, the European Commission issued a Communication on its proposals for the Multiannual Financial Framework (MFF) 2021-2027, followed by the publication of the proposed Regulations on 29-31 May and 1 June 2018. The proposed global level of the next MFF set at €1.1 trillion, which represents 1.08% of the EU-27 GNI after deducting the European Development Fund, is inferior in real terms to the current MFF.
109. The Commission plans to better coordinate the use of EU funds and the Country Specific Recommendations (CSRs) issued during the annual Semester process. The European Structural and Investment Funds (ESIF) would be disbursed only if Member States implement the reforms recommended in the Semester.
110. All regions will be eligible for funding, and in addition to the criteria of GDP per capita, other factors such as unemployment (notably youth unemployment), low education level, climate change and the reception/integration of migrants will also be taken into account when allocating payments.

### **Priorities**

111. The proposed MFF is not enough to face current and new challenges such as social convergence and the implementation of the European Pillar of Social Rights (EPSR). The EU budget should be increased to 1.3% of GNI as demanded by the European Parliament. New sources of financing on the basis of own resources should become the primary revenue of the EU budget.
112. This proposal leads to a reduction of Cohesion Policy funding of 10% in real terms, while doubling the budget for security and defence. We further oppose a potential double cut in the European Social Fund + (ESF+) spending in the EU budget 2021-2027 as a result of scrapping the existing 23.1% minimum share of Cohesion Policy funding which has to be spent by the Member States in ESF+ projects.
113. Economic, social and territorial cohesion must continue to be at the core of the EU strategy, ensuring that all energies and capacities are mobilised and focused on implementing it.
114. We can only support the link with the European Semester and CSRs if it is based on the priorities included in the new social scoreboard established alongside the EPSR. This has to be clarified, and the role of trade unions in the governance of the Semester has to be consolidated. Under no circumstances should the conditionalities, including macro-economic conditionalities, linked to EU funds become an instrument of deregulation or austerity. On the other hand, the ETUC supports the proposal to introduce conditionalities linked to respect for the rule of law. Nevertheless, to avoid EU citizens and workers at regional and local level being penalised for the political

- decisions of central government, a system based on financial fines would be more appropriate than suspending the payment of funds.
115. The ETUC considers that the European Agricultural Fund for Rural Development (EAFRD) should not be shifted to the Common Agricultural Policy (CAP) given its specific role to tackle the problems of rural abandonment and exodus.
  116. The link between the ESF+ and the implementation of the EPSR is clear but the financial commitment is not sufficient. The ESF should continue to play a key role both in supporting the creation of new, quality employment and in promoting social inclusion. To achieve these goals, Member States should allocate 30% of the ESF+ in cohesion spending.
  117. The proposal to merge the ESF+ with the Youth Employment Initiative (YEI), the Fund for European Aid to the Most Deprived (FEAD), the Employment and Social Innovation (EaSI) programme and the Health Programme should imply an increase in the ESF+ budget instead of a reduction in ESF+ funding estimated at between 3% and 10% in real terms. The ESF+ should continue to share the objective of economic, territorial and social cohesion with the European Regional Development Fund (ERDF) and improve complementarity between the two funds. The ETUC finds the increase in synergies between the ESF+ and the Asylum and Migration Fund (AMF), with a view to supporting the integration of third-country nationals, to be satisfactory.
  118. Specific programmes to overcome youth unemployment should be set up, particularly in countries where the problem is more severe. Additionally, steps need to be taken to ensure that Member States make effective use of at least 10% of the ESF+ budget for YEI. The risk of the YEI becoming marginalised and the allocated budget shrinking in 2021-2027 is to be avoided.
  119. The European Globalisation Adjustment Fund (EGF) should be transformed into a European Transition Fund and be better coordinated with ESF+ in order to improve coherence between the two and to better anticipate and manage restructuring processes and tackle the consequences of globalisation, digitalisation, decarbonisation and automation.
  120. The ESIF have to be managed and used with the full involvement of social partners in the spirit of the quadripartite statement on a new start for social dialogue. The so-called European Code of Conduct on Partnership, as laid down in the proposed Common Provisions Regulation and Delegated Act N° 240/2014 should be strengthened post-2020.
  121. The Commission's proposal to increase to 25% the amount of climate expenditure that should contribute to climate objectives is not sufficient to fulfil the mandate of the Paris Agreement and should be increased to at least 30% as requested by the European Parliament.

## **Actions**

122. The ETUC is committed:
  - a) To press for an increase the global level of the next MFF and in parallel for the gradual introduction of new specific resources linked to the policies i.e. the Financial Transactions Tax (FTT), tax on excessive wealth (highest revenues and large fortunes), tax on business profits (not used for reinvestment), emission of Eurobonds, digital tax, carbon tax (for sectors not covered by the EU Emission Trading Systems). This must be done in a way which does not increase inequalities.
  - b) To ensure that the European Code of Conduct on Partnership is properly implemented by fully involving social partners in the funds' management at all levels.

- c) To set up a separate and compulsory fund at EU level, within the ESF+, dedicated exclusively to capacity building, notably capacity building of social partners for social dialogue, industrial relations and collective bargaining.
- d) To ensure that at European level the use of the ESF+ to implement CSRs is monitored by the ESF+ Committee and at national and regional level by the ESF+ monitoring committees.
- e) Together with the ETUI, to work on an internal capacity building cycle concerning the EU budget, specifically the cohesion budget and ESF+.
- f) To revise the monitoring methodology used to track climate expenditures that contribute to climate objectives in order to avoid overestimates and provide clarity on their real climate impact, as suggested by the European Court of Auditors in 2016.
- g) To work actively so the funds should support the integration of the United Nations 2030 Agenda for Sustainable Development in all policies and financing instruments of the European Union.

### **Chapter 3: Fighting for higher wages, stronger collective bargaining and enforceable rights for all**

*Radically changing wealth distribution and wage share in the economy, to address inequality and strengthen social justice; reinforcing collective bargaining and industrial relations to achieve a general pay rise and upward convergence of wages and working conditions for all, thus promoting quality employment and equality at work; defending and enhancing workers' and trade union rights; advocating human rights and non-discrimination at all levels; achieving full gender equality in society and in the world of work.*

#### **Collective bargaining and wage policy**

##### **Setting the scene**

- 123. Building union power to bargain collectively is a priority for the ETUC. Collective bargaining gives workers the power to develop and improve their jobs and fight for fairness at work and in the economy. Collective agreements allow workers a certain stability, receiving a pay rise without having to change jobs, and therefore provide security.
- 124. The stakes are high, wages are underperforming throughout the EU. Growth in real wages is crucial to reduce inequalities and ensure decent and improving living standards for workers across Europe. In order to achieve this objective, the ETUC advocates a solidarity-based wage policy with four elements.
- 125. The first is the 'golden wage rule' ensuring that all workers get their fair share of productivity gains, by raising real wages in line with inflation and productivity increases and by fighting disparities across sectors. The second element is a strategy for faster growth of lower wages in order to combat in-work poverty and to make up for past losses. The third element is to promote upward wage convergence between countries and between sectors, through capacity building and frameworks supporting the establishment and enforcement of national and sectoral collective bargaining systems. The fourth element is to support an upward alignment of wage developments between

the public and private sectors. These goals should be ensured also to non-standard workers.

126. We need to find ways to strengthen and extend the scope and inclusiveness of collective bargaining in order to enhance its equity effects in all countries and strengthen coordination and integration between sectoral and company level bargaining. This will require sound policy choices and bold measures to shore up collective bargaining.
127. Solutions are needed in order to:
  - a) combat companies' refusal to recognise trade unions or to bargain, and any attempts to impede trade unions activities;
  - b) address the issue of 'yellow unions' and to tackle collective bargaining dumping (collective agreements with less protections signed by yellow unions)
  - c) act against the imposed decentralisation of collective bargaining and opening clauses. Opening clauses are only acceptable if they are subject to clear conditions, time-limited and agreed by trade unions. It is important to work for the creation of legal frameworks for extending collective agreements, where applicable and where trade unions want it, across sectors and industries and the coverage of workers;
  - d) protect the hierarchy of norms and the principle of adhering to the most favourable norm or disposition for the workers.
  - e) tackle company practices which are contributing to a growing imbalance in power in workplaces and in the European economy which is a key factor in the growth of inequality;
  - f) ensure that derogations from EU law on the basis of collective agreements can provide opportunities to build union power and guarantee that the EU rights can be implemented in a way that best suits the union and the enterprise. However, depending on the strength or weakness of the union and the systems of collective bargaining they operate in, the use of derogations may be either positive or negative. The ETUC will, with our affiliates, analyse how we can tackle problems and, if necessary, develop a strategy and principles relating to the use of derogations that will aim at preventing any negative use, taking the needs and prerequisites of all ETUC affiliates into account.
128. But it is not all bad news. Trade unions throughout the EU have a renewal agenda aimed at strengthening union power. The ETUC has adopted an ambitious target to work with affiliates to increase the number of workers covered by a collective agreement in every Member State and in every sector. In addition, organising strategies to grow the union movement will also help to push up wages and improve living standards for everyone.
129. Furthermore, building on the European Pillar of Social Rights (EPSR), EU policy must change direction towards full respect and protection for the role and autonomy of social partners in delivering sound industrial relations.

#### *Cross-border coordination of collective bargaining*

130. Cross-border coordination of collective bargaining exists at different levels. At EU level it was first developed by some ETUFs and then supported by the ETUC Collective

Bargaining and Wages Coordination Committee (CBWCC), on the basis of Congress and Executive Committee decisions over the years.

131. Many examples of exchange of information and coordination of demands, agendas and wage policies are already in place. However, knowledge of these practices often remains limited to the local level or to the actors involved. We need to share more our practices and outcomes of the collective bargaining.
132. The ETUC plays a key role in influencing the decision-making processes within the European Semester – both at national and European levels. To this end, the ETUC developed the ‘ETUC Semester Toolkit’. The key objective of the Semester Toolkit is to define common trade union priorities to be addressed in the upcoming Semester cycle, emphasising the wage and collective bargaining dimensions.

#### *Wage Policy*

133. Important tools to implement a solidarity-based wage policy are the strengthening of sectoral collective bargaining, which demonstrates, together with national cross-sectoral agreements where they exist, the highest degree of solidarity among workers and acts as a barrier against downward wage competition and precarious working conditions; and a common ETUC minimum wage policy – valid for both collectively-agreed minimum wages and statutory minimum wages which serves the objective of ensuring a decent life for all wage earners and their families and of supporting upward wage convergence in Europe. The ultimate objective should be to ensure that minimum wages are living wages that provide for more than mere subsistence, enabling participation in society and some scope for workers and their families to insure against unforeseen shocks.
134. In addition to wage policies aimed at increasing minimum wages, the rise in real wages must be pursued through collective bargaining that recognises the competence, qualifications and the real value of work.
135. Trade union demands in countries with statutory minimum wages should at least follow the ETUC benchmark according to which the lowest minimum wage level should be (gradually) set at 60% of the national average/median wage. Such a minimum wage policy should be pursued in conjunction with the above-mentioned strategy of strengthening sectoral collective bargaining as a means to increase national average/median wages, thereby ensuring that 60% of the national average/median wage is a decent wage. All Member States should promote collective bargaining as a determinant means to increase wages in order to bridge the gaps between the economic areas of Europe.

#### *Transnational Company Agreements (TCAs)*

136. Transnational negotiations with multinational companies, their supply chains and franchises are a piece of the puzzle in the general strategy for enhancing collective bargaining across Europe. The purpose is to foster cross-border union coordination and ensure that TCAs are not concluded by actors other than European Trade Union Federations (ETUFs) affiliated to the ETUC and/or global union federations which are part of the Council of Global Unions. To date, more than 330 transnational texts have been concluded. However, the leading role of ETUFs as the bargaining counterparts of multinational companies is still far from secured. Out of the 28 new agreements over the last five years, almost half were signed by actors other than European trade unions, underscoring the need for action to ensure that Transnational Company Agreements can only be concluded by ETUFs.

137. Whereas most European federations have adopted an internal procedure for getting a mandate to negotiate and sign TCAs on behalf of national trade union federations, the project recently carried out with BusinessEurope (and some of its major affiliated organisations) showed that positions on the business side vary. Although the added value of the ETUFs' role was confirmed by all the companies involved, the practices of multinational companies (MNCs) are affected by the social dialogue culture of each company and the traditions of the headquarter country. Too many of them still prefer to negotiate with EWCs (that do not have the right to collective bargaining) or non-union bodies. In the absence of clear rules, this challenges the bargaining prerogative of European trade unions when it comes to transnational negotiations at company level and, in the long run, may threaten also the national context. The absence of clear rules also prevents TCAs from gaining more legitimacy.

### **Priorities**

138. In the next mandate, the ETUC – in close cooperation with ETUFs and national member organisations – will implement a strategy focused on strengthening collective bargaining, especially at national sector level, and (re-)building trade union power and increasing trade union membership, especially amongst young people. These ambitious objectives can be reached by, on the one hand, challenging the EU institutions and national governments to promote and effectively support collective bargaining and, on the other, by enhancing our autonomous capacity to coordinate trade union agendas, demands and actions at European and cross-border levels. The crucial point is to secure the right to collective action against companies no matter where they are based
139. The ETUC, having implemented a Pay Rise campaign during the 2015-2019 mandate, will continue developing a strategy for wage increases and upward wage convergence between countries and sectors. The establishment of a partnership to promote collective bargaining for increased wages, upward wage convergence and fair and decent working conditions is one of the key elements.
140. In the framework of the Partnership for Collective Bargaining, the ETUC will work to achieve a Council Recommendation on upward wage convergence and promotion of collective bargaining, where the latter could ultimately lead to a Framework Directive. Any EU initiative should aim to address those systems where unions have identified problems and should include a robust non-regression clause, and should respect the autonomy of social partners including the right to negotiate and conclude collective agreements and take all forms of collective action.
141. Another key element in the strategy for wage increases and upward wage convergence, is the pursuit of a common ETUC minimum wage policy. On one hand, the ETUC will, therefore, continue to support its affiliates in their efforts to strengthen the role of collective bargaining in wage setting mechanisms and to set a statutory minimum wage, in countries where it exists and/or trade unions want it, of at least 60% of the national average/median wage and, on the other, to support the renewal of national cross-sectoral and sectoral agreements. The ETUC will continue to remind the European Commission and national governments of the commitment they made to ensure decent wages by endorsing the EPSR in autumn 2017.
142. The ETUC, with ETUI support, will develop proposals to achieve decent and living wage targets, to be used as a background for wage policy demands.
143. The ETUC will work, together with the ETUFs and national trade unions, to develop a new methodology for capacity building actions which will be results-oriented and tailored to each national context. Such initiatives will be based on the accountability of target organisations and cross-border trade union cooperation (in terms of activation of



partnerships for providing support and expertise) respecting the full autonomy of ETUFs and their national affiliates.

144. Building on this new strategy and on the momentum created by the EPSR and ongoing discussions on the European partnership for collective bargaining and wage increases, the ETUC – together with its affiliates – will lobby the European institutions for more funding for capacity building for social partners to reinforce national sector collective bargaining and extend the number of workers covered by a collective agreement, and for recommendations encouraging the establishment of national policy/legal frameworks supporting social partners in delivering national sectoral collective bargaining, including direct funding of activities of European sectoral social partners.
145. In the European trade union movement, we also need to reinforce our exclusive prerogative to bargain collectively at European company level. In order to achieve this goal, we need to work to improve the EU-level system of industrial relations, fully respecting the collective bargaining autonomy of trade unions at national level. In this perspective, we should aim for a system of collective bargaining where company-level negotiations are framed in rules developed by/in agreement with social partners and are clearly in the hands of the ETUFs, in virtue of their status as European social partners. This will also guarantee respect for the role of national trade unions and commonly agreed sector priorities.
146. Public Procurement Law should be a strong tool for creating fair labour relations and by avoiding promoting companies which pay the lowest wages. Criteria in public tenders should favour companies offering quality of services and fair wages to their employees. A common practice of public institutions of quiet acceptance and even promoting precarious labour conditions should become particularly a subject of criticism. Public institutions should be a role model for other companies in their employment practices

## **Actions**

147. The ETUC will, in full respect of national systems of collective bargaining and without prejudice to national collective agreements, put in place initiatives in different fields, including:
  - a) The promotion of a European Partnership for Collective Bargaining and Upward Convergence of Wages and Working Conditions;
  - b) Strengthen coordination of collective bargaining and wage policies, also by participating in the European semester and supporting trade union demands with a wage and collective bargaining scoreboard, including an analysis with a gender perspective;
  - c) Advocate improvements in public procurement tendering criteria to secure respect for collective bargaining and collective agreements;
  - d) Take action to end the misclassification of workers to deprive them of their rights, promote the targeted extension of collective agreements/(statutory) minimum wage coverage to precarious, non-standard, platform and self-employed workers, where applicable and where trade unions want it; increase the number of workers covered by collective agreements – regardless of their employment status – so that coverage in each country and in each sector is between 80 and 100% and never below 60% of the workforce;
  - e) Support legislative and/or non-legislative frameworks as well as capacity building measures and funding at national level to support, strengthen and (where

necessary) establish efficient and adaptable collective bargaining institutions and industrial relations;

- f) Strengthen free and autonomous collective bargaining, especially at national sector and inter-professional level (where it exists), together with clear rules on union representation, and ensuring that the principle of proper coordination of existing rules is respected to avoid conflicts of standards;
  - g) Preserve/restore and strengthen workers' and trade union rights – especially the right to join a union, the right to access the workplace, the right to collective bargaining and the right to industrial action and the right to strike;
  - h) Safeguard the purchasing power of workers and increase their income by promoting wage policies inspired by the ETUC golden wage rule and by upward wage convergence between countries and sectors;
  - i) End in-work poverty (i) by promoting higher increases for low-wage earners in collective bargaining rounds as well as (ii) by seeking (statutory) minimum wage increases which are in line with the ETUC benchmark of 60% of the average/minimum wage, in countries where they exist and/or trade unions want them;
  - j) Support increases in statutory minimum wages, where they exist and/or trade unions want them, or in minimum wages set by collective agreements, following increases of the median or average wage and consumer price indices to ensure they are living wages which guarantee workers and their families a decent standard of living; and support national sectoral and inter-professional collective agreement renewals.
  - k) Promote the principle of equal pay for equal work (and work of the same value) and address the structural reasons for unequal pay, bringing temporary work agencies' and subcontracting practices under scrutiny and also to recognise more favourable remuneration conditions for posted workers coming from countries where working and wage conditions are more favourable;
  - l) Close the gender pay gap to avoid even more distancing of the gender pension gap, tackle gender inequalities and remove all forms of discrimination through collective bargaining and industrial relations. The ETUC will keep promoting and disseminating best practices in collective agreements addressing gender pay-gap issues and will campaign for equal pay for equal work for young workers and for all temporary workers;
  - m) Fight against sub-minimum wages for specific groups of the working population, especially young people and workers with a migrant background. Policy-makers should pursue measures for inclusion in the labour market as well as the right to fair remuneration for work performed;
  - n) Develop an agenda for coordinated bargaining for a reduction in the working week without cut in pays and arrangements for workers' control over working time, quality of work life and for income security during illness (sick pay).
148. The ETUC, together with ETUFs and national trade union confederations, will work to further strengthen the national unions in collective bargaining.

149. The ETUC will, with the ETUFs, work to improve the framework for Transnational Company Agreements. This will include working to achieve a Tripartite Framework Agreement on Transnational Company Agreements, taking into account the work to date on TCAs and the internal decision-making procedures of the ETUFs, and with respect for national systems. The Tripartite Framework Agreement should establish a framework that:
- a) does not undermine but strengthens national collective bargaining systems, including respecting national collective agreements and the right to collective actions;
  - b) does not diminish but strengthens the collective bargaining autonomy of the trade union organisations the ETUC covers;
  - c) strictly limits the authority to conclude TCAs on the part of workers to one or more ETUFs affiliated to the ETUC;
  - d) limits the legal interpretation of TCAs and ensures that binding effect only applies in circumstances where the TCA explicitly states the intention of the parties for any of the provisions to have legally binding effect under EU or national law;
  - e) does not in any way constrain the ability of ETUFs to define their procedures to negotiate and conclude TCAs;
  - f) strengthens the obligation of companies to adhere to TCAs in all countries covered thereby helping to reinforce the bargaining position of national trade unions vis-à-vis multinational companies and their subsidiaries across Europe.

The ETUC will actively oppose EU legislative initiatives on TCAs that do not adhere to the criteria above.

150. Each year, the ETUC will organise a conference to promote its wage and collective bargaining agenda, and to raise awareness of current practices and exchange information on newly signed TCAs. All this will help to strengthen coordination.
151. The ETUC, together with ETUFs, will set up a working group to develop coordinated strategies and actions on TCAs as well as a joint vision on how to deal with TCAs.
152. In cooperation with the ETUFs and ETUI, the ETUC will set up an autonomous database of TCAs covering only those agreements which have been signed and recognised by ETUFs. The ETUC will also push for excluding all texts (pseudo-agreements) concluded by other parties than ETUFs and GUFs listed in the databases of the EU and the ILO.
153. The ETUC, in close cooperation with the ETUFs and Interregional Trade Union Councils (IRTUCs), will identify good practices in cross-border coordination of collective bargaining and promote the creation of bodies, instruments and projects aimed at spreading this knowledge and making it more accessible to national and local union officers.

## **Labour law**

### **Introduction**

154. Building trade union power, organising workers and collective bargaining are among the primary tools for raising workplace standards. But labour legislation also plays an important role by providing a threshold of protection for workers against unscrupulous

- employers. In addition, the challenges facing the EU make guaranteeing a level playing field where employment rights are properly respected more important than ever.
155. The EU Treaties set out the improvement of living and working as an aim for the EU. While it is clear that some Member States are determined to block initiatives in the field of employment rights, it is also clear that workers will not back an EU that does not ensure a proper threshold of decency and social justice in its labour market rules.
  156. The proclamation of the European Pillar of Social Rights (EPSR) underscores the need for an action plan including EU legislation to deliver promised rights, to better enforce existing ones and to introduce new rights to respond to emerging problems.
  157. In this context, the ETUC will work for an improved employment rights and legislative programme and focus on protecting human dignity at work (including protection against precarious working patterns and inequality as well as setting a better framework for work-life-balance). This can be achieved through improved standards that guarantee protection against unfair practices or regulations that violate or endanger human dignity at work, for example by providing protection from overly invasive surveillance, digital monitoring and ensuring the ownership of workers' data, along with regulation and control of the use of artificial intelligence and data-emitting wearable / implant devices in the workplace.
  158. The ETUC acknowledges that while legislation is key for some national trade unions and workers, other national labour market models rely heavily on social dialogue and collective bargaining for regulating the labour market. The ETUC fully respects the differences in the various labour market models and traditions in the Member States and has no intention of promoting EU labour legislation which would undermine such systems.

### Tackling insecurity at work

#### **Setting the scene**

159. The dramatic expansion of non-standard and insecure work in Europe in recent decades is a direct result of a business model that shifts as many of the economic risks as possible from the employer onto the worker. This can sometimes take the form of a hollowing out of the employment relationship with the removal of benefits such as sick pay or pensions. In other cases, workers face uncertainty because they have no guarantee of their working hours, and employment protections are denied because they tend to be tied to more secure working relationships, either by law or by practice. In other cases, workers are misclassified as self-employed contractors, again leading to denial of rights and entitlements. Insecure work also creates a climate of fear where workers are afraid to assert their rights.
160. This insecurity is sometimes described as an inevitable feature of a modern economy, fuelled by new technology. Technology has played a role in these developments, with online platforms offering a way for employers to break up work into smaller tasks and contract it out on a piece-rate basis. But the change in the balance of risks between workers and employers cannot simply be attributed to new technology. The jobs where insecurity has grown most swiftly are those that have been around for centuries.
161. The reason these workers miss out on fair conditions and wages is not because of an app, but because of the choice of their employer, the exploitation of each and every loophole in national and EU legislation and political measures aimed at deregulating labour markets, and the lack of effective rights, protection and power.
162. Austerity policies imposed by national governments and enforced by public institutions have a negative impact on employment conditions of workers from outsourcing companies providing supporting services. In many cases outsourced workers are

remunerated at minimum wages. Supporting services are strongly feminized which resulted in the situation where austerity policies predominantly affected women.

### **Priorities**

163. The ETUC demands that all workers, whatever their employment status or activity sector, enjoy the protection of labour legislation (in particular an effective protection against unjustified dismissal and in case of redundancies) and/or collective agreements. The equality of treatment of all employment relationships is key for the future. All people working in subordinate relationships, such as misclassified self-employed, freelancers, etc. should get the same basic protection for their universal rights, such as the freedom of association and the right to collective bargaining. Self-employed workers need the same protection as any other workers, when their vulnerability is comparable. The recognition of their working relation is fundamental, especially in the case of those that contracted as self-employed although they are acting as hired workers. The ETUC will work actively to fight against this situation.
164. Likewise, differences in taxes and social security contributions should not create an additional financial incentive for employers to keep their workers in insecure situations.

### **Actions**

165. The ETUC will press for greater job security. While fully respecting national labour market models and the autonomy of national social partners and their right to conclude collective agreements, this will be done through initiatives (including, where deemed necessary, new/revised legislation at EU/national level) aimed at establishing a comprehensive set of rights for non-standard and self-employed workers and workers misclassified as self-employed contractors (including in particular the respect for freedom of association, the right to organise and to collective bargaining and the right to strike) so that insecure workers have more power to negotiate for secure hours, better contracts and benefits; the right to fair and equal remuneration and treatment, social protection, and safe and healthy working arrangements; a ban on on-demand and zero-hours arrangements; and the presumption of an employment relationship or similar national legal solutions.

### *A realistic chance to enforce rights*

#### **Setting the scene**

166. Member States must ensure the effective application of EU law, including employment law. But not all Member States have put in place the measures necessary to allow workers and their unions to enforce and vindicate their rights. Unlike in other areas of EU law, the sanctions on employers who break EU employment rules are often very light and lack dissuasive impact. All too often workers suffer reprisals when they demand their rights. They are denied the right to be represented, or wait for years for a ruling, or encounter prohibitive legal costs. Even when workers win cases they sometimes find it impossible to obtain cross-border compensation payments. The problems of enforcement cannot go on being ignored, or EU employment rights are in danger of becoming meaningless.
167. Human trafficking is increasingly about trafficking for labour exploitation. Infringing basic human (including labour) and trade union rights. An increasing number of workers are severely exploited. To prevent human trafficking, coordination and sharing of information between labour inspectorates and other government administrations across borders must be improved.

## **Priorities**

168. Recognising the right to effective enforcement must become a real priority at EU level. This means raising awareness of the difficulties experienced by workers and their unions and identifying solutions at EU level that will support affiliates at national level.
169. The ETUC considers that collective redress, including injunctive relief, is needed, in the meaning of an own, original right of a trade union to take legal action or initiate proceedings, if there is a breach of employment rules in a company.
170. Protecting the most vulnerable workers and combatting labour exploitation should be prioritised. Trade unions are invaluable in identifying exploitative situations through their presence on the ground. A specific approach is needed to empower abused workers.

## **Actions**

171. The ETUC will put in place a programme of actions aimed at raising awareness at EU level of the problems facing workers and the need for solutions to address the deficits.
172. This will include pressing amongst other things for a Communication and a legal binding instrument on the right to effective enforcement, including the right to representation and protection from victimisation, and the need for Member States to put appropriate remedies and anti-avoidance measures in place, including collective complaints and redress.
173. The ETUC will, with the support of the ETUI, monitor the correct implementation of the enforcement measures in the EU Directives, such as the Posted Workers Directive, Anti-discrimination Directives, and will report cases in which access to justice and other enforcement measures are hindered.
174. Building on the activities of the Undeclared Work Platform, we will call for more and better labour inspections in accordance with national labour market models, including promoting implementation of the International Labour Organization Convention (ILO) Recommendation of no less than one labour inspector for every 10,000 workers.
175. The ETUC, with the support of the ETUI, will develop trade union expertise on human trafficking for labour exploitation. The ETUC will develop an action plan identifying business models profiting from labour exploitation and business liability for labour abuses in their supply chain/subsidiaries.
176. The ETUC will support the setting up of the European Labour Authority and that the ELA assists workers in enforcing their rights in cross-border situations.
177. The ETUC will support affiliates in their work to assist workers who have been victims of transnational frauds and abuses, facilitating exchange of information, access to courts, and other forms of transnational cooperation.
178. The ETUC will strongly promote the establishment of a chamber for labour and social law in the European Court of Justice and European Court. The creation of such dedicated chambers is already foreseen in the Court's rules of law. European trade union confederations shall be able to send representatives as lay judges to such chambers in order to add expert knowledge of everyday working life.
179. The ETUC will support its affiliates, via different actions, to ensure a proper implementation of the 'Whistleblower Directive', in particular to ensure that reporting persons will be able to be represented by a trade union representative throughout the whole procedure. Particular attention will be given to ensure that journalists (and their information sources) are also effectively protected. The ETUC, with the support of the ETUI, will also closely monitor the implementation of the Directive throughout Europe.

## Working time

## **Setting the scene**

180. A major achievement for unions in the 19th and the beginning of the 20<sup>th</sup> century was the eight-hour day. The first Convention adopted by the ILO – Convention 1 – is on working time. Working-time issues are key to workers and their lives.
181. Today, workers face too much uncertainty about working time. Working long hours, overtime, shift work, night work, broken hours, unsocial hours and working on Sundays and public holidays lead to risks for workers' health and safety, affect their ability to reconcile work with family and private life and may lead to a lack of labour rights, social protection and monetary compensation. At the same time, many fear that they do not get enough hours to make a living.
182. Europe must tackle those insecurities while guaranteeing the stability of working hours often targeted by employers through unilateral decision and without the consultation and/or consent of the worker.

## **Priorities**

183. At the level of the worker, the needs and choices concerning working time are just as heterogenous as the workforce. But they all have one factor in common: workers need more control over their working time.
184. There should be a lot more predictability and certainty and the working day/week needs to have limits. The ETUC will work with affiliates to secure safe, healthy and fair working time in the EU.
185. Strengthen national trade unions in their capacity to negotiate and make collective agreements concerning working time.

## **Actions**

186. Develop new European working time demands, including the need to protect the existing framework of working time limits, enabling workers to have more control over their working arrangements, as well as a collective reduction in the working week with no cut in pay and with compensatory staff recruitment.
187. Ensure improvement in working time registration, for example through lobbying to set up legal regulations.
188. Promote the right to disconnect, including through legislative means.
189. Ban on demand and zero-hours type contracts and arrangements and other forms of precarious work; work to minimise employers' use of and benefit from all these forms of work.
190. Develop, in the light of the adoption of the Transparent and Predictable Working Conditions Directive, an ETUC interpretation guide to assist affiliates in achieving the best possible implementation in their national context.
191. Eliminate abuse in part-time and temporary contracts through a legally binding instrument.
192. Promote stronger collective bargaining for fair working time based on collective agreements.
193. Promote collective bargaining for self- employed workers.

## **Combatting 'Better regulation' as a deregulation agenda**

### **Setting the scene**

194. The deregulation agenda of EU Better Regulation has not gone away but rather shifted to Member States.

195. In particular, the narrative of 'gold-plating' has taken hold and increasingly Member States are seeking to avoid going beyond minimum standards established at European level, and to use this to justify rowing back on much-needed employment rights.

### **Priorities**

196. A key priority will be putting pressure on the EU not to encourage this highly harmful approach on the part of Member States.
197. Instead, we will emphasise the need for Member States to go beyond the minimum levels established by the various EU Directives. The argument that Member States need to stick to the wording of a Directive and cannot improve on and go beyond what is laid down is unacceptable and risks further undermining the support of European integration.

### **Actions**

198. The ETUC will work with national affiliates to establish where Member States should be encouraged to use the transposition of an EU Directive as an opportunity to ratify the relevant ILO Convention(s), (the relevant articles of) the Revised European Social Charter and the European Code of Social Security, as well as mentioning the principles aimed at safeguarding and improving social rights enshrined in the European Pillar of Social Rights, thus giving them explicit legal force.
199. ETUC will carry out actions to challenge the 'gold-plating' narrative and to ensure that policy-makers are aware that what is at stake are hard-won and much-needed rights and entitlements.
200. ETUC will oppose reinforcing further the internal market's dominance in the EU's policy framework, for example by combatting the introduction of an 'innovation principle' that should not be used to side-line social or environmental objectives in new legislative proposals.
201. The European Convention of Human Rights, the Revised European Social Charter and ILO Conventions must be given priority over the four freedoms through a change in the Treaty and/or a Social Protocol.

### **Health and safety**

#### **Setting the scene**

202. Every year in the EU there are over 3 million accidents, and – at a conservative estimate –100,000 people are dying every single year as a result of work-related cancer, and 4,000 from fatal accidents. The real numbers are likely to be much higher as many accidents go unreported as many occupational diseases are still not being noted as such, and figures for workers killed driving to work are not available. Likewise, the number of work-related suicides is unknown. Over a quarter of workers in Europe experience excessive work-related stress which is also a well-known risk factor for cardiovascular disease. A great deal more action is needed to ensure the safety and health of workers in every workplace.
203. The first main theme for the ETUC's work on health and safety throughout the forthcoming mandate will be the promotion of trade union workplace health and safety (WH&S) committees and of trade union workplace safety representatives, including in works councils, and securing adequate rights for safety representatives to enable them to contribute efficiently towards better OSH in the workplace. The major injury rates in workplaces with trade union workplace safety reps and safety committees are less than



half of those without. Unions make a real difference. We reduce injuries, improve health and change the safety and prevention culture within a workplace. We will demand employers' higher investment in prevention of occupational risks.

204. The second main theme for the ETUC's work on health and safety throughout the forthcoming mandate is to build pressure on the European Commission to improve EU legislation on health and safety, including in the important areas of musculoskeletal disorders and psychosocial risks, as well as to continue the work on the revision of the Carcinogens and Mutagens Directive.
205. The regulatory framework that consists of the Framework Directive (89/391/EEC) and 23 single directives is one of the biggest achievements of Social Europe. While we observe new risks that are coming up, the so-called 'old' risks are remaining. The OSH *acquis* has to adapt to the new and old challenges. Some of the existing single directives are not fit for purpose anymore while there is at the same time the need to cover emerging hazards like psychosocial risks (PSR) and musculoskeletal disorders (MSD). For each of these, we need a single directive.
206. Labour Inspectorates constitute the major body for enforcement of health and safety. In addition, there are other specialised inspection bodies which have responsibilities in particular sectors of activity or whose action also impacts on health and safety implementation (mines inspectorates, nuclear inspectorates, maritime inspectorates, work equipment market surveillance, etc.).

## **Priorities**

### *Enforcement of H&S through workplace democracy – the role of trade union health and safety committees*

207. An important aspect of workplace democracy is the organisation of safe and healthy work and workplaces. Trade union committees and union safety representatives (USRs) are key, including in works councils. USRs must be facilitated in very small workplaces, so that they can provide support where it is needed. This is particularly the case in relation to MSD and PSR—including 'burnout'—connected sets of workplace challenges which must be addressed as part of a broader focus on increasing workers' control over work organisation. The issue of 'bore-out' must also be addressed in the context of workplace democracy to tackle the stress caused by work that is tedious, monotonous and alienating.
208. Enforcement is key in this respect. But we observe an immense cut in staff in the national labour inspectorates throughout Europe. This is highly problematic as regulation only has positive effects for workers if concrete measures are implemented in organisations. Strong labour inspectorates are needed to check whether employers fulfil their legal obligations. The ETUC emphasises the urgent need to strengthen coordination between the different authorities in charge of the different inspections at national level and Member States. Labour inspectorates need to be strengthened in order to ensure adequate standards of inspection across the EU. The ETUC will push for improved controls and supervision throughout Europe, including:
  - Each undertaking or establishment should be inspected at least once every [seven] years.
  - Inspections should be made unannounced.
  - Inspectorates should be able to impose a sanction for the violation of each of the provisions of the Framework Directive and the individual Directives in the area of health and safety, as well as all relevant national legislation.
  - All sanctions should serve as an effective deterrent.
  - Controls and supervision should lead to better compliance on all levels.

- Trade unions must be consulted on the priorities of the controls and their supervision.

### Zero work-related cancer

209. The ETUC's overall objective in this field is preventing and eliminating work-related cancer, as well as other diseases caused by substances of very high concern. This will continue throughout the forthcoming mandate. To achieve this, the revision of the Carcinogens and Mutagens Directive (CMD) must continue. It is urgent to guarantee effectiveness, especially concerning employers' obligations in terms of prevention. The scope of application must be extended to all carcinogenic processes (for example, firefighting and activities exposing workers to cytotoxic substances) and to reprotoxic substances. Occupational exposure limits should cover the majority of exposures and should be regularly revised. The limits must be developed under the health-based approach. The limits should be consistent with the non-negotiable objective of protecting workers' health and lives. Besides working for more and adequate exposure limits the ETUC will continue to stress the importance of the employer's obligations to follow the principle of substitution whenever possible, keeping exposure to dangerous substances as low as technically possible. We still need action on asbestos, nanomaterials, nightwork and endocrine disruptors – with clear targets and enforcement strategies. All strategies should include gender aspects in preventing work-related cancer.

### Upward convergence on H&S

210. Access to safe and healthy workplaces is not evenly distributed throughout Europe. The ETUC will therefore prioritise improving access to safe and healthy workplaces for all workers both within and between countries and sectors. The different initiatives should take into account the gender dimension by linking the equalities agenda with H&S and the growing work-quality debate that the ETUC is leading in Europe: combating precarious employment and the deterioration of labour conditions is crucial for workers' health. The ETUC will also fight to protect the rights of migrant workers and prevent their H&S being undermined. Immigration status or contractual status are, and must remain, irrelevant in this regard. The ETUC Occupational Health and Safety Committee will continue to work towards this and towards common strategies at EU level. It will also continue to work with colleagues in European social dialogue to conclude and implement agreements with employers.
211. The ETUC has previously articulated the need for dedicated Directives on both MSD and PSR. While it is ambitious to see these demands coming to fruition under the next Commission (2019-24), we must continue to build the pressure.
212. Organisational or social factors such as workload are among the most common causes of occupational health risks and are behind a great number of reported occupational injuries and fatal accidents. Often these circumstances lead to physical injury or death. Accordingly, the measures for preventing fatal accidents cannot be based only on the fatal accidents statistics. Measures for preventing fatal accidents need to be focused on preventing accidents at work in a broad sense. Every fatal accident is a tragedy for those involved and unacceptable in modern working life. There must be zero tolerance of fatal accidents.
213. There need to be stronger financial support for training and a sound legal protection for H&S representatives in the workplaces. H&S policy should encourage workers and trade union members particularly from migrant groups or those who work on atypical contracts to take on the role of H&S reps.

Collaboration with OSH bodies – Advisory Committee of DG Employment (ACSH) and the European Agency for Safety and Health at Work (EU-OSHA)

214. The ETUC will continue the work on the revision of the six OSH Directives that began in 2016. There are three remaining, on which we still await proposals: OSH Signs; Workplaces; and Display Screen Equipment. In addition, the ETUC will continue to work with the EU-OSHA. The ETUC will develop work on MSD based on the EU-OSHA Guidance on musculoskeletal disorders (MSD) and psychosocial risks issued in early 2019 and on the 2020-2022 EU OSHA Healthy Workplace Campaign on the prevention and reduction of MSD.

**Actions**

215. Develop a lobbying, collective bargaining and legal strategy to reinforce trade union WH&S committees and, where agreed by trade unions, works councils. Ensure that throughout the EU, our workplace safety reps can:

- a) Represent employees in discussions with the employer on health, safety or welfare and in discussions with Health and Safety Executives or other enforcing authorities;
- b) Have enough time (release from his/her job) to do his/her duties as safety rep;
- c) Investigate hazards and dangerous occurrences;
- d) Investigate complaints; carry out inspections of the workplace and inspect relevant documents;
- e) Issue provisional improvement notices;
- f) Attend safety committees;
- g) Be paid for time spent carrying out their functions and undergo training;
- h) The ETUC will advocate for improving synergy between its affiliates and European and Member States' OSH institutions.

216. The ETUC will develop a litigation strategy with regard to the lack of enforcement.

217. Continue to develop and pursue our demands for zero work-related cancer, including developing risk evaluation.

218. Strengthen collaboration with the International Trade Union Confederation (ITUC) for a global strategy on OSH to include ILO Conventions on health and safety being recognised as fundamental Conventions. Other joint work will cover work-related cancer, nanomaterials and endocrine disruptors. Together with the ITUC, the ETUC will promote through the ILO and its Member States the levelling-up of rights on safety and health as a fundamental right at work for all workers, irrespective of their employment relationship or the kind of business model they work for (including digital platforms, e-commerce and crowdwork).

219. Continue the pursuit of Directives on PSR and MSD and support implementation of the European Social Partner Agreements on the Prevention of Work-Related Stress and Violence and Harassment at Work at national and European levels as well as at cross-sectoral and sectoral levels. This includes, among other things, the protection of workers against psychosocial risks arising from the use of new information and communication technologies in the workplace and recognising the impact of workers' organisation in the increase in these pathologies.

- 220. Develop and pursue our demands for zero tolerance of fatal accidents and the prevention of accidents at work.
- 221. Secure the upward convergence of health and safety conditions in all workplaces of transnational corporations regardless of their location or country of establishment and generalise them throughout the value chain.
- 222. Ensure a decent level of insurance for workers in the EU in case of work-related illness or accident. Demand statutory social insurance for the work force, while protecting collectively agreed insurance policies that complement these, where they exist. The insurance should give extra compensation in case of sickness, work injuries (accidents at work, accidents on the way to or from work or in the case of occupational disease), compensation to family members in case of fatal accidents or illnesses at a decent economic level.
- 223. Lobby the Commission to prepare a sound European OSH Strategy. The strategy is important, given that digitalisation and automatisisation process are already intensifying working lives and extending working time (e.g. email communications with employers outside working hours).

## **Human and trade union rights**

### **Setting the scene**

- 224. Promoting and defending human rights, which include labour and trade union rights has always been at the core of the ETUC's priorities and actions. Freedom of association, the right to organise, to bargain collectively and to take collective action, including the right to strike, the right to information, and the right to freedom of expression are fundamental right guaranteed by the European Convention of Human Rights, the Revised European Social Charter, International Labour Organization Conventions, the EU Charter of Fundamental Rights and/or most national constitutions.
- 225. Since before the start of the economic and financial crisis, trade unions have witnessed an increase in the questioning of and attacks on human and trade union rights. Whether they consist of companies and employers in the private and public sector using overt union-busting techniques or other subtler methods, the fundamental right to unionise is still denied to many workers, in particular non-standard and self-employed workers.
- 226. Sometimes the attacks are under the guise of EU (governance) policies, like the Better/Smart Regulation agenda, Memoranda of Understanding or Country Specific Recommendations that undermine human rights such as the right to social protection, fair wages, health and safety at work, collective bargaining and collective action. As a result, Member States have often violated the fundamental rights obligations they signed up to under United Nations and ILO Conventions as well as the Council of Europe European Convention of Human Rights, the Revised European Social Charter and the European Code of Social Security. The development regarding shrinking space for democratic actors and undermining of civil rights in EU member states is also worrying.

### **Priorities**

- 227. As private companies have expanded to EU and global dimensions, so must our fight to ensure that human and trade union rights are respected. The ETUC must take its place in the frontline and ensure that employers do not undermine respect for human and trade union rights. Work has a massive effect on the experience and exercise of human and trade union rights and respect for human and trade union rights must be guaranteed in the workplace (wherever work is done) or they will be undermined.

228. The European Pillar of Social Rights, which in many of its 20 Principles builds upon or has sought inspiration from international human rights instruments, is an important development. It must be backed up by an Action Plan for implementation in order to bring the protection of fundamental social rights back to the forefront in Europe and to restore the balance between the social and the economy as the basis of the European construction as established in the Treaty of Rome in 1957.

### **Actions**

229. The ETUC, as a Human Rights Defender, reaffirms its longstanding commitment to promoting and defending fundamental human, labour and trade union rights and social rights, including inter alia the right to health and social care, water and sanitation, energy and education.

230. It commits itself in particular:

- a) To develop a strategy in support of the protection and promotion of trade union rights. The ETUC will help affiliates to win stronger rights to organise, to be able to represent workers, to help workers to report violations of trade union rights, to be able to use online/digital services to engage with members and wider society and to make sure all sectors are covered by collective agreements;
- b) To develop a joined-up strategy to fight employer attempts to bust unions or deny rights at all workplaces, both private and public, and to sanction any attempt to impede trade union activities;
- c) To press, at both international and European level, for the adoption of binding normative instruments for companies, in particular multinationals, in the field of human and trade union rights, especially by promoting at European level a mandatory system of due diligence for companies and, with the support of the International Trade Union Confederation (ITUC), to ensure the adoption and the ratification of the UN Treaty on Business and Human Rights’;
- d) To develop together with the affiliates a bold strategy to hold multinational companies in particular, as well as states and authorities to account for their human and trade union rights failures and to ensure that no company that denies human and trade union rights can win government contracts or operate in the EU internal market;
- e) To develop a bold common strategy against structural, political and legal restrictions of human and trade unions rights, especially the freedom of association, the right to organise, right to collective bargaining and the right to strike;
- f) To enhance the work done within and by the ETUC Fundamental Rights and Litigation Advisory Group, in particular by ensuring, where appropriate in cooperation with the International Trade Union Confederation (ITUC), increased use of, or when necessary, work to improve, all existing (quasi or extra)-judicial monitoring and enforcement mechanisms available at UN, ILO and Council of Europe as well as EU levels and by making publicity for best practices;
- g) To intensify actions (including campaigns) to press both the EU and Member States to ratify and properly implement relevant international UN and ILO instruments (in particular Convention n° 81 on Labour Inspection) and in particular to accede to and ratify the European Convention of Human Rights, (all articles of)

the Revised European Social Charter (and the related 1995 Additional Protocol providing for a system of collective complaints) and the European Code of Social Security;

- h) To continue to call on the EU institutions, and in particular the European Commission, to ensure that in the design, interpretation and implementation of EU legislation and policy in particular when launched under the European Pillar of Social Rights – those international UN, ILO and Council of Europe instruments are duly taken into account to avoid EU (case-)law and policies contradicting, restricting or adversely affecting the rights and principles recognised by those instruments to which the EU and/or Member States have signed up;
- i) To try to achieve, as a minimum requirement for the EU to conclude a(n) (trade) agreement with another country, that the country must ratify and respect the fundamental Conventions of the ILO.

## **Gender equality**

### **Setting the scene**

- 231. Although equality between women and men is one of the EU's objectives, enshrined in the European Treaties since 1957 (Articles 2 and 3(3) of TEU; Article 21 of the Charter of Fundamental Rights), it has not been achieved, either in society or in employment.
- 232. The 2008 crisis hit more men than women, as male-dominated industries were the first to contract. But subsequent fiscal consolidation policies have had a greater toll on the demand for female labour and on the quality of women's jobs. Additionally, austerity measures have affected public services provided by workers in education, health and other publicly provided services, including child and elderly care services, of which women are primary providers and users. This has been coupled with growing reliance on work arrangements that give lower labour and social protection to workers engaged in the provision of these services. As a consequence, the capacity of women to enter or remain in paid employment has been compromised.
- 233. Gender equality is also threatened by the rise of populist and far-right parties in various EU countries. They either weaken or openly reject women's fundamental rights and economic and social empowerment.
- 234. Gender equality and women's and men's equal participation in the labour market are crucial for sustainable growth and employment in Europe. The economic loss derived from the gender employment gap is estimated at €370 billion a year.
- 235. There has been little change in conditions for women on the ground. The 2017 EU Gender Equality Index shows that across all areas of life inequality prevails. The EU's score is just four points higher than ten years ago, now 66.2 out of 100.
- 236. In 2017, the female employment rate continued to increase at a slow but steady pace, in keeping with that of men, and reached the record high of 66.5%, as against 78.1% for men. Nevertheless, the EU 2020 target of 75% of women and men in employment is unlikely to be met.
- 237. Caring responsibilities are the main reason for low female labour market participation. In 2016, more than 19% of inactive women were inactive because they had to look after children or adults. Additionally, discrimination against pregnant women or young mothers returning to work after maternity leave is still widespread with women being demoted or forced to resign.

238. Horizontal and vertical segregation are important factors contributing to the gender gap in gross hourly earnings, which has been stagnating at around 16%. The causes of the gender pay gap are complex, multiple and interrelated, and include direct discrimination and the lack of pay transparency; the undervaluing of women's work, skills and competences; unequal division of paid and unpaid work between women and men; and gender roles and traditions, which may influence the choice of educational paths. The gender pay gap is aggravated by the growing incidence of informal, casual and non-standards forms of employment often affecting women more than men and by the predominance of women in part-time jobs and in lower-paid sectors.
239. Women across Europe outperform men in educational attainments and the female contribution to science is widely acknowledged, yet more than 70% of low-wage earners in Europe are women and they are more likely than men to live in poverty.
240. Inequalities accumulate over the life course and add up to an average gender pension gap of 39%.
241. Women are underrepresented in senior positions in almost all economic sectors, making up 36% of managers in the EU. Management is more gender-balanced in the public sector, although men dominate here too. Among ETUC members, only 24% of leadership positions are held by women.<sup>4</sup>
242. In Europe, one woman out of two has reported some form of sexual harassment in the workplace. At the same time, cyber-harassment against women is a worrying trend, and women are more reluctant to engage in the public sphere because they are an easy target for sexist and misogynist attacks.
243. Women work part-time more often than men (accounting for over 70% of part-timers) and an increase has been documented in lower paid jobs (retail sales, cleaning and care services). The share of involuntary part-time work has risen steadily for both sexes since 2008.
244. A new digital labour market must not prevent access to welfare schemes that women in particular rely on. The gender equality perspective must be an integral part of the debate on digitalisation. In the absence of regulation, platform businesses are increasing informal work and other work excluded from regular labour laws, social dialogue and social protection at the expense of decent jobs. This lack will particularly affect women.
245. At the current rate of change, gender equality in the EU will not be achieved before the beginning of the next millennium. We should convert the objective of gender equality into decisive results.

### **Priorities**

246. Today's world of work is unfair to women. New technologies, digital developments, and new forms of work may further affect women workers adversely. In order to avoid a future of work without gender equality a conscious decision to change the situation dramatically is needed. We should use the International Labour Organization (ILO) debate on 'The Future of Work' as an opportunity to resolve gender gaps. The main challenge for the ETUC is to do more and better to enable women to enter, remain active and progress in the labour market through quality jobs, lifelong education and re-skilling.
247. Ensuring women's and men's economic independence across the life course; a fair work-life balance for both men and women also linked to a collective reduction in the working week with no cut in pay and control over working time arrangements; closing

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<sup>4</sup> (Data: ETUC GE Survey 2018. To update with 2019).

the gender pay gap and ensuring equal pay for work of equal value; achieving equality in decision-making, ensuring workers are primarily recognised for their competences not their gender and ending gender-based violence and harassment continue to be ETUC priorities to achieve gender equality.

248. They can be pursued only by implementing gender mainstreaming in all policy sectors and by considering gender equality as an issue for both women and men, with special emphasis on equality of treatment and pay, better recognition of women's qualifications and the digital future. Gender problems in an unequal society will not be resolved 'by magic' as a result of technological progress.
249. More efforts should be dedicated to labour-market integration, professional career development, adaptation of workstations and empowerment of women belonging to vulnerable groups such as women with disabilities and older, migrant and refugee women.

### **Actions**

250. Lobby for a renewed and ambitious strategy at EU level for achieving gender equality in European labour markets, to be framed coherently within any future EU 2020 Strategy and the implementation of the Pillar of Social Rights. The new strategy should also make a concrete input towards reaching the Agenda 2030 Sustainable Development Goals, and in particular Goal 5.
251. Exert pressure at all appropriate levels for the adoption of the Directive on work-life balance, promote the exchange of good practices through collective bargaining and social dialogue.
252. Support the European Commission Action Plan on 'Tackling the Gender Pay Gap' and propose dedicated action to reinforce gender mainstreaming in pay negotiations and collective bargaining.
253. Lobby to unblock the Directive on Women on Supervisory Boards, promoting gender balance among non-executive directors of companies listed on stock exchanges.
254. Training remains key to improving knowledge and negotiating skills to eliminate the gender pay gap. ETUC members should continue to provide education and training for female and male delegates. Trade unions at all levels should deploy adequate resources and means to put in place tailored training courses.
255. Monitor enforcement of the Commission Recommendation on strengthening the principle of equal pay between men and women through pay transparency and lobby for this EU text to be upgraded into a binding European Directive.
256. The European Semester can be a powerful tool to upgrade Member States' action to eliminate disparities between women and men. The ETUC will press for the gender dimension of the Semester to be strengthened and for a systematic gender equality assessment of Country Specific Recommendations.
257. EU labour markets are more and more polarised. There is an urgent need to address occupational segregation, foster gender mix in female-dominated sectors and vice versa. The ETUC will promote exchange and study among sectors and a reinforced gender mainstreaming policy in ICT and promote training and dedicated actions to break the glass ceiling, improve women's career opportunities and their access to senior decision-making positions in companies and trade unions, as well as promoting systematic work on gender equality in companies to ensure that women enter, progress and stay in male-dominated sectors and that their competences are recognised.
258. Lobby for a public care economy grounded in quality jobs and long-term investment and promote empirical evidence on the gender impact of crowdwork and on-demand work. Support investment, especially public, in infrastructure for early childhood education, out-of-school activities and elder-care facilities. Set new and more ambitious



- Barcelona targets for childcare and integrating the right to care into social protection systems, as called for by the joint social protection report on long-term care.
259. Continue to prevent and combat violence and harassment against women both at home and at work. This includes strengthening the EU framework on violence against women (including compiling common EU data), the ratification of the Istanbul Convention and the prompt adoption of an ILO Convention supplemented by a Recommendation.
  260. Continue to raise awareness that domestic violence is also a workplace issue. Legal rights should also be introduced for victims of domestic violence in the workplace, including the right to paid leave and support, and incentives for employers to hire female victims of domestic violence.
  261. Working conditions such as long working hours in male-dominated occupations and sectors should be adapted to enable women to enter and progress in such jobs. Involuntary part-time or short and/or unpredictable working are a major barrier to gender equality. The ETUC will lobby and strengthen collective bargaining and social dialogue for a lifecycle approach to working time and a worker's right to adaptable working arrangements including making the voluntary transformation of part-time into full-time work a reality.
  262. Trade unions are key players in advancing gender equality. The ETUC will promote, support and raise the visibility of members' actions, commitment and resources on gender equality so that we can be clearly identified as fighters and ambassadors for gender equality and progress.
  263. The ETUC will lobby to integrate a gender perspective into the EU budgetary process and implement Gender Budgeting. This includes setting gender equality as a primary policy objective in the next Multiannual Financial Framework 2021-2027 and integrating a gender perspective into the annual budgetary cycle and European Stability Initiative funds.
  264. Available evidence indicates that women often face strong economic disincentives when entering the labour market or wanting to work more. The way tax-benefit systems are set up can act as a deterrent for second earners, who are most often women. The ETUC will focus on adapting tax-benefit systems to remove disincentives for second earners wishing to take up a job or to work more.
  265. The ETUC will continue to promote ratification of ILO Convention 189 on domestic work by Member States that have not yet done so.

## **Corporate Social Responsibility/ Responsible Business Conduct/ Due Diligence**

### **Setting the scene**

266. The United Nations Sustainable Development Goals (SDGs) adopted in 2015 and the implementation of the Agenda 2030 foresee Corporate Social Responsibility (CSR) practices playing a crucial role in eradicating poverty, sustaining innovation and solving sustainability challenges.
267. In June 2014, the United Nations Human Rights Council adopted Resolution 26/9 and established an open-ended intergovernmental working group on transnational corporations and other business enterprises (IGWG) in order to elaborate an international, legally binding instrument to regulate, in international human rights law, the activities of TNCs and other business enterprises.
268. The way companies behave both in the European and the global dimensions emerges as more and more vital in meeting the goals and supporting sustainable development.

The success in achieving the goals, pursued by national governments and international and European institutions, also relies on collaboration with and between business and civil society. Trade unions have participated actively in this debate for decades, trying to make objectives practical and accountable, influence the way they must be pursued, and monitor the results. Social sustainability is becoming an issue also in collective agreements. But the new framework and objectives must not be merely a cosmetic change.

269. Achieving responsible business conduct requires strong regulatory frameworks and methodologies for company management through social dialogue and consultation with those affected by activities, clear expectations and responsibilities, as well as disclosure and reporting on the impact of activities. The Organisation for Economic Cooperation and Development (OECD) has published guidance that sets the scene and outlines clear expectations in terms of due diligence and accountability mechanisms.
270. The EU Directive 2014/95/EU lays down the rules on disclosure of non-financial and diversity information by large companies. Some stock market-listed companies and companies with public interest are required to include non-financial statements in their annual reports from 2018 onwards. This aims at helping investors, trade unions, consumers, policy-makers and other stakeholders to evaluate the non-financial performance of large companies and encourages these companies to develop a responsible approach to business.

### **Priorities**

271. The role of due diligence and corporate accountability mechanisms must be strengthened and enhanced, thus promoting their universality and making them mandatory. The EU Directive does not require all large companies to disclose certain information on the way they operate and manage social and environmental challenges. Trade unions will expand the Directive's scope to all large companies. Trade unions also must participate in the process, from the selection of goals to the reporting phase.
272. It is necessary to strengthen the role of collective agreements in addressing sustainability issues. Society is calling for a stronger corporate accountability framework with different tools, including the option to supply companies with a social licence. Companies willing to be more accountable should involve and engage trade unions and other stakeholders in sustainability issues.
273. The role of CSR and of the due diligence principles must be developed in dialogue with the UN and the International Labour Organization (ILO), so as to strengthen the links between UN Guiding Principles on Business and Human Rights, the ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy, and the European implementation of Agenda 2030.
274. The collaboration with the ILO and the UN will have to touch upon crucial matters for the future of work, atypical forms of work, just transition and environmental issues, which must be urgently tackled at a global as well as at European level.
275. As with the OECD Guidelines for Multinational Enterprises, due diligence focuses on impacts related to the following topics: human rights, the environment, bribery and corruption, disclosure and consumer interests. Trade unions must be included as participants in this work as they have been proactive in these areas. Due diligence guidance augments – but does not replace – more detailed OECD advice to businesses on due diligence in specific industry sectors and supply chains. With the release of the due diligence guidance, the OECD hopes to promote a common understanding among companies, governments and civil society stakeholders with regard to what companies

should do to address adverse impacts associated with their operations, supply chains and business relationships.

276. Voluntary standards and existing obligations under international law do not currently ensure responsible business conduct. An international binding treaty on business and human rights and European due diligence legislation, respecting the unique role of the ILO, are needed. The UN Guiding Principles and the OECD Guidelines for Multinational Enterprises outline the behaviours and actions expected from companies, including full respect for fundamental trade union rights and offer opportunities to hold companies accountable. The ETUC will encourage its affiliates and partners to file cases with the National Contact Points (NCPs) against all multinationals that breach the UNGPs and the OECD GL.
277. Trade unions stress that concrete achievements in the field of CSR can only be reached by social dialogue and collaboration among social partners and other stakeholders, including those affected by corporate activities. Trade unions maintain their commitment to the importance of social dialogue and draw attention to the Commission's 2011 Communication on CSR, long-term business models and stakeholders/ regulatory agreements between companies and trade unions.

### **Actions**

278. The ETUC will monitor the implementation of the EU Directive on non-financial reporting and lobby for its revision, with the aim of making due diligence legally obligatory and thus adding value to EU law. An online expert group from national trade unions and European Federations affiliated to the ETUC will be set up to focus on the present and future challenges of the Directive and will fight to include workers' representatives in the definition and the improvement of reporting systems. The ETUC will promote the development of quantitative labour indicators and requirements on companies to gather information on issues such as the gender pay gap and the percentage of indefinite temporary contracts. The ETUC will lobby for an extension of the Directive to cover companies with at least 250 employees and also companies without public interest.
279. Work towards the development of a European regulation regarding mandatory human and labour rights due diligence. This should oblige parent corporations to identify and act upon actual and potential human rights risks for environment, workers and human rights in their operations, subsidiaries and chain of subcontractors, including outside the European Union.
280. Give support to making due diligence and stronger accountability frameworks mandatory through a reflection on whether there is a need to develop social licences and social labels.
281. Trade unions at EU and international levels will strengthen the links and collaboration with the UN OECD and ILO in order to give concrete implementation to the goals and methodologies in the field of due diligence and corporate accountability. In particular, the ETUC will press for a Directive on due diligence mechanisms.
282. The ETUC will actively support a legally binding treaty on multinational companies and human rights currently under negotiation within the UN and will work to ensure that the European Union receives a formal negotiating mandate from the European Council.
283. The role of investors, how they are integrating Responsible Business Conduct in their decisions, and how these will address responsible investments in environmental, social and governance areas (ESG) will be deepened and developed.
284. Continue liaising and collaborating with the European Parliament Intergroup on CSR and building alliances with all NGOs and other organisations dealing with Corporate Responsible Business Conduct CRBC / CSR.

285. The ETUC supports the elaboration of an ILO Convention on decent work in supply chains, in line with the 2016 International Labour Conference discussion.
286. Call for companies that do not respect social, tax and environmental obligations to be barred from access to subsidies, public contracts and other forms of public support, and promote the development of socially responsible purchasing in the public sector and stronger monitoring of social and labour clauses in procurement contracts. Trade unions should be consulted in verification procedures.
287. The ETUC will call for an EU directive on human rights due diligence and push for active and constructive European participation in the UN negotiations for a binding international treaty on business behaviour and human, economic and environmental rights. Both instruments should apply to all business enterprises and fully cover international labour standards.

#### **Chapter 4: Advocating for just transition, fairer digitalisation and a stronger industry policy**

*Managing the transition towards a low-carbon, circular economy, digitalisation and automation, in the context of globalisation, in a responsible, just and inclusive manner so as not to leave any worker behind; relaunching European industry policy, with particular attention to the weaker economies that have deficits in their industrial production; ensuring that competition law and company law within the single market are reformed in order to ensure full respect of social, workers' and trade union rights; improving workers' participation at the workplace and in the changing and restructuring of the economy; making sure that lifelong learning and the right to training are a reality for everyone.*

### **Industrial policy**

#### **Setting the scene**

288. Manufacturing is interrelated with industry-oriented services, an efficient problem-solving factor and a crucial job-provider in the EU. According to European Commission estimates, 36 million jobs are related to EU manufacturing and each job in industry creates at least one additional job in services. Industry represents an important part of European GDP and employment and represents more than half of R&D investments and exports. Moreover, the EU28 has an important trade surplus of manufactured goods, with varying degrees of imbalance across countries. European manufacturing companies operate in highly productive networks with industry-oriented services. These figures underline the importance of EU industry for the European social model and for EU prosperity, but they also highlight its strength and adaptability in an evolving economic context.
289. But these assets should not be taken for granted, and EU industry is at a crossroads. Fast technological change, resource scarcity, the need for an ecological modernisation of the economy, environmental requirements, health concerns, the rise of unilateral protectionism and shifts in consumption patterns are reshaping the global economy at an unprecedented scale and pace. EU industries are at the forefront of those changes and the EU's leadership is threatened in many sectors.
290. The EU's position in the knowledge-based economy is also at risk. The EU is lagging behind the US in research and development spending as a share of GDP. Patent applications are stagnating in many European countries whereas they are increasing in countries like Japan, the US and China. When it comes to investment, the 'Made in

China 2025' strategy, with its total budget approaching €700 billion, might give China a competitive advantage in many crucial sectors of future industry: renewable energy, electric cars, artificial intelligence to mention a few. In a nutshell, current mega trends (capital share, access to credit, innovation and investments) paint a challenging picture for industry in Europe.

291. Additionally, EU industries are competing on global markets where regulation in terms of workers' rights, environmental protection, taxation and social security rules, or competition law are often even less developed than in the EU. In the absence of a global level playing field, a discussion is needed to ensure that EU competition law is compatible with the growth of strong and sustainable European companies in strategic sectors. On the other hand, as short-term profit became their top priority, many EU companies have been tempted to use social, tax, and environmental dumping within and outside the EU, as well as to maximise dividends for shareholders.

### **Priorities**

292. To implement an EU industrial strategy to support the sustainable development of European industry and fair competition at EU and global levels through the following actions:

- support a strong social and sustainable manufacturing sector on the basis of existing value chains,
- strengthen productive networks of manufacturing and service providers,
- better satisfy the needs of individuals and society,
- use new technological possibilities for a better life,
- produce high-quality and sustainable products and services,
- contribute effectively to climate protection,
- save quality jobs in manufacturing and services,
- ensure training, lifelong learning and qualification of the workforce to equip employees with the required skills.

The ETUC will open a discussion about an assessment and a possible reform of EU competition law to protect employment and workers' rights. This must be done in a comprehensive way that covers the various dimensions of competition law, including public services.

293. Boosting R&D and innovation to make EU industry and its workers fit for the fourth industrial revolution, which is digital, low-carbon, circular and more sustainable.
294. Using the recovery to invest in the economic diversification of deindustrialised regions and tackle regional imbalances.

### **Actions**

294. The ETUC will promote, in close collaboration with its members, an industrial vision and a 'Made in Europe 2030' strategy comprising the following elements:
- a) Mobilise public and private investment to support and promote EU industry in a just transition to sustainability, with a specific focus on solutions to societal and ecological problems and the potential for quality job creation;
  - b) A plan to increase public investment, which is currently at a historic low and is badly needed to modernise public – including digital – infrastructure (which will also trigger private investment);

- c) A strategy to deploy an industrial-scale circular economy and to overcome critical raw material scarcity, including through eco-design and recycling;
  - d) Modernising the energy system based on energy efficiency and energy savings, security of supply, renewable energy, sustainability and support to low-carbon energy sources, interconnexion of transport infrastructures and affordability for industry, while taking into account the specific challenges of energy-intensive sectors and SMEs and ensuring the right to energy for citizens.
  - e) Boosting industrial innovation with public and private funds (setting an R&D target of 3% of GDP), in particular for the following objectives: distribution and storage of electricity; secure, safe, fair and privacy-aware digital systems; technological and digital innovation to increase quality of production and work in industrial sectors; low-carbon supply of basic metals and materials; recycling and substitution of critical raw materials; multi-modal, hybrid and connected transport systems; thermal renovation of buildings; bio-based chemistry; sustainable textiles;
  - f) Mobilising public money to support innovation which should target priority issues of common interest and not generate excessive profits for private actors. Public funds also need to be conditioned by responsible company governance. Companies need to pay their fair share of taxes to support such public investment and must also reinvest more of their profits by, for example, curbing dividends/pay-out ratios;
  - g) Using the EU budget with the European Structural and Investment Funds (ESIF) as a key instrument of European industrial policy;
  - h) A fair trade agenda made up of universal rules securing respect for human and workers' rights, protecting the environment and ensuring fair economic competition;
  - i) The systematic use of green and social public procurements to drive public spending towards sustainable products and explore how to maximise the creation of quality, local jobs;
  - j) Assurance that SMEs will have full access to European funding for R&D and innovation, in order to contribute to real, local economic output.
296. The ETUC will explore with its members a possible reform of the EU competition policy to maintain and create quality employment as well as to protect workers' rights. EU rules must support collaboration along integrated value chains and the development of ambitious European industrial projects. The reform of EU competition policy should also prevent interference with workers' and social rights, including the right of association, collective bargaining, strike and workers' participation.
297. The ETUC will ask the Commission to undertake a mapping of the impact of the fourth industrial revolution on industry and employment, with specific attention to sectors/ supply chains of strategic interest or confronted with structural change.
298. The ETUC will examine, with its members, how to protect EU industry and its workers against dumping from countries that do not respect international agreements and conventions the EU is party to. It will be done in a way that respects multilateral rules.
299. EU industrial policy must also have a strong regional dimension and the ETUC will press the Commission to intensify current efforts to support industrial regions. Structural funds and other European funding (Horizon 2020) must help industrial regions to adapt to industrial transformations and the need for ecological transition.

Less developed regions or regions damaged by economic desertification deserve specific attention. Smart specialisation strategies at regional level are an important lever to concentrate R&D, innovation and investment capacities in high-potential activities.

## **Digitalisation and the platform economy**

### **Setting the scene**

300. Digitalisation, transforming work as well as the economy and society, remains an important challenge for the European trade union movement. Digitalisation can play a positive role, increasing workers' autonomy and releasing them from arduous and routine tasks, or a negative role, increasing precarious work, blurring the boundaries between work and family reinforcing the power asymmetry between capital and labour, and spreading fake news.
301. There will be winners and losers amongst workers. Digitalisation must be anticipated and socially and democratically governed, digitalisation might become an additional driver of social and territorial inequalities. There will be jobs lost, as in all previous industrial revolutions. But the majority of our jobs will be transformed, and new jobs will be created. The European approach must be rights-based and emphasise the need for workers' protections. The process of digitalisation of work is emphasising labour market polarisation and increasing the rate of replacement of medium-skilled jobs.
302. The fourth industrial revolution has tremendous gender-specific impacts. In the ICT sector, levels of female employment are dropping, and many women leave within a couple of years of entering the sector. While online platforms may appear to be neutral in terms of gender, research reveals a gender pay gap.
303. The future of work cannot be solely designed by big-tech monopolies and the employers. It is a societal question and an issue of democracy to direct the design and use of digital work and the use of artificial intelligence and ensure its stays in citizens' hands and in their interest.
304. One of the issues is the recent surge in digital labour platforms leading to new forms of work organisation and to new jobs and new ways of labour outsourcing. The status of platform workers is often unclear, and the non-recognition of the economic subordination is problematic, since employment status is key for access to social security, training, coverage by social and employment legislation, health and safety.
305. Digital platforms transform the nature of work, eroding the standard employment relationship. Rights associated with standard employment such as works councils, collective bargaining, organising, social security, paid holidays health and safety at work and training are not available in many countries. A widespread misclassification of platform workers as independent contractors needs to be addressed. Digital platforms are not about 'gigs' or 'tasks', but about work. And work is done by workers.
306. One key aspect of digitalisation is the development of artificial intelligence (AI), referring to self-learning systems which can take over many human tasks (machine learning). This is about data, linking data, information, putting information into a context, knowledge to be applied and reflected upon. Combined with robotics and big data, it forms the backbone of the digital economy. The use of AI is a key question for the future of work and society: will AI be used to organise broad supervision and control

of humans or will it support (coordinate) humans in becoming more creative and more emancipated? Will it be used to take non-transparent decisions or support human decision-making?

## Priorities

307. For the ETUC, labour protection and technological innovation can be compatible. Ensuring just transition towards fair digitalisation and decent employment is the ETUC's guiding principle. Nobody should be left behind in this process of digital transformation. The EU must be at the forefront of technological innovation that benefits people. Basing its strategy on its social model and ethical values, it must be a driver for regulating the platform economy, thus reconciling online services and workers' dignity; invest in R&D and digital technology that increases people's wellbeing, health, environment and decent jobs; and impose European ethical principles and legislation that guarantee the primacy of humans over machines. Digitalisation must become a cross-cutting issue.
308. We need to set a positive and more proactive agenda, enabling trade unions to define clearly what they want from the future of work; from work in the future. Amongst the benefits of digitalisation must be a potential liberation from dangerous, arduous, monotonous and repetitive tasks, thus empowering workers and strengthening their capacity to autonomously decide and regulate on work organisation and management choices. A better work-life balance could come within reach. Productivity gains from digital technology will create new wealth, which could and should be shared with workers. These new digital challenges make workers' information, consultation, board-level participation and collective bargaining even more important.
309. The gender perspective must be at the core of all digital initiatives so that the digital agenda becomes a driving force for gender equality, by addressing the severe gender gap within the ICT sector, fostering full integration of women of all ages in science, technology, engineering and mathematics subjects and strengthening women's participation in decision-making in digital companies. The technological debate must no longer be male-dominated.
310. The ETUC needs to remain active in the societal debate on AI to make it compatible with the objectives of Social Europe. Human beings should stay in command and workers should not suffer from work-related stress or come under pressure from intensive work schedules defined by AI. Surveillance and data usage must be tackled. Here in particular participation and co-determination are decisive issues, not least because of the acceptance of AI in operational use. Guidelines are needed to set out the responsibility and accountability of employers as potential industrial users of AI, as well as ethical and philosophical guidelines for developers and coders of algorithms. Like physical machines, AI machines must have emergency stop mechanisms. Algorithms must comply with the rule of law, fundamental rights, be democratically designed and free access to the source code must be ensured.
311. Involvement of workers is key to shaping fair digitalisation: stronger information and consultation rights and board-level representation, participation in research and development are needed. Digitalisation allows for more participation and makes the demand for more democracy at work even more important in the 21st century. The ETUC insists that the huge digital divide between countries and within societies must be addressed. The digital divide is a factor of exclusion and inequality that breaks with the principle of equal rights and treatment. The role of collective bargaining is



fundamental to support workers in the digital transformation and to address issues such as qualifications and upskilling, outsourcing of tasks, rules on working time (including the right to disconnect), health and safety, work-life balance and data protection.

312. The ETUC needs to remain active in the societal debate on AI to make it compatible with the objectives of Social Europe. We need to develop ethical components to promote decent work and social progress in the use of AI systems while guaranteeing respect for fundamental rights, including labour rights. Human beings should stay in command and workers should not suffer from work-related stress or come under pressure from intensive work schedules defined by AI. Data and privacy protection must be addressed. Here in particular collective bargaining, participation and co-determination are decisive issues, not least because of the acceptance of AI in operational use. Designing binding processes for the involvement of workers and their representatives is a crucial factor in the successful use of AI systems in the workplace. Guidelines are needed to set out the responsibility and accountability of employers as potential industrial users of AI, as well as ethical and philosophical guidelines for developers and coders of algorithms. Like physical machines, AI machines must have emergency stop mechanisms. Algorithms must comply with the rule of law, fundamental rights, be democratically designed and free access to the source code must be ensured. Scientific research, as well as technical and social impact assessment, must be conducted throughout the whole process, from the design stage to the implementation of AI systems.
313. Digitalisation must not lead only to an explosion in the wellbeing of a happy few. It needs to be steered by public policy and requires new systems of governance. The ETUC wants everybody to benefit from technological progress so that digital welfare is redistributed amongst working people. Further reflection must take place on new methods of taxation in view of robotisation, automatisisation, big data and unprecedented network effects, such as a digital tax.
314. Web services of daily use have become a strategic infrastructure. Many citizens nowadays receive information and react through social media and news feeds. Europe risks depending exclusively on oligopolistic enterprises based outside its borders. An initiative to establish European digital players must become a priority

### **Actions**

315. The ETUC will develop a strategy for 'work in the future we want', in which digital technologies must improve working conditions and quality of employment. Central to this strategy will be the role of collective bargaining, to ensure that the increased wealth from digital technology is fairly shared with workers. Technological progress will also feed into the debate on working time reduction and better work-life balance and a return of productivity gains to workers. The ETUC will seek to achieve a European right to disconnect in the next mandate.
316. The ETUC asks for an EU initiative ensuring standards for platform workers such as employer/employee relationship when applicable, adequate wages/remuneration and social rights. Dependent self-employed and freelancers providing services on platforms should also benefit from social and trade union rights. This initiative should be without prejudice to national labour market models and the autonomy of national social partners, and must encourage collective bargaining in the platform economy, spreading the best experiences at EU level.

317. Through workers' participation and social dialogue, the ETUC will continue to make sure that workers have a say in the way digitalisation affects them and have the right to shape fair digitalisation.
318. The ETUC will ensure that the digital single market agenda gives priority to reducing the European digital divide between territories and citizens, increasing people's well-being and health, protecting the environment, and promoting quality employment. The digital economy should not be used as a pretext for destroying collective rights but, on the contrary, strengthen workers' rights. EU investment tools and the European Globalisation Fund must support workers in sectors facing technological change.
319. The ETUC's aim is to ensure that climate action protects workers' rights and the well-being of citizens and that the net zero emission economy we want to live in is a positive prospect for all. No one should be left behind!

## **Sustainable development, climate change, energy policy**

### **Setting the scene**

320. Temperature trends show that humanity is approaching the danger zone, the threshold beyond which adaptation to climate change will be an illusion. The hazards that scientists have been predicting for 30 years are now becoming reality, exposing workers and communities to unprecedented risks. Climate change is not happening in a vacuum. Biodiversity losses, air quality and soil degradation, ocean pollution as well as fresh water and natural resource depletion are other worrying symptoms of the global ecological crisis we live in.
321. In accordance with the Paris Agreement temperature objectives, scenarios to keep the increase in the global average temperature well below 2°C, and to continue efforts to maintain the rise below 1.5°C, require a dramatic and urgent increase of ambition to reaching net zero emissions globally as soon as possible before the end of this century. Developed countries must take the lead in this shift towards net zero emissions. In its long-term strategy for EU emissions, the European Commission has proposed various scenarios to make that ambition real. Based on the best available science, the ETUC has already supported the objective of reaching zero net emissions by 2050 at the latest.
322. Despite the many scientific reports describing this multi-dimensional crisis, the political reaction has been weak. The adoption of the United Nations Agenda 2030 and its Sustainable Development Goals (SDGs) and of the Paris Agreement have set universal standards and create new policy cycles, but their real impact is far too limited to change the situation fundamentally. Action is vital and urgent.
323. This presents a profound challenge to the basic rules of the current economic system. The blind race to increase GDP and dividends, to commodify, liberalise and privatise public goods and services, the suicidal competition to attract investment through deregulation, the weight of short-term financial return criteria, the greedy behaviour of the capitalist oligarchy, the havoc of mass consumption and the reduction of public services are leading us to global disaster. There is no answer to the current ecological crisis without a deep and radical change in our economic system.
324. The International Labour Organization has adopted guidelines and the Paris Agreement identifies "just transition and decent work" as basic principles that should

guide climate action. Moreover, a series of EU laws now explicitly refer to the need to support workers or require social partners to be involved in climate-related policy planning. These positive developments open a space to put in place a just transition policy framework at EU level and in Member States.

## Priorities

325. *Building an economic model based on the 'sustainability first' principle and ensuring quality employment for all.* Sustainability means thinking holistically in a way which bases the economy on respect for the planet and for social justice. Reducing the carbon footprint of EU Member States, not only their emissions, requires the relocation of production activities, the promotion of short and local circuits, the internalisation of freight transport costs and the review of international trade and trading conditions. There is no contradiction between sustainability and the demand for quality jobs for all. We are convinced that the just transition towards a sustainable economy will offer opportunities to create quality jobs in many sectors as well as significant challenges for social stability. These new jobs, along with those transformed into greener jobs, will require workers with new skills who have to be properly trained, especially in some particularly sensitive sectors such as mining or the automotive industry. We also see public services and social protection as key enabling elements for sustainable development.
326. Bringing back activities of general interest into public ownership is an important element of a just transition strategy that puts people, not profits, first.
327. *Putting just transition into practice.* Knowing that we cannot change the economy without changing the labour market, we want climate action to pay more attention to workers and the difficulties that decarbonisation might create or exacerbate. Any transition entails challenges for the world of work, but this one will be policy-driven and must be faster, deeper and bigger than any other in the past. As a result, we request governments to develop, in close collaboration with trade unions, effective just transition policy frameworks and actions that will mitigate the social impact of the transition and also prepare the world of work for the zero-emission era, including education and training to ensure that workers have the right skill-sets for the new jobs created. The costs of climate change policies need to be distributed fairly. Climate change policies must not lead to increasing income inequalities.
328. *Enabling workers and trade unions to better engage in climate action.* There is no just transition without workers' participation. But workers' participation requires capacity building. Raising awareness, sharing information, training our members must be high on our agenda if we want them to have their say in climate action at the workplace or in other forms and places of industrial and social relations.

## Actions

329. Building an economic model based on the 'sustainability first' principle and ensuring quality employment for all:
  - a) The ETUC will lobby to make climate action one of the first priorities of EU policy and for the EU to demonstrate its global leadership and increase the 2030 target to reach zero net emissions by 2050.

- b) The ETUC will develop, with its members, strategies to tackle the main sources of emissions in Europe: transport, energy production, industries, buildings, agriculture and waste.
- c) The ETUC will work with the International Trade Union Confederation (ITUC) to strengthen the international climate regime by monitoring the implementation of the Paris Agreement and by pushing all major economies to take their fair share of the global effort to reach zero net emissions globally in the second half of this century and to meet financial commitments for the benefit of developing countries.
- d) The ETUC will propose an action plan to develop employment in technologies and activities, including green jobs, that are strategic for the transition to a low-carbon economy, focusing among other things on binding obligations on employers and public authorities to up- and re-skill the workforce.
- e) The ETUC will promote a circular economy in Europe to reduce consumption of natural resources and production of waste.
- f) The ETUC will enhance its internal coordination to ensure that the ‘sustainability first’ principle, and climate urgency in particular, will be a political priority in dossiers such as macroeconomic policy, trade, taxation and the EU budget. The ETUC will also work to make its own activities more sustainable.
- g) In accordance with the Paris Agreement objective to make financial flows compatible with the accord’s temperature objectives, the ETUC will continue to call for the phasing out of environmentally harmful subsidies. With the same objective and knowing that some affiliates have already been involved in such campaigns, the ETUC will explore how its members can contribute to the campaign to accelerate the shift to a net-zero emission economy by reorienting capital flows to sustainable investment projects, keeping in mind the importance of pension funds in current investment flows. The ETUC will support and promote the coordination at European and national level, with the ITUC Committee on Workers’ Capital (CWC), of exchange of information and joint action in the field of workers’ capital. The ETUC will advocate for the integration of social and labour criteria into the EU Sustainable Finance Action Plan to favour sustainable and inclusive growth and generate a transparent and efficient financial framework in the long term.
- h) The ETUC will campaign for the enforcement and strengthening of existing rules against attempts to deregulate. This also requires the enhancement of public services entrusted with verification and control, implementation of green taxes and increased penalties for polluters, as well as democratic control.
- i) The ETUC will promote the unionisation of workers in sectors of the green economy and exchange good practices among its member organisations.
- j) The ETUC will continue to create alliances with other actors to support the ‘sustainability first’ principle in the EU

### 330. Putting just transition into practice:

- a) The ETUC will continue to work with its members on the implementation of the Paris Agreement, with specific attention to the development – through social

dialogue and if necessary, EU support – of national and sectoral just transition policy frameworks.

- b) The ETUC will collect and share this information regularly through circulation of a newsletter.
- c) The ETUC will also monitor the way the revised emissions trading system (ETS) Directive is implemented and in particular how the auction revenues of Member States and the newly created Modernisation Fund contribute to effectively supporting workers and communities in hardship because of decarbonisation.
- d) The ETUC will continue to participate in the EU Platform for coal regions in transition and press the EU to come up with a strategic plan to deal with the consequences of decarbonisation in those regions, especially through industrial development to create quality employment.
- e) In the context of EU energy legislation, the ETUC will continue to fight energy poverty and to defend the right to energy for all, as well as to advocate for the promotion of renewable energy generation.
- f) The ETUC will continue to fight austerity policies and the neo-liberal agenda that undermine the ability of public services to play their role in the fight against climate change.
- g) We call upon governments to undertake impact assessments of the distribution of costs and benefits of climate change and energy transition policy measures within countries.
- h) The ETUC will continue to work with its members on the implementation of the UN Sustainable Development Goals (SDGs), with specific attention to the development of national and sectoral just transition policy frameworks.

331. Enabling workers and trade unions to better engage in climate action:

- a) The ETUC will build on its guide 'Involving trade unions in climate action to build a just transition' to catalyse action at national level and to prepare its members to play a role in climate governance.
- b) To coincide with the UN climate action day (24/10), and in collaboration with the ITUC, the ETUC will promote mobilisation on just transition and climate action.
- c) The ETUC will also update its project 'Greening the workplaces' with more recent data and case studies to encourage action at shop-floor level.
- d) The ETUC will examine the already visible consequences of climate change on working conditions and how to tackle them with collective bargaining and industrial relations. The aim is to produce concrete tools to assist trade unions in Europe in dealing with impacts of climate change on workers.
- e) Sustainable mobility is another domain in which workers can contribute to climate action. Building on previous initiatives, the ETUC will set up a project to relaunch action on this topic.

## **Internal market**

### **Setting the scene**

332. The single market is both a fundamental pillar of the Union and a complex zone for the ETUC. The term 'single market' covers a wide spectrum of initiatives aimed at enabling people, services, goods and capital to move around Europe.
333. Single market policies are currently shaped by a "negative integration" approach: the differences in national regulations and standards are primarily considered as obstacles to free movement and must therefore be kept at a minimum, if not removed altogether. This has led to increasing pressure on workers' rights, public services and national regulatory frameworks. The original proposal for a Services Directive and its accompanying country of origin principle is a good illustration of this situation. The priority should be now to strengthen the social dimension of the Single Market.
334. There seems to be an understanding in the EU institutions that reviving such a divisive debate today would be too harmful in a fragilised Union. Nonetheless, single market initiatives continue to be characterised by a deregulatory approach, as evidenced by the services package proposed by the European Commission during the last mandate.
335. Subcontracting creates many concerns for trade unions across Europe, in particular when it involves operators established in different Member States and/or third countries. Subcontracting blurs the traditional employer/ employee relationship and employees' representatives are left without a counterpart to bargain with as EU and national legislation makes it too easy for owners of companies providing cross-border services to circumvent national legislation and collective bargaining agreements. Furthermore, subcontracting is also used to weaken the liability of the employer at the top of the chain especially in case of violation of workers' rights as well as, in particular in third countries, human rights and ILO fundamental conventions.
336. Companies increasingly tend to assign labour-intensive tasks to separate legal entities in order to externalise the risks and avoid potential liability for employment rights and taxation as well as human rights and international standards. Cross-border subcontracting, monopsonies and franchises are growing rapidly.
337. The huge increase in remuneration for top managers of the largest companies has contributed to a massive increase in inequality. One factor in restraining the upward spiral in bosses' pay would be the inclusion of workers' representatives on company boards.

### **Priorities**

338. The European trade union movement cannot limit its work to opposing negative proposals but should also take a proactive stance in favour of a smoothly run single market, whilst continuing to reject the argument that cross-border mobility is an end in itself.
339. We need a positive agenda on fair mobility in the single market, pushing for more safeguards and control of multinationals' activities. The internal market has to be understood as being a common market with a high level of social and ecological standards that are the pre-requisite for productivity increases. Specific focus should be put on the role public procurement should play to achieve these objectives. The single market must not exert pressure on standards concerning social rights, consumer protection or environmental protection. Member States need the power to set social standards and to control companies' compliance with these standards. Rather than treating differing national control measures as barriers to free movement, the EU could

build more trust between national authorities and workers by fostering a similar approach to companies' liability.

340. The jurisdiction of the European Court of Justice continues too often to foster negative internal market integration by giving precedence to the freedom of services, establishment and capital over national social and labour law protecting workers' rights. It is of utmost importance to introduce a Social Progress Protocol. At the same time the ETUC will push for the inclusion of a "Monti clause" in all relevant new internal market legislative initiatives, to protect the right to collective bargaining and collective action.
341. Previous Commission action plans on European Company Law and Corporate Governance continued to prioritise maximising unilateral shareholder value, which encouraged competition between national company law systems. The result of these plans was a damaging shift towards a deregulated model of corporate governance in many Member States. The EU has to increase its efforts to combat letterbox companies. Circumventing national tax, labour and social security legislation through the establishment of letterbox companies or branches should be prohibited. This should be accompanied by legal reform to end regime shopping. Companies should be registered in the place where most of the economic activity occurs.
342. Specific attention should be devoted to the reform of the EU competition law framework, to ensure that it supports regulation in the general interest, fair and progressive taxation policies, and workers' and social rights, including freedom of association, the right to collective bargaining and to strike. The ETUC shall monitor the ongoing discussions and developments on competition law and state aid rules and take action to ensure that they do not put pressure on public delivery of services nor push for the marketisation of public services (ranging from education to transport and water). The establishment of a European Labour Authority should contribute to tackling and preventing abuses relating to the freedom of workers within the single market.

### **Actions**

343. The ETUC will put forward concrete policy recommendations increasing companies' liability when they rely on their economic freedoms in the single market and propose new EU initiatives regulating cross-border subcontracting, including in cases involving subcontractors from third countries.
344. We will explore several types of possible legislative interventions, including due diligence, transparency requirements, joint and several liability all along the subcontracting chain. Attention will also be paid to the ways in which different legal personalities can be treated as a single economic and social entity (e.g. for the purpose of establishing collective representation).
345. In future, the ETUC expects European Company Law and Corporate Governance to be sustainable and to involve major stakeholders, and above all workers. It is important to switch from maximising shareholder value to prioritising benefits for all stakeholders, including workers, and society. The ETUC expects workers' information, consultation and participation rights to be fully respected, European minimum standards strengthened and – in the case of board-level representation – established. Facilitating company mobility without a parallel strengthening of democracy at work and companies' liability is unacceptable.

346. For ETUC actions regarding the reform of the EU competition law framework see the chapters on Industrial Policy and Non-standard Work. For ETUC actions regarding the establishment of a European Labour Authority, see the chapter on Free Movement.

## **Public services**

### **Setting the scene**

347. Public services – ranging from health, child and elderly care, education and training and employment services, transport, water, waste, energy, housing, information and social services to justice systems as well as infrastructures as a whole – represent the backbone of European provision of services and common goods to citizens and residents. High-quality and accessible public services and common goods provision are a fundamental right. They are essential to combat inequalities and social exclusion, to guarantee equal treatment and to tackle the social, economic demographic and environmental challenges facing Europe.
348. Neo-liberal economic policy, austerity measures and budgetary adjustment prescribed by national governments and EU institutions have imposed increasing restrictions on public expenditure for the provision of public services. Strains on public finances have in many cases prompted a recourse to privatisation, outsourcing, and Public-Private-Partnerships, as well as job cuts and deterioration in working conditions for the public service workforce. These trends have often brought ineffective savings for public budgets, rising costs for individuals and households and deterioration in service quality.
349. Liberalisation and privatisation of public services, putting profit above the interests of people, deprive society and most of the population of essential tools to meet their needs. Unmet needs, lack of affordable public structures, and too-costly private provisions are found in crucial sectors influencing Europeans' quality of life, such as health and care, education, childcare and housing. This not only negatively impacts on gender equality, but also puts at risk people's dignity and living conditions and endangers the future of European labour markets and economy. Lack of investment in public services means, for example, that Europe could miss the opportunity of developing public digital infrastructures and of reducing the digital divide, as well as enhancing physical public services for the benefit of European citizens.
350. Essential services such as energy and water risk becoming commercial commodities under the pressure of marketisation. A study published by the European Commission lists rising energy prices, low income and poor energy efficiency in homes. Nearly 11% of the EU population faces energy poverty. People are not able to adequately heat their homes at an affordable price, also due to energy precariousness.
351. Europe is witnessing rapid changes in people's way of living. Urbanisation is becoming more and more difficult to manage. The great divides caused by rising inequalities and poverty are more evident within cities and between them and peripheral and rural areas.

### **Priorities**

352. Besides the Lisbon Treaty (Art. 14 and protocol 26 AEUV), the 20<sup>th</sup> principle of the European Pillar of Social Rights (EPSR) clearly states everyone's right to essential and affordable services, and to receive support when in need. Public services feature in



various EPSR principles (healthcare, education...) and are indispensable to achieving others, such as gender equality.

353. Education and training, health and long-term care, mobility, childcare and other enabling services must be accessible to all, affordable and must be high quality. Access to decent housing must be ensured.
354. The human right to water and sanitation, recognised by the United Nations in the Social Development Goals (SDGs), must be backed up by concrete proposals in order to be enjoyed by all.
355. Public services must support sustainable social, economic and ecologic development and cohesion, especially in macro-urban environments, and provide effective gender responsive solutions. Quality and efficient public services must underpin democratic development and equality for all. Public and collective ownership and in-house provision of public services can be crucial to delivering such objectives.
356. Public authorities have a responsibility to use public money to promote cohesive social and economic development, as well as high quality services, goods and works. Public service provision, including through public procurement, should therefore be based on transparent procedures and subject to strict anti-corruption rules. Public procurement should be bound to ambitious social and environmental standards, as well as high quality employment and working conditions. It is necessary to guarantee respect for labour law, the right to collective bargaining and compliance with collective agreements. Member States shall ensure the full application of the mandatory social clause of Directives 2014/23/EU and 2014/24/EU on public procurement.
357. Natural and energy resources must be regarded as common goods and their preservation and democratic management ensured by public authorities. Access to resources, energy and water are fundamental rights that the EU and its Member States must safeguard and guarantee. Competition law and state aid rules should not encourage the marketisation of public services. The full impact of marketisation and privatisation on public finances, quality of services and provision coverage must be assessed. Opportunities offered by digital infrastructures coupled with open data (e.g. better waste and energy management) must stay in the hands of citizens and public authorities. Enhanced Public-Public Partnership could be an effective tool to guarantee sustainable social and democratic development in public service investments.
358. The ETUC warns against the use of Public-Private Partnerships (PPPs). Where existing, they must be strictly monitored, to assess cost efficiency for public authorities and the effective capacity to deliver high quality and affordable services, achieve common good and guarantee good working conditions, in particular for essential services. The Commission and Member States should fully implement the recommendations of the European Court of Auditors' report on EU co-financed PPPs and undertake further cost-benefit analysis of existing PPPs.
359. Financial resources must be allocated to ensure high-quality public services, with specific attention to the most vulnerable and deprived. Redistributive tax reforms must be made, accompanied by measures to ensure the lawful and good management of companies providing public services. Public investment in public services and infrastructure must be promoted, and the adoption of a Golden Rule for public investment must allow the necessary flexibility in government deficits to improve public services.

## Actions

360. Public services are a boost for economic, democratic, and social growth. The ETUC will continue to demand that public expenditure on public services should be considered as an investment and not a cost in the EU economic governance process, and therefore be excluded from calculation of the national deficit.
361. The ETUC will support the establishment of policies that strengthen public services by implementing in practice the principles of, *inter alia*, universality, solidarity, affordability, non-discrimination and democratic control and accountability. The ETUC calls for a rights-based approach to public services, and for the EU to guarantee the right to energy for all by introducing concrete EU legislation protecting vulnerable and low-income households.
362. The ETUC will press for a rights-based approach to public services in the digital single market strategy and will push for digital access for all. The development of 'smart cities' and smart grids in Europe must help to reduce inequalities, support energy transition, and should not be monopolised by big-tech companies or fully delegated to them. Public governance and citizen-led projects (e.g. coops) on digital infrastructures and open data should be supported and encouraged.

## Standardisation

### Setting the scene

363. For 30 years, the European trade union movement has been involved in standardisation and has mainly focussed on standardisation in the field of safety related issues (primarily via the ETUI<sup>5</sup>). However, the (recent) European regulation 1025/2012/EC on standardisation provides several mechanisms for enhanced trade union participation in standard-setting activities. Since 2015, the ETUC has been developing trade union capacity in standardisation, to shape it towards our strategic priorities. This is made possible by the financial support of the European Commission (DG GROW) and the European Free Trade Association (EFTA).
364. The 'ETUC STAND project' is involved in standardisation activities at both political and technical levels, in line with the adopted ETUC resolutions<sup>6</sup>. Trade union experts and the ETUC secretariat contribute to the content of selected European (CEN) and International (ISO) standards.
365. Although legislation takes precedence over standards, standards have moved away from being only an industry tool, for and by industry. This can be highly problematic since standards setting processes are private, non-transparent and undemocratic. The European Commission uses standards more and more as a means of deepening the single market. The ETUC rejects an expansion of European and international standard-setting activities to fields that can be better regulated by national or European legislation or collective agreements, especially in the fields of OSH, working conditions, workload, payment and social security. However, when European or international standardisation activities take place, the ETUC can participate, taking into account its

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<sup>5</sup> ETUI focusses on OSH standardisation given by the European mandates and standards that are in direct support of the EU OSH Acquis.

<sup>6</sup> ETUC resolution on standardisation of March 1986, 5-6 June 2013, [of 12 June 2014](#) and of 16-17 December 2015

resources, in the standardisation processes, in order to promote a high level of health and safety at work and quality working conditions above the level of existing public regulations. On the request of the ETUFs and/or national affiliates, the ETUC can support specific standardisation projects to improve the wellbeing of workers.

366. European standards are automatically transposed into national standards. Therefore, they might work as a useful policy tool to achieve the ETUC's vision of upwards convergence in the economic and social spheres, especially in those fields where no European legislative instruments are available<sup>7</sup>.

### **Priorities**

367. ETUC priorities on standardisation 2019-23 are the following:

- a) To monitor and, where appropriate, to contribute to the drafting of those European (and international) standards where trade union engagement can improve the text. For sector-specific standards, the ETUC will initiate a discussion among the respective ETUFs in the first instance and national affiliates;
- b) To improve the participation of trade unions in European and international standardisation systems;
- c) To raise awareness of the pros and cons, among national and European trade unions, of the role played by the international and European standardisation systems in relation to working conditions and workers' rights;
- d) To fight standards that risk encroaching upon national labour laws, established collective agreements and collective bargaining, and prevent any attempt to use standards for a parallel recodification of labour laws and public services.

### **Actions**

368. To support the above priorities, the ETUC will:

- a) Maintain an in-house ETUC competence centre on standardisation, coordinating and pooling trade union knowledge and expertise in the area;
- b) Following an ETUC evaluation, agree a new Framework Partnership Agreement with the Commission and EFTA;
- c) Watch over and contribute to the drafting of those European (and international) standards that could affect working conditions and ensure that standards bring about the highest quality working conditions and respect social dialogue and collective agreements.
- d) Participate at policy and technical level to ensure that European (and international) standards shall not encroach on labour laws, collective agreements and collective bargaining;
- e) Build standardisation capacity amongst the (national) trade unions, including via the expansion of a network of trade union experts;
- f) Contribute to standardisation bodies where the ETUC and its affiliates can actively participate (e.g. CEN, CENELEC, ETSI, ISO, IEC);

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<sup>7</sup> Only 16% of the 24,200 European standards are linked to the legislative framework and the system lacks the capacity to turn the other 20,500 standards into legislation (and to keep it up-to-date) See [CEN-CENELEC statistical pack 2018, Q4, page 13](#)

- g) Avoid the transfer of standard-setting activities to standardisation bodies that trade unions have no influence over (e.g. labelling organisations, certification bodies, closed consortia, industry bodies, etc.);
- h) Promote a reflection on whether there is a need for an (ETUC) social label, with underlying criteria (set by trade unions) as well as on better workers' participation in the audit process of ISO 45001 on 'Occupational Health and Safety Management Systems'.

## **Chapter 5: Relaunching the European social model and shaping the work of the future through an effective Pillar of Social Rights**

*Rebuilding the European social model, by reinforcing and implementing the principles of the European Pillar of Social Rights through policies, legislation, collective agreements and sound measures for redistribution and upward convergence, that promote quality jobs and fight against precariousness, so that all workers and citizens can benefit equally, irrespectively of the employment relationship; achieving fair and inclusive labour markets, labour mobility, quality social protection, public services and education and training systems; shaping the future of work in a way that reduces precariousness and uncertainty and increases and extends workers' protection; strengthening and promoting social dialogue and tripartite dialogue at all levels.*

### **European Pillar of Social Rights**

#### **Setting the scene**

369. While the EU is at risk of fragmenting under the pressure of widespread social unrest, the European Pillar of Social Rights (EPSR) sets a framework for EU policies for the years ahead. Since its adoption, it includes several principles which highlight the importance of social rights and it proposes a vision of a society that ensures progress, addressing transformations in the world of work that are challenging the sustainability of the European social model. In particular, the pillar should trigger upward convergence of working and living conditions in Europe which are the basis of the European integration process.
370. The ETUC hailed the solemn adoption of the EPSR in Gothenburg in November 2017. The ETUC will carry on supporting the adoption of concrete and tangible measures bringing about social progress as steps to implement the Pillar. Its implementation requires a proactive, collective effort which involves EU institutions, governments, trade unions, employers and organised civil society at large. This is a challenge for social dialogue in the years to come. The EPSR should promote new EU legislation, and eventually lead to a legal source/tool in itself, supported by sufficient financial resources and able to meet the most urgent social challenges with full involvement of social partners.
371. The ETUC's main strategy will continue, with the aim of achieving the full implementation of the EPSR in the context of working towards social progress. It should support upward convergence of working and living conditions in the EU and help strengthen and modernise the European social model.
372. The EPSR requires strong social dialogue at all levels. Social dialogue, also at tripartite level, is key to implementing most of the pillar, and especially to designing legislative

initiatives at European level. It is also important for the trade union movement to join forces with other stakeholders in order to build widespread agreement around the pillar. It is vital to ensure that the EPSR will remain high on the political agenda of the EU after the 2019 elections.

## **Priorities**

373. Collective bargaining is key for the implementation of the EPSR. It has a strong role to play in ensuring upward convergence of working and living conditions for European workers. Capacity building for collective bargaining is part of the ETUC's building block strategy.
374. New legislative initiatives should enrich the package of rights of European workers. Priorities have to be set and they must include the broadening of existing rights to all workers, irrespective of their employment relationship or the business models they work for; adaption of the actual protection rules for health, safety, well-being, privacy and surveillance to the new risks and challenges caused by technological transitions; equal pay for equal work for young workers and precarious workers; better protection of workers in case of restructuring of companies; access to education, vocational training and real opportunities in the labour market; countering discrimination, especially with regard to gender and disability; workplace rights, more secure work and decent work, a renewed effort to build healthy, safe workplaces and remodel work organisation to ensure that people reach the end of their professional careers in good health and with sufficient resources - guaranteed primarily by strong statutory pension systems – to enjoy a dignified retirement; workplace democracy and trade union rights.
375. The needs of an ageing population should be better understood, and solutions found to ensure assistance to older people, adequate pensions, good healthcare and social care, and safety nets. The best way of securing adequate and sustainable pensions is to improve labour market integration of people of working age, in good-quality jobs. Despite some improvement in recent years, there is still a huge potential for better employment integration across all ages, especially for groups with lower rates such as women, youth and migrants. Comprehensive social protection systems cannot be built through legislation alone. They need financial resources and a commitment from Member States to make the necessary funds available to move forward in implementing the EPSR. In this context the role of the EU is crucial.
376. The EPSR should be a counterweight to the Stability and Growth Pact (SGP). In addition, the current fiscal rules need to be fundamentally reformed in order to achieve an institutional set-up which enables sustainable development in all Member States. There are two ways for the EU to release resources for the implementation of the pillar. The 2021-26 MFF will support the implementation of Country Specific Recommendations as adopted at the end of the Semester cycles. However, this is an opportunity only if economic governance, including the European Semester, is strictly bound by social rules and targets within the EU Treaties and set forth in mainstream social policies, especially the EPSR. It implies an economic governance that puts social progress ahead of fiscal stability and uses the EPSR as a compass to orientate the action at national level.
377. As the new MFF will deliver results only after 2021, it is important to ensure that the EPSR will influence policies selected as part of the Semester. Furthermore, countries experiencing social slacks should be given access to a degree of flexibility in the

application of the SGP rules when needed to counter socially critical situations, using the EPSR as a compass to orientate the action at national level.

378. The European Pillar of Social Rights must fully respect the autonomy of national social partners and national collective bargaining structures and practices.

### **Actions**

379. We call on the EU and the Member States to implement the European Pillar of Social Rights and to transform the 20 principles into law or concrete measures to improve the real lives of European working people, through:

- a) Mainstreaming the EPSR within the social dialogue programmes of European, national and sector social partners;
- b) Reigniting efforts for effective collective bargaining systems in Europe as outlined in the collective bargaining chapter of this Action Programme;
- c) Building alliances and coalitions to gather a widespread consensus around the EPSR;
- d) Developing paths to make the EPSR work for people involved in labour transitions, to help continuity of employment and create safety nets for those who lose their jobs;
- e) Delivering quality public services and social protection and inclusion systems for all as stated in this Action Programme;
- f) Providing the necessary funding to ensure the adequacy of social protection systems throughout the European Union;
- g) Actively promoting EU legislation, social dialogue or coordination to sustain upward convergence of working and living conditions in Europe and stop social dumping;
- h) Ensuring that the European Semester and the MFF work together to boost implementation of the pillar aimed at social progress, thanks to an economic governance with renewed targets that are pro-sustainable development and pro-social progress. The ETUC will work to improve the Social Scoreboard and to elaborate autonomous monitoring tools to balance the monitoring tools of the EU institutions;
- i) Revising the SGP and the European Economic Governance rules so as to ensure that Member States have sufficient financial resources to implement the pillar, putting into effect the predominant reforms of the SGP described in this Action Programme;
- j) An ambitious action plan is needed, including legislation in relevant fields, while respecting the autonomy of social partners and collective bargaining. EU legislation or coordination measures need to be brought forward to guarantee the social rights promised under the EPSR.
- k) developing action to reduce levels of gender inequality, poverty and social exclusion.

## Labour market, employment policy

### Setting the scene

380. The coming four years will be critical for establishing how far the EU is willing to be proactive in the field of employment and social policy. Can it demonstrate a firm commitment to the genuine collaborative coordination that is required to bring about upward convergence in labour markets and to prevent social dumping?<sup>8</sup> The job of the ETUC will be to continue to ensure that pressure is applied at all times to prioritise fair labour markets and to promote the EU-wide creation of and access to quality work. This must be based on comprehensive social protection levels and in accordance with improved primary labour-market integration mechanisms for the vast numbers of European citizens who still struggle to find fair or even acceptable job perspectives.
381. The Juncker Commission has made efforts in putting social issues on the agenda – most notably with the European Pillar of Social Rights (EPSR). However, this was not accompanied by adequate initiatives to decisively turn the tide away from austerity, growing inequality, precariousness and poverty, and towards a new settlement on employment policy that could correct the damage that has been done. This work must be advanced during the next mandate and we all have a role to play in ensuring political pressure is applied at European and national levels.

### Priorities

#### *The quantity-quality dichotomy*

382. Workers suffered a great deal throughout the years of crisis as millions of jobs were shed across all sectors. Roughly 10 million people were added to the ranks of the unemployed between 2008 and 2013. Throughout this period and the one which followed, workers and their trade unions were repeatedly told to forget about the quality of jobs being created as there was an employment crisis and numbers were all-important.
383. More recently, the European institutions, governments and employers' organisations have been proudly celebrating how quickly unemployment figures have fallen (and employment rates increased, though more modestly). This was particularly notable in the second half of the previous ETUC mandate as the volume and regularity of these declarations increased.
384. The European trade union movement remains very concerned that so many statistical indicators, as well as the experience of our members, demonstrate that a great deal of this growth has been in poor-quality and part-time jobs with various combinations of low pay, precarious contracts (if any), bogus self-employment, agency work, a lack of access to comprehensive and publicly funded social security or lifelong learning, little or no prospect of career advancement and diminishing recourse to trade union representation when workers do get into difficulty.
385. What recognition there has been of a need to focus our collective efforts on the quality of jobs that European economies are producing has been no more than rhetorical. The EU still has no working definition of quality jobs let alone a strategy to achieve their growth. This will be a huge challenge over the next four years, but it is necessary to address it head-on.

#### *Long-term unemployment*

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<sup>8</sup> While some affiliates dislike the term 'social dumping', it has been retained in the AP because it is widely understood and there is no commonly agreed alternative.

386. One of the most worrying trends in the transformation of labour markets over recent years is the further retrenchment of long-term unemployment. It remains the case that four out of 10 unemployed people have been out of work for 12 months or more. This is not an entirely new phenomenon as economic and technological shifts including, most notably, those associated with deindustrialisation have had profound impacts on certain groups of workers. However, it has worsened as a result of austerity policies that were implemented in response to the crisis. Additionally, even in countries that were less impacted by the crisis and have seen more robust labour market performance, long-term unemployed people remain largely excluded from the economic and social recovery.
387. In 2016, the EU adopted a Council Recommendation on the integration of the long-term unemployed into labour markets. The Council Recommendation was not very ambitious, starting measures after a period of unemployment of 18 months. The proposal was also extremely weak in involving trade unions in particular and social partnership more generally. The ETUC has continued to raise this and to highlight the significant impact that trade unions can have in reaching marginalised communities in which long-term unemployment and labour market exclusion remain huge social problems.

#### *Labour market segmentation*

388. The deregulation of labour markets in recent years has led to a further intractable challenge for workers: work transitions. Giving priority to tackling unemployment via poor quality and precarious working arrangements intensifies existing and future social problems by trapping people in areas of work characterised by poor pay and conditions and cut off from better opportunities that exist in the wider labour market. Neoliberal reforms in employment policy over recent years have been largely founded on the mistaken conviction that it is only by dismantling employment protection legislation (EPL) and devaluing wages that organisations can be encouraged to employ people and therefore bring down unemployment. This is wrong.
389. Many workers become trapped on the lower rungs of the ladder as segmented labour markets mean that employers find it easier to hire and fire at will, with no incentive to invest in and develop the people they employ. This is heavily linked to lack of investment in skills and training. Worse still, these challenges are not evenly distributed across workforces as women and certain groups that are traditionally marginalised or under-represented shoulder the burden more heavily: women, young and/or low-skilled worker, older workers, unqualified workers and those with a migrant background are particularly affected. The ETUC will therefore work towards employment policies that value each and every person, affording them autonomy and dignity.

#### *Active labour market policies*

390. In many ways, active labour market policies (ALMPs) are the most European of policy tools. What a shame then that they have been so undermined over the last decade. Many were cut just when they were needed most – during economic downturn – and so their stabilising effect on the economic cycle was lost. The EPSR and the social scoreboard, together with recent Country Specific Recommendations (CSRs), imply the need for ALMPs as a critical policy resource. Eurostat has even adjusted its data collection as a consequence.
391. ALMPs have a particularly important role to play in adapting work to the demographic shifts that are taking place in European societies as people work longer and careers become more heterogeneous. Dedicated measures are needed for women and under-



represented groups of (potential) workers. Most significantly, governments and employers must invest in ALMPs so that workers are able to feel that they have options in changing labour markets. The ideology of 'human capital' must be discarded once and for all as it is society as a whole that benefits from well-trained and confident workforces. The importance of vocational training and initial vocational training should be highlighted.

### *The future of work*

392. Employment policies and labour market institutions are failing to keep up with the realities of the changing world of work, driven by climate change, ageing population, migration or digitalisation. The debate which takes place in the context of the centenary of the ILO is a key issue in this context. For example, digitalisation, the rise of platform work and broader shifts leading to the types of jobs that are available being shorter-term, unstable and less secure mean that employment protection and social security entitlements must be broadened to stop workers falling through the gaps in the limited safety nets that do exist. Investment into, and support for, the social and non-profit economy would contribute to this. This will mean a reassessment of unemployment schemes and an intensified commitment to improving access to well-performing social security schemes, available for persons working in new and precarious forms of employment. We must also consider whether there is a role for coordination at the European level in improving protection on the one hand and a broader coverage on the other, as well as integrating this into social protection discussions in order to close the gaps that exist both within and between Member States and different sectors. Common minimum standards in the field of unemployment insurance should also be explored. They must take account of personal care in the context of an ageing population. This work disproportionately affects women.

### **Actions**

393. The ETUC will take the following actions to address the major employment and labour market challenges facing workers:
- a) Tackle still growing segmentation of the labour market and its negative influence on workers. Procurement process should focus on the right of the workers and quality of jobs whereby all employed workers are provided with employment contracts. The number of bogus self-employed and zero-hour contracts should be reduced. Furthermore, the ETUC in its actions will advocate for an active EU policy that address the issue of working poor.
  - b) Implement and consolidate the ETUC definition of quality work. This will be pursued via the European Semester and a series of actions to promote and maintain the issue of job quality as a policy priority. This includes seeking the agreement of as many European actors as possible to sign up to the definition and maintain its visibility. Regulating digital platform-based work will be a priority.
  - c) The 'ETUC plan for investment, sustainable growth and quality jobs' remains valid, as an investment increase of 2% of European GDP per year would amount to about €300 billion annually. The ETUC will revise upwards this plan in the context of lower levels of unemployment, in order to boost quality job creation at national level. Additionally, the ETUC will closely monitor the impact in terms of job creation of investment plans launched by the EU.

- d) Publish an annual quality employment briefing disaggregated by gender to highlight the challenges and shape the annual EU economic governance policy cycle.
- e) Continue to monitor the implementation of the Council Recommendation on long-term unemployment. The structural nature of unemployment is demonstrated by the fact that still, in 2018, almost half of unemployment had lasted 12 months or longer.
- f) Push for a European prioritisation of full-time equivalence in European employment targets and for full employment across the whole of Europe to promote employment in quality jobs and a reduction in the working week with no cut in pay. Consider, in addition to the number of unemployed workers, the underemployed: that is, the number of part-time workers who would prefer to work full-time and are available to work more hours as well as those 'loosely attached to the labour market' and 'discouraged workers'.
- g) Pursue increased voluntary coordination of active labour market policies at European level as a tool for achieving upward convergence and to establish a standard of minimum quality of employment at European level.
- h) Assess, in the context of strengthening EMU, how coordination can be mobilised to strengthen national social protection systems and protect the unemployed from poverty and other risks. This includes consideration of options related to European public unemployment reinsurance schemes and EU-wide minimum standards to organise solidarity with countries and regions confronted with unemployment shocks, but avoiding this serving as a new instrument for disciplining Member States and/or harmonising national systems for unemployment insurance.
- i) Explore how we can engage employers on job quality.
- j) Push for a strong European Social Fund that promotes quality jobs.

## **Non-standard work**

### **Setting the scene**

- 394. Supporting affiliates to organise and protect freelancers and self-employed workers – is an ETUC commitment made at its 2015 Congress in Paris.
- 395. Freelancers and self-employed workers make up 10.1% of all those in employment in the EU 28, but there are big differences between countries. Excluding agriculture, the number of own-account self-employed workers has increased by 5.2% across the EU 28 in the last five years. Digitalisation and the rise of the platform economy are also driving the growth of self-employment and atypical working both in new and traditional sectors. Self-employment, when freely chosen, allows an autonomy in work that is appreciated by freelancers.
- 396. Non-standard and self-employed workers are often not in touch with unions (or not able/allowed by law to join one), not entitled to proper social protection, and even not covered by labour law or collective agreements nor able to engage in collective negotiations.
- 397. Partly thanks to the work of the ETUC and its affiliated organisations, access to social protection and fighting against the precarious working conditions which are often associated with these types of employment are principles of the European Pillar of Social Rights, adopted by the EU in November 2017.

## **Priorities**

398. Collective bargaining is a fundamental human right which creates a level playing field for all workers and prevents generalised individualisation and competition among them. The ETUC shall advocate for fundamental labour rights for all workers regardless of their status. The right of association, the right to bargain collectively and the right to strike, for any person engaged in a 'personal work relationship', should have precedence over any other legal regulation, especially competition rules.
399. To advocate for universal and mandatory access to compulsory coverage of stronger social protection for freelance and self-employed workers, based on the principle of adequacy and equal contributions. In any case, self-employed workers should be able to contribute according to their means and receive according to their needs.
400. To continue exchanging best practices among ETUC affiliates to learn how better to organise and protect atypical and platform workers.

## **Actions**

401. Continue pursuing the full application of the principles of the European Pillar of Social Rights by safeguarding and extending labour and social rights to freelance and self-employed workers, by extending workers' and social rights through initiatives at EU and national level, in line with the ETUC demands and without prejudice to national labour market models and the autonomy of national social partners.
402. The ETUC will continue pushing for competition laws to allow self-employed and freelance workers the right to bargain collectively as guaranteed by the Charter of the Fundamental Rights of the EU, the European Social Charter, the European Convention of Human Rights and the ILO Conventions.
403. Take legal action through the International Labour Organization (ILO) or the Council of Europe and its European Committee of social rights on the grounds of violation of the fundamental rights of EU workers.
404. Support capacity-building training for national unions and transfer of knowledge and know-how on the following issues: how to organise freelance and self-employed workers and how to conclude collective bargaining agreements on behalf of them. A focus will be on supporting initiatives aimed at organising workers on the platforms operating in Europe.
405. Work for new legal frameworks to ensure the right to lifelong learning, social and labour protection for self-employed and non-standard workers in new forms of work.

## **Education and training**

### **Setting the scene**

406. A skilled and qualified workforce is one of the main assets of the European social and economic model. Education and training must be used as a lever to boost economic growth since they contribute to increase companies' productivity and to support career and wages progression. Support for training to adults is an important benefit to the individual, the employer and the whole economy and society.

407. There are new challenges ahead for European workers in the changing jobs market: energy transition, digitalisation and technological progress, as well as the need for a transition to a sustainable economy and green technologies in order to tackle climate change, are among the main challenges, while education on democratic values and critical thinking should be ensured. These changes impact workers of all skills levels and require opportunities for lifelong learning.
408. Recent studies show that the goals of the Education and Training 2020 Strategy Frameworks have not been fully reached and only 10.7% of adults are taking part in lifelong learning. However, close to 70 million Europeans struggle with basic reading and writing, calculation and using digital tools in everyday life.
409. In addition, ETUC member organisations observe inequalities in accessing training among workers at company level, making it difficult for those most in need of training to improve their skills, their qualifications and therefore wage levels, working conditions and career and transition prospects.

### **Priorities**

410. The ETUC has put forward the following demands for the post-2020 education and training strategy in the framework of the adopted ETUC Resolution on EU priorities on education and training post 2020 – Towards a European right to training for all (2018)<sup>9</sup>:
- a) Implement the first principle of the European Pillar of Social Rights to ensure that “Everyone has the right to quality and inclusive education, training and lifelong learning in order to maintain and acquire skills that enable them to participate fully in society and successfully manage transitions in the labour market.”
  - b) Ensuring the right and access to training, guaranteeing high-quality employee training for all workers, in particular low-skilled and low-qualified ones, including paid educational leave;
  - c) A real ‘skills guarantee’ allowing low-skilled workers to obtain at least certified basic skills and key competences recognised in the workplace.
  - d) Investment in education and training at national level must be sustainable.
  - e) Improving the quality, attractiveness and inclusiveness of VET systems and achieving quality of apprenticeship places in Europe in line with the European Quality and Effective Framework for Apprenticeship and Riga Conclusions.
  - f) Effective social dialogue on vocational education and training and adult learning to consolidate efficient governance of vocational training at all levels.
411. In order to implement the first principle of the European Pillar of Social Rights, adults and in particular the unemployed and workers must be supported by a European right to training, guaranteeing high-quality employee continuous education and training and equal access for all workers, in particular low-skilled ones, employed, self-employed or unemployed, including paid educational leave. A real skills guarantee should be ensured to allow low-skilled workers to obtain at least certified basic skills and key competences leading to obtaining qualifications.

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<sup>9</sup> [https://www.etuc.org/sites/default/files/document/files/ec226\\_resolution\\_future\\_of\\_vet\\_post-2020\\_en\\_adopted.pdf](https://www.etuc.org/sites/default/files/document/files/ec226_resolution_future_of_vet_post-2020_en_adopted.pdf)

412. Vocational education and training systems must be improved to provide high-quality, attractive and inclusive learning opportunities, also providing higher level qualifications beyond EQF level 5, and governments need to make more efforts to set up fair and quality apprenticeships systems which help with labour market transition.
413. In addition, the issue of education and training should be addressed by social partners within social dialogue structures to ensure a consolidated and efficient governance of vocational training at all levels. Higher education institutions need to contribute to the provision of opportunities for lifelong learning.

### **Actions**

414. We wish to achieve the following goals during the next mandate, in close cooperation with the European Trade Union Committee for Education (ETUCE):
- a) Continue pushing for effective implementation of the first principle of the European Pillar of Social Rights at European and national levels;
  - b) A possible European level initiative ensuring right and access to training and guaranteeing high-quality employee training for all workers, including vocational and career guidance;
  - c) Obtain a real 'skills guarantee' allowing low-skilled workers to obtain at least certified basic skills and key competences;
  - d) Take an active role in influencing ongoing and future programmes and initiatives at EU level on education, training and lifelong learning, such as the future Education and Training Strategy Framework and its indicators and benchmarks, to help achieve the UN Sustainable Development Goals 2030, the future ERASMUS and ESF+ programmes, the European Alliance for Apprenticeships, and all EU mechanisms for quality assurance, skills recognition, and mapping skills;
  - e) Support national and sectoral trade union initiatives aimed at creating or improving VET opportunities for workers, whether through social dialogue, collective bargaining or trade union, public or social partners' learning centres.
  - f) Ensure through the European Semester process that investment in education and training at national level is increased and is sustainable, and that quality apprenticeship provision, adult participation in lifelong learning and employee training are a priority;
  - g) Achieve fair and quality apprenticeship places in Europe at national and company levels in line with the implementation of the European Quality and Effective Framework for Apprenticeship.
  - h) Foster the introduction of an employer's contribution to finance a lasting lifelong learning system based on quantitative objectives to be reached by 2030 and encourage firms to promote training during working hours.
415. Tools to achieve these priorities and actions:
- a) Continue social dialogue on vocational education and training and adult learning with the employers;
  - b) Continue to play an active role and shape EU policies on education, training and lifelong learning in political working groups and expert bodies of the EU institutions;

- c) Take an active role in the European Semester process relating to education and training at both European and national levels;
- d) Inform, raise awareness and set up strategies with member organisations on EU initiatives and ETUC policy goals in the permanent Education and Training Committee;
- e) Strengthen consultation and cooperation with affiliates, notably the ETUCE, other European Trade Union Federations (ETUFs) and national confederations, the ETUC Youth and Women's Committees and Eurocadres, as well as with external networks and stakeholders active in education and training fields.
- f) Call on Eurofound and Cedefop to support developing skills in the workplace and social partners' capacity to provide training.

## **Youth**

### **Setting the scene**

416. Ten years after the onset of the economic crisis, the situation of young people in the labour market remains difficult, with a significant increase in non-standard employment and persistently high NEET (Not in Education, Employment or Training) rates. In 2016, 18% of people aged 25-29 were neither in employment nor in education or training in the EU.
417. Whereas there are regional differences in the extent of the youth unemployment and NEET phenomena, most EU countries have in common an increase in the share of temporary work among young workers in recent years. In 2017, the percentage share of temporary employees was 14.43% of the total workforce and 44% of young people. Also, the share of involuntary part-time work for young people has increased steadily in recent years.
418. When it comes to the situation of young people in trade unions, they are considered to be among the most challenging group to organise due to their employment situation, which in turn has an adverse effect on trade union density. Young people are often found in more precarious (employment) situations, e.g. NEETs, non-traditional employment like platform and crowdwork or in the gig economy. These forms of employment are associated with lower wages, fewer opportunities for training and limited access to social protection and other work-related benefits.

### **Priorities**

419. To guarantee European youth employment policies which offer quality measures to young workers in the labour market and in their transitions into the labour market. It is necessary to put in place measures for mentoring and guidance, social protection, training, and placement activities to increase opportunities for young people.
420. To establish democracy at work at company level as well as transmission of this culture in the educational context.
421. To promote young women in leadership positions in the youth committees of ETUC national organisations.

422. Improve the active participation of young people through a more effective implementation of existing programmes targeting youth. Democratic values and culture should also be enhanced.

### **Actions**

423. Implement the ESF+ objectives at national or regional level appertaining to youth employment and NEETs through concrete social partner activities. When it comes to the allocation of funds, the ETUC will exert pressure to ensure that regions with high NEET rates are not excluded from funding for implementing the Youth Guarantee. The ETUC will continue fighting for the funds needed for effective implementation of the Youth Guarantee and seeking a fair distribution between the European Commission and national governments in meeting the costs of these policies. The ETUC will also work on the inclusion of young workers up to 30 years to increase the scope of the Youth Guarantee.

424. Continue the collaboration with the Women's Committee on the monitoring of young women in the leadership of youth committees of trade unions.

425. Strengthen alliances with youth organisations and national youth councils to promote democracy at work and in society. The ETUC will also seek to implement and promote democracy at work within the EU Youth Strategy.

426. Increase work to integrate young migrants in trade union action and continue working on training modules for young trade unionists to combat racism and xenophobia in the workplace.

427. Work on the implementation of the framework agreement on active ageing and an intergenerational approach, especially on the deployment of mentoring schemes at company level.

428. All trade union policies and campaigns at European and national levels should pass a "generation test" to ensure that they remain relevant for young workers and they promote the following values and objectives: Equal treatment, expanding social protection to NEETs, and fighting against abuse of traineeship schemes.

### **Social protection and social inclusion**

#### **Setting the scene**

429. The European dimension of social protection has gained more importance in recent years. The developments in the European Semester, the globalisation of societies and challenges such as demographic and health trend changes, migration, new forms of work and the need for just transition, all require a fresh look the social protection we need in the 21st century. Such societal challenges call for shared goals and coordinated responses: eradication of poverty, protection of people against all life risks including job loss, ensuring adequate living conditions to everyone in Europe.

430. The Treaty on the Functioning of the European Union (TFEU, Art. 151), the International Labour Organization (ILO) Conventions (102) and the European Pillar of Social Rights (EPSR) promote a rights-based approach to social protection and inclusion, and upward convergence - to align national standards towards the best

performances also in terms of equal opportunities in the labour market, fair working conditions.

431. The liberalisation of the labour market and labour legislation and the crisis have resulted in huge inequalities for workers and self-employed in the effective accrual of adequate social protection entitlements.
432. Austerity measures and the constraints imposed by the Stability and Growth Pact (SGP) have further reduced coverage and adequacy of social protection.
433. Poverty and inequalities are on the rise, whereas working conditions are in decline. Half of EU countries struggle with at-risk-of-poverty and social exclusion rates above the average, coupled with ineffective social transfer. Most minimum income schemes across the EU are far from providing sufficient coverage, duration and adequacy of benefits. The results are growing social divisions and labour market and economic disruptions.
434. Health and long-term care and pensions are still approached in the EU Semester as fiscal sustainability issues rather than social demands linked to demographic challenges. Coverage, quality, and access have suffered as a result of cuts to public expenditure, dismantling of collective risk-sharing, marketisation often prescribed by Country Specific Recommendations (CSRs). Member States have not yet converged towards formal and mutual recognition of care provisions for elderly as a societal need.
435. Pensions remain, for current and future pensioners, a core concern for an ageing society and economy. Pension system reforms towards fully funded and merely contribution-based schemes, indiscriminate raising of retirement age, and non-indexation/re-evaluation reduce coverage and adequacy of pensions, which have been subject to reductions in recent years. The gap between the effective and higher legal retirement ages is concerning, as are growing intergenerational inequalities. Youth is particularly exposed to unemployment and atypical employment, which undermine the accrual of adequate pension entitlements over decades. The social consequences are increased risk of poverty among elderly people, especially women, low-skilled workers, atypical and self-employed workers. The emphasis on private, individual pension instruments such as Pan-European Personal Pensions (PEPPs) does not tackle the main issues but risks intensifying existing inequalities and poverty at old age. Firm European guidance on better and more inclusive collective social protection for all is needed.
436. Women, underrepresented in the labour market, overrepresented in the informal economy and still assuming the main responsibility for care and unpaid work, have more irregular and lower contributions than men. In particular the gender pay gap exposes them more than men to low pensions and benefits, and thus to poverty and the impact of major life risks.

### **Priorities**

437. Adequacy and effectiveness of social protection and measures for social inclusion and eradication of poverty must become a priority at the highest political level. Everyone must enjoy social protection and inclusion rights. It is crucial to pursue a rights-based approach. All actors, ranging from European and national institutions to social partners and especially trade unions must commit to the upward convergence promoted by the EPSR, reflected in Principles 12, 13, 15, 16, 18.



438. Access to solidarity- and equality-based, highly inclusive, effective, adequate and sustainable social protection systems must be guaranteed to all workers and self-employed. At national level, this may mean redesigning social protection systems, including funding, and at European level, to rebalancing the societal needs and the fiscal sustainability priorities in the framework of European economic governance.
439. Adequacy of social protection benefits must be ensured firstly by statutory public and collective systems to all workers and self-employed. Effective opportunities must be granted to accrue adequate and continuous entitlements, via more and better jobs that are more secure and sustainable, as well as fair remuneration. Increasing employment rates across all ages, especially among women, youth, people with disabilities and migrants and older people of working age is also the best way to support fiscal sustainability.
440. Systems must also take into account the millions of workers in Europe suffering from insecure, low-paid, atypical work or lack of employment. Compensation must be foreseen for contribution gaps due to involuntary unemployment, discontinued careers, and periods of care and training. Whereas fully-funded and contribution-based logics do not ensure adequate – or any – social protection benefits, strong statutory, redistributive schemes must be promoted, based on public co-financing, solidarity and risk-sharing. These must provide adequate minimum benefits.
441. The implementation of the EPSR Principles calls for adequate financial resources and an enabling economic framework. In countries where public systems' sustainability and adequacy cannot merely rely on labour income, resources must be gathered through tax justice and redistribution policies. SGP flexibility criteria must be introduced to allow Member States to undertake public expenditure in proportion to evolving societal needs.
442. Poverty and social exclusion must be eradicated, as in SDG 1. Appropriate funds must be allocated for adequate social assistance and services for those who cannot enter the labour market. For those able to work, minimum income schemes must guarantee sufficient income to meet the essential needs of people and their dependents and be highly inclusive and accessible, in combination with a series of services and embedded in a broader EU and national policy response to active inclusion. A European framework Directive should establish common principles, definitions and methods to grant this right across the EU.
443. In order to meet current and upcoming needs of an ageing population, greater expenditure on universally accessible, affordable and good-quality public services for health and long-term care must be undertaken and considered as an investment. Preventive care must be enhanced through proper policies and funding. Professional development, training, education and recognition for carers are crucial to improve quality and coverage of care needs and provide quality job opportunities. Work-life balance policies should support workers with care responsibilities. The EU should introduce an EU Right2Care, backed with national action plans.
444. Pension adequacy and sustainability must be pursued by improving remuneration levels and the economic dependency ratio, through ensuring the best possible labour market integration of people in all groups of working age with high-quality jobs. Minimum adequate old-age and retirement pensions must be guaranteed to all. Public statutory pension schemes (first pillar), universal, publicly funded, based on solidarity between groups and generations are the best option to ensure adequate, safe and

sustainable pensions, both for current pensioners and for younger generations. Occupational pensions, based on collective bargaining, can complement statutory schemes. Individual pension savings, where both financing and risk taking is carried by the workers, offer no equivalent alternative to statutory or occupational pensions.

445. Using life expectancy to indiscriminately raise the legal retirement age is a biased, ineffective criterion. The balance between years in employment and years in retirement must be addressed, focusing on closing existing employment gaps and increasing the effective retirement age. Public expenditure on pensions, currently constrained by SGP rules, must progress according to demographic and societal needs. Public (statutory) first-pillar pensions must ensure adequate coverage and entitlements in a rapidly ageing Europe. They must be strengthened and enhanced. Public expenditure on pensions must be estimated with respect for social dialogue within the Semester process.
446. Second-pillar pension schemes are developed in an uneven way across Europe. In order to complement pension adequacy and equality, without detriment to public first-pillar statutory systems, enabling conditions must be established, such as those pertaining to coverage, organising and negotiating and management of complementary occupational schemes.
447. Old age is not a disease. Active ageing policies and a life-cycle approach must be put in place at all levels for longer and healthier lives, along with the prevention of mistreatment of the elderly both in the institutional and family environment. Intergenerational solidarity must be pursued in the framework of the implementation of the social partners' agreement on active ageing. Knowledge transmission schemes are crucial for the older and the younger generation to meet and collaborate for better opportunities and jobs.

## **Actions**

448. The ETUC will:
  - a) continue to push for a rights-based approach, investment in universal, solidarity-based and gender responsive social protection systems at international, European and national levels, and the pursuit of upward convergence goals;
  - b) continue to push for a European Framework Directive on an adequate minimum income to combat poverty and social inclusion;
  - c) further increase the capacity of trade unions to pursue the social agenda in the EU Semester, with regard to social investments in adequate social protection, developing an enhanced coordination strategy;
  - d) support the adoption, implementation and progress monitoring of the proposal for a Council Recommendation on access to social protection for workers and self-employed, substantially improving on the approved political agreement;
  - e) continue to push for further investment and fund allocation in child, health, elderly, long-term, disability and dependency care in order to guarantee universal coverage and high-quality care;
  - f) fight to reduce unequal access to social protection, including the gender pension gap, and for adequacy and effectiveness of benefits for all;

- g) monitor the impact of social protection and pension reforms and promote social priorities in all possible fora at national and European levels;
- h) oppose the indiscriminate raising of retirement age and push for more and better jobs across all ages;
- i) fight to strengthen first pillar pensions, ensuring universal coverage and adequacy in all member states;
- j) support European and national-level coordination for the development of occupational pensions based on collective agreements and as a supplement to a stronger public pensions system;
- k) oppose individualisation and privatisation of pension rights through the development of private investment products at European level;
- l) continue working with anti-poverty networks and NGOs to eradicate poverty.

## **Fair mobility, free movement and posting of workers**

### **Setting the scene**

449. Fair mobility encompasses many elements: rules on free movement ensuring that workers who move to another country have their rights respected, the right of EU citizens to reside in another Member State and rights of their family members. On the right to free movement, the rules on coordinating social security for mobile workers and citizens play a crucial role. For workers, the equal treatment of mobile and posted workers is of utmost importance.
450. The ETUC has devoted considerable effort to achieving equal pay for equal work in EU law, better enforcement of legal obligations and introducing a balance between economic freedoms and social rights. A successful revision of the Posting of Workers Directive (PWD) has been completed. The improvements apply also to migrants as some Directives on entry and work of third country nationals extend this equal treatment principle to migrants. The revision of the specific rules within the mobility package regarding posting of workers of the road transport sector must be completed rapidly and in such a way to avoid inequality of treatment and further social dumping.
451. The Enforcement Directive does not yet ensure adequate enforcement and effective control measures and administrative provisions at national level. The recent jurisprudence of the ECJ on the proportionality of control measures and administrative provisions in the area of posting of workers raises concerns and endangers effective national tools to prevent social dumping and to ensure full workers' protection, as in the recent ruling in the Cepelnik case.
452. The ETUC has long been warning about poor enforcement of labour law and since March 2007 has called for stronger action from the EU in promoting more and better coordination between national labour and social inspectorates, by establishing a kind of a European 'Socio-Pol'. In March 2018, the European Commission proposed a regulation for the establishment of a European Labour Authority (ELA). The ETUC has welcomed the initiative. The ELA can play an important role in combatting social dumping and promoting the fair mobility of workers, as well as in contributing to the provision of information to workers who wish to move and work abroad, in cooperation with existing networks, in particular the EURES network.

453. The Regulation 883/2004 on coordination of social security between Member States is also being revised at EU level to facilitate better enforcement of the rules and guarantee mobile workers' rights when exercising their right to free movement. The aim of the Regulation is to set a number of basic principles and to coordinate the different legislative frameworks for mobile workers and their families, respecting national labour markets and welfare systems. The Regulation should uphold workers' rights and guarantee equal treatment of workers.
454. Mobile workers run up against a complex legal framework regulated at both national and EU levels, the practical effect of which is that their rights are not solely guaranteed by European legislation and regulations, but also national legislation determines mobile workers' rights and entitlements. The sole aim at European level should be to establish a framework in which workers can exercise their fundamental freedom to move within the EU and work on equal terms and conditions to the domestic workforce, without putting them into competition with each other.
455. During the last two decades, the momentum for promoting free movement has lost pace and it is no longer a source of new rights for workers. Too often mobile workers are exploited due to their lack of protection and power in the labour market. EU enlargement, combined with the economic crisis, triggered movements of people from the periphery to the centre where five countries were receiving more than 80% of the 17 million mobile workers.

### **Priorities**

456. The EU has to ensure that mobile workers can benefit from real equal treatment and protection. The ETUC acknowledges the need and the importance of binding legal frameworks in the field of fair mobility and will continue to put the principle of equal treatment for all workers at the centre of its activity in this area. Real equal treatment and protection for mobile workers should come from a reinforced non-discrimination framework and stronger investment in coordination of social protection systems.
457. The transposition and application of the revised PWD must be carefully monitored. Furthermore, the 2014 Enforcement Directive must now be applied in full to make sure that the revised PWD will start benefiting posted workers as soon as possible. Proper implementation and application of the two Directives will be crucial to progress on fighting abuses in the internal market and enabling the Member States to put in place the necessary control measures against social dumping and guarantee the rights of posted workers.
458. In order to ensure that the most is made of the revision and to guarantee the possibility for Member States to maintain or introduce measures which are more favourable for workers, the ETUC and national affiliates have to be actively involved in the Commission's work on the transposition process.
459. The main purpose of the ELA is to enforce fair rules for labour mobility. The ETUC recognises the need to equip the ELA with sufficient tools and powers to enable its efficient functioning and proper ability to coordinate the investigation of violations of workers' rights in cross-border situations. The ELA must also promote and coordinate joint and concerted inspections. Likewise, it should be active in the areas of prevention, awareness raising, risk-assessment and mediation. The ELA must also contribute to the provision to citizens and companies of information regarding their rights and obligations in the EU internal market, as well as to the fight against letterbox companies

and bogus self-employment. National trade unions should be able to bring cases to the attention of the Authority.

460. The ETUC is continuing its efforts in the fight for European-level legislation to counter all kinds of arrangements and practices that lead to social dumping and undercut fair competition in the internal market, including in subcontracting chains, while making sure that any new EU legislation in the field of labour law respects the different models of labour market organisation in Member States. The ETUC takes the view that under no circumstances should any EU framework, trade or partnership negotiation between the EU and third countries lead to the lowering of social standards or wages in the partner country.
461. More can be done to restore trust in free movement policies by providing concrete answers to concerns that are felt today by European workers. Particular attention should be paid to the enforcement of Regulation 492/2011 with regard to equal treatment of mobile workers. EURES is instrumental in guaranteeing such treatment.
462. The social security rights of mobile Europeans and their families and fair mobility have to be ensured in the framework of the current revision of Regulation 883/2004 on the coordination of social security systems. The ETUC will continue to oppose any form of indexation of benefits, to push for full equal treatment for mobile workers and plead for effective provisions against false postings (or pseudo-postings) and social dumping.
463. We need to do more to improve our commitment and action towards the 17 million mobile workers in Europe. This should be seen as an opportunity. Bringing together workers from all nationalities in unions to collectively bargain is imperative to secure decent standards for all and build solidarity. Collective bargaining must ensure equal treatment for all workers.

## **Actions**

464. The ETUC will:
  - a) Push for a comprehensive implementation of the revised PWD; work with the Commission in the Expert Group on the Posting of Workers Directive to ensure the proper implementation and application of the revised PWD and the full application of the 2014 Enforcement Directive; actively involve national affiliates and relevant ETUFs in the process;
  - b) together with the European Transport Federation, intensively lobby the EU institutions in order to secure a satisfactory solution to the mobility package, which should ensure fair working conditions and full equal treatment for transport workers, considering that those workers are excluded from the revised PWD until a separate agreement is found on the sectorial legislation;
  - c) propose and push for new EU initiatives, including a European Social Security Number, to regulate subcontracting and to combat letterbox companies and abuses.
  - d) continue its participation, as a full member, in the Commission advisory committee to prepare the coming into force and practical functioning of a strong ELA to ensure fair rules for labour mobility and making sure that the work of the ELA will not undermine national models of social dialogue and the autonomy of social partners; the ETUC will continue to work for the ELA to have a strong and effective role in the cross-border enforcement of workers' rights and of penalties and fines.

- e) oversee the review of the application and implementation of the Enforcement Directive and push for an in-depth assessment of the effectiveness of the Directive, taking into account ECJ jurisprudence; take actions to ensure proper enforcement of the PWD;
- f) advocate for Member States and the Commission to support trade union capacity building and strengthening of collective bargaining and social dialogue in Member and candidate states where this is weak, so that trade unions can play their proper role in the enforcement of workers' rights in cross-border situations and take action for equal treatment;
- g) ensure free and fair mobility as well as fair recruitment for EU and candidate country citizens;
- h) push for the current revision of Regulation 883/2004 on the coordination of social security systems to improve the rights of mobile workers;
- i) monitor and ensure the full involvement of social partners in the EURES Network at all levels;
- j) monitor and support the use of European Structural and Investment Funds, in particular the ESF+, to ensure fair mobility and integration of mobile workers in labour markets;
- k) monitor the mutual membership recognition agreements signed by some ETUC members;
- l) Coordinate activities by affiliates to support organising of mobile workers; strengthen and coordinate trade union networks providing information and assistance to mobile workers and citizens including through legal action (such as Interregional Trade Union Councils, EURES cross-border partnerships, UnionMigrantNet);
- m) create an ETUC task force on fair mobility, with the participation of interested affiliates. Such a taskforce should be active, inter alia, on the issues of mobile workers' and posted workers' rights, social security coordination and social dumping.

## **Interregional Trade Union Councils, regional policy and EURES**

### **Setting the scene**

465. IRTUCs have been developing economic, social and territorial cohesion in Europe for four decades. At the present time, when tensions in border regions are increasing for various reasons (economic crisis, loss of cohesion, increased forced migration and mobility, renationalisation...), we have to ensure that IRTUCs are successful in meeting the challenges workers are experiencing at interregional level, promoting solidarity between trade unionists and making IRTUCs the central actors of social, economic and territorial cohesion in Europe.
466. The goal of IRTUCs is to ensure decent working, learning and living conditions as well as fair mobility and a high level of social security in all European regions. This is also what our objectives and action areas relate to with regard to economy, labour market and social policies.
467. In the EU, 1.2 million frontier workers make an important contribution to the economy of a number of Member States, but they experience particular problems in exercising their right to free movement across borders. To assist frontier workers, Interregional

Trade Union Councils (IRTUCs) operate in many cross-border regions and bring together the regional organisations of national confederations.

468. EURES (European Public Employment Services) cross-border partnerships make an important contribution to the promotion of fair and voluntary cross-border mobility, hence being potentially an important partner for IRTUCs. The involvement of social partners at all levels has been set out in the EURES Regulation (13 April 2016).
469. The European Commission proposes to include the EURES cross-border partnerships strand of the Employment and Social Innovation (EaSI) programme with direct management in the new ESF+, which can potentially either increase available financing or make social partners' access easier.
470. Another impact on IRTUCs' work arises from the current revision of Regulation 883/2004 on the coordination of social security systems, in which the Commission also proposes changes concerning frontier workers' rights. The ETUC secretariat coordinates the IRTUCs and the IRTUCs Coordinating Committee.

### **Priorities**

471. A dedicated and compulsory budget within the ESF+ has to be earmarked for existing and future EURES cross-border partnerships.
472. In the framework of the European Code of Conduct on Partnership, the involvement of social partners, and where possible of the IRTUCs in the management of the European Regional Development Fund has to be ensured in particular for European territorial cooperation (Interreg).
473. The Commission proposal to make the Member State in which an individual was most recently employed responsible for the payment of unemployment benefits, in order to overcome obstacles linked to the residence of frontier workers, is positive. Nevertheless, it must not mean the introduction of requirements for a minimum period of work in the country concerned while avoiding interfering with the rules and practices of national systems.
474. Training, communication (visibility) and financing of IRTUCs have to be strengthened and improved.
475. Sound cross-border networking of trade unions is an essential pre-condition for robust cross-border representation of the interests of workers. IRTUCs will continue their cross-border efforts to combat infringements of the rights of workers and trade unions. IRTUCs supports trade unions in their cross-border activities on the company and sectoral level.
476. IRTUCs make an important contribution to improving the quality of cross-border mobility, identifying existing obstacles and guaranteeing that workers' rights and in particular the right to equal treatment are respected. They act as important trade union actors in regional labour markets and foster them as such in the framework of EURES Cross-Border Partnerships.

### **Actions**

477. The ETUC is committed to the following actions:
  - a) Ensure free and voluntary mobility of frontier workers.

- b) Strengthen cross-border support for IRTUCs to ensure compliance with the rights of workers and trade unions.
- c) Strengthen the political role on legal framework obstacles and barriers, e.g. influence the current revision of Regulation 883/2004 on the coordination of social security systems to improve the rights of frontier workers.
- d) Monitor and foster mutual membership recognition agreements for cross-border workers and frontier workers.
- e) Develop internal and external communication through a campaign to put IRTUCS higher on the internal agenda at European, national and regional level.
- f) Strengthen training on information and advice and cross-border social dialogue for mobile workers and frontier workers.
- g) Support the creation of a specific system of rules, preferably at EU level, in order to overcome all double taxation problems that too often affect highly mobile workers.
- h) Obtain and strengthen the full involvement of social partners in the EURES Network at all levels.
- i) Launch action coordinated at European, national, regional and cross-border levels to ensure proper involvement in the management of the current Operational Programmes. Social partners, and where possible IRTUCs, have to be recognised in all cross-border political bodies (for example: Euroregions, Eurodistricts, Eurocities), and particularly in the European Groupings for Territorial Cooperation (EGTC).
- j) Ensure that European Territorial Cooperation (Interreg) is managed with the full involvement of regional social partners from all regions involved.
- k) Strengthen existing EURES cross-border partnerships and set up new ones with full involvement of regional social partners.
- l) Integrate cross-border partnerships in the ESF+ on a permanent basis with sufficient funding.
- m) Improve the functioning of existing IRTUCs and promote the setting up of new IRTUCs wherever it is useful and/or necessary.

## **Chapter 6: A migration and global agenda based on solidarity, equality and inclusion**

*Addressing the issues faced by migrants and refugees by protecting human and fundamental rights, ensuring full equal treatment and opportunities at work and in society, preventing and combating discrimination and exploitation, paving ways for integration and inclusion; reshaping multilateralism at European and global level through policies that give prominence to social and workers' rights in the context of international institutions and forums where the role of social partners has to be strengthened; advocating a fairer, more socially and environmentally sustainable and enforceable international trade and globalisation agenda, also through international initiatives such as the UN Agenda 2030 for Sustainable Development, a binding Treaty on Human Rights and Business, the Global Deal, and a reinforced role for the ILO.*



## Migration

### Setting the scene

478. Migration remains a very divisive topic among Member States and is used by nationalist, far-right and xenophobic parties to fuel their rhetoric, undermining the fundamental values and principles of solidarity and respect for human rights enshrined in the EU Treaties, in the Charter of Fundamental Rights of the EU and in major international conventions.
479. There is a strongly biased narrative on migration. The economically and socially positive contribution migrants make – to our welfare, demographic profile and cultural diversity – is often misrepresented by the media and migrants are scapegoated for exploitative employment practices and inadequate public service provision, prompting feelings of fear and insecurity in society.
480. According to a Eurobarometer Survey (2018), only a minority (37%) of Europeans think they are well informed about immigration and integration. Respondents also tended to overestimate the number of non-EU immigrants residing in their countries.
481. The number of migrants and refugees entering the EU has been declining since 2017. However, this is mainly due to the very questionable agreements that the EU signed with transit countries such as Turkey, Libya and Niger. EU actions, such as the EU-funded migration policing and management in countries of origin and on the southern shore of the Mediterranean, are not bringing satisfactory results, and often work to the detriment of local populations and involve collaboration with regimes and non-state actors that do not respect human rights. The migration flows from the Middle East and Africa as well as growing migration from countries like Ukraine need to be addressed at EU level. Predominantly economic migrants are at risk of exploitation on the one hand and on the other of creating challenges in the labour markets of neighbouring EU countries.
482. International migration to Europe from countries in sub-Saharan Africa has grown over the past decade. The factors pushing people to leave include the deep economic and demographic divide between the two continents, wars and poverty affecting several African countries. Climate change is predicted to exacerbate further the pressure for increased migration in the future.
483. A solidarity-based and responsible reform of the EU asylum system based on international standards, to address the continuing arrival of migrants on EU territory (the Dublin III Regulation signed in 2013) has not been agreed by Member States despite the favourable vote in the European Parliament. Thousands of people still lose their lives trying to cross the Mediterranean Sea or on other migratory routes.
484. In 2015, the European Commission adopted the European Agenda on Migration, which was strongly criticised by the ETUC for being based too much on selectivity and circularity and being incompatible with the actual composition of migration flows worldwide.
485. Relocation and resettlement mechanisms were introduced, to transfer some categories of asylum-seekers from Italy and Greece to other EU countries. Neither of these schemes worked satisfactorily. Some Member States have not taken in any asylum-seekers from either Italy or Greece, while some other countries welcomed only a very limited number. Similar breaches can be seen in the resettlement schemes. At the

same time some Member States have adopted new laws seriously restricting the right to asylum and international protection.

486. The economic and social partners and the Commission signed a Partnership for Integration of Refugees in December 2017, laying down key principles and commitments to support and strengthen opportunities for refugees and migrants legally residing in the EU to integrate into the European labour market. Signatories are committed to translate the partnership into concrete actions at national level.
487. In addition to long term economic benefits demonstrated by several studies,<sup>10</sup> migration also has a positive demographic impact, not only by increasing the size of the population but also by changing the age pyramid of receiving countries. Migrants tend to be more concentrated in the younger and economically active age groups compared to local populations and thus help to reduce dependency ratios<sup>11</sup>. However, migrants should not be seen solely in terms of their use value but as workers with rights that must be promoted.
488. The characteristic of migration is changing towards increased feminisation. According to Eurostat, about 22 million non-EU migrants live in the EU, almost half of whom are women. Full access to education and lifelong learning that meet the needs and abilities of migrant and refugee women should be guaranteed, to obtain decent and productive working conditions of freedom, equity, security and human dignity.
489. The ETUC also engaged in determined advocacy work with EU institutions, civil society organisations and international governmental organisations (International Labour Organization, International Organization for Migration, Organization for Security and Cooperation in Europe, Organisation for Economic Cooperation and Development etc.) and is nowadays acknowledged as one of the main EU actors fighting to change the narrative on migration and to promote a more effective common European immigration policy that ensures equal treatment and social integration, by shifting the attention away from secure borders.
490. New initiatives on EU migration policy were put forward at the end of 2018. Beyond the title of 'Enhancing Legal Pathways to Europe' no other initiatives were proposed. Yet again the proposals concentrated on border controls and security, speeding up returns with the help of strengthened European Border and Coast Guard and Asylum Agencies, and new rules on return policy including common rules for detention. Instead, Member States should ensure that asylum procedures at borders comply with the UNHCR Guidelines on International Protection, in particular with regard to gender-related persecution.
491. The ETUC supports the Global Compact for safe, orderly and regular migration approved in Marrakech in December 2018 as the first-ever UN global agreement on a common approach to international migration in all its dimensions, based on state sovereignty, responsibility-sharing, non-discrimination, and human rights.

## Priorities

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<sup>10</sup> See for instance "Long-term Social, Economic and Fiscal Effects of Immigration into the EU: The Role of the Integration Policy"

[https://ec.europa.eu/futurium/sites/futurium/files/jrc107441\\_wp\\_kancs\\_and\\_lecca\\_2017\\_4.pdf](https://ec.europa.eu/futurium/sites/futurium/files/jrc107441_wp_kancs_and_lecca_2017_4.pdf) and also IMF, 2016 <https://blogs.imf.org/2016/10/24/migrants-bring-economic-benefits-for-advanced-economies/>.

<sup>11</sup> OECD 2014

<https://www.oecd.org/migration/OECD%20Migration%20Policy%20Debates%20Numero%202.pdf>

492. There should be no ambiguity at all on where unions stand: the ETUC and its members call on the EU to guarantee the rights of refugees, asylum-seekers and more broadly all migrants' rights, including undocumented migrants. It fights for the enforcement of EU fundamental values, such as respect for human rights, solidarity, democracy and tolerance. The ETUC stands up for an open Europe, with opportunities for new channels for legal migration based on the principle of equal treatment.
493. The Dublin Regulation needs urgent revision to make EU asylum policy effective and sustainable, harmonise protection standards in all Member States, establish clear and mandatory mechanisms to relocate refugees as well as asylum-seekers and reorganise the hotspots. The hotspots should be European hotspots from where migrants can be redirected to all Member States in accordance with commonly agreed relocation rules.
494. The lack of legal channels for migration leads to deteriorating conditions for migrants who are forced into irregularity, at the margins of society and are often victim to labour exploitation and modern forms of slavery. Having a decent job and joining a union are key for the successful integration of migrants and refugees in hosting communities. Effective integration of asylum-seekers, refugees and undocumented migrants in the labour market, protection against wage dumping and exploitation are top priorities. Educational institutions from kindergarten to higher education are also important arenas for integration.
495. Refugees and both documented and undocumented migrants should not be abused or exploited but should have the same rights, opportunities and wages as the local workforce. Forced labour and exploitation are still widespread in many economic sectors and more should be done to prevent and combat discrimination and abuse. Equality of treatment must be the rule to protect vulnerable workers and the 2014 ILO protocol on forced labour should be applied and enforced without delay. Trafficking of human beings, in which women trafficked for sexual exploitation are the main victims, has to be stopped.
496. There must be stronger links between the financial assistance provided by the EU and effectiveness of the results in terms of economic and social development in the countries receiving assistance to create proper living conditions and decent jobs so that workers are not forced to leave their countries.

## **Actions**

497. The refugee emergency remains a serious humanitarian crisis worldwide. The ETUC will continue to advocate an asylum policy built on solidarity and responsibility (e.g. a reform of the Dublin regulation), and based on the Geneva Convention, the principle of non-refoulement and human rights, that engages all Member States equally (taking into account their capacity to respond to the crisis).
498. The ETUC will advocate for a comprehensive migration agenda, based on EU values and principles of human rights, equal treatment, solidarity, integration and inclusiveness for the benefit of all. We will also demand the urgent establishment of new safe and legal channels for migration.
499. The ETUC will continue to raise awareness of the benefits of migration, promote members' training and share studies and data on migration to help change the narrative and false perceptions.

500. People in Europe have to be reassured that the concern around exploitation and unfair treatment can be tackled effectively and skills brought by migration are an opportunity for our societies and economies. The ETUC will pursue the implementation of the Partnership for Integration at national level and undertake new initiatives with employers, including the project LABOUR-INT.
501. Undocumented workers and migrant workers continue to be victims of exploitation, abuse and even new forms of slavery. The ETUC will step up its action to protect these vulnerable people, advocate for improvements to the Employers' Sanctions Directive, including providing residence permits for workers reporting exploitation, and within the context of the new European Labour Authority.
502. The current EU legal framework governing legal migration channels (such as family reunification, long-term residency, seasonal workers, and single permit Directives) does not provide for homogeneous rights, lacks adequate enforcement and is incomplete. In both existing legislation and new initiatives, the ETUC will promote an exchange between legal experts and practitioners in order to earmark all shortcomings in the Directives.
503. The ETUC will continue to coordinate and support the work of UnionMigrantNet and seek funding opportunities to enhance the network's activities. Furthermore, UMN needs to be developed further and could look into new areas of cross-border cooperation in mutual recognition of membership based on protection of rights and a set of cross-border services for migrants and mobile workers.
504. All forms of discrimination, racism and xenophobia towards migrants, at work and in society, should be strongly condemned and combated. The ETUC will continue to put the principle of equal treatment for migrant workers at the forefront of any advocacy or technical work, and make a contribution to transnational projects aimed at promoting tolerance and equal opportunities. Furthermore, the ETUC will encourage all its affiliates to carry out awareness raising campaigns and actions in order to contribute to changing the general public's negative and ill-founded views about immigration.
505. The ETUC will support members' activities to organise asylum-seekers and refugees and collectively bargain to ensure all workers, no matter their immigration status or nationality, are treated equally and have their rights respected.
506. Together with the Pan European Trade Union Council (PERC) the ETUC will work with unions from neighbouring countries to support them in providing information for workers migrating to the EU.
507. The ETUC will continue to act together with its members to oppose the criminalisation of solidarity, support citizens and the safety of people fleeing persecution, and to seek justice for victims of exploitation and abuse.
508. The ETUC together with the ETUI will continue to develop training on migration issues including the exchange of national best practices. In this regard, communication will be set up to help members to combat racism and xenophobia.

## **Equality and non-discrimination**

### **Setting the scene**

509. Europe is more and more diverse. Everyone must find a place and have an opportunity to integrate and develop herself or himself in the workplace and within society, in line with the principles of the inclusive European project, based on equality, human rights and investment in people.
510. Europe is still recovering from a deep economic and social crisis. The diversification of our societies must be accompanied by strong investment in integration and economic and social inclusion of everyone, all vulnerable groups, in particular migrants.
511. Many forms of discrimination remain unspoken or unrecognised. Many are not yet recognised in existing EU law, for example due to social origin, education, status and wealth. Trade unions are sometimes not fully equipped to tackle the issues facing workers, citizens and residents who suffer from direct and indirect discrimination in its varied forms.
512. 80 million people in Europe live with a disability and many are victims of discrimination. Trade unions must take them into account.

### **Priorities**

513. The ETUC strongly emphasises the value of diversity, and the need for an environment of respect and tolerance, which enables every individual to contribute to society and to fulfil his or her potential. The European Pillar of Social Rights (EPSR) strengthens the European commitment to inclusion, equality, non-discrimination and equal opportunities for all.
514. Equality is one of the fundamental values of the EU, but it is not a given. EU law sets out crucial rights and effective measures. The far-reaching implementation of the existing legislation must represent a commitment on the part of all Member States. A series of actions have been launched at company level to support integration and diversity, but uncertain results must be improved.
515. The complex scenario of a society which grows in diversity, however, calls for further and more incisive tools – such as the so-called horizontal Directive (Directive COM (2008) 426) – to protect people from discrimination on more grounds both within and outside the workplace. Member States must make a commitment to offer true equal opportunities to all via the adoption of effective and extensive legislative measures. It is unacceptable that tools preventing discrimination should be considered as obstacles to competitiveness.
516. Comprehensive and effective laws and strong and independent equality bodies and trade unions are crucial to affirming core principles and values and protecting victims. Equality bodies must be fully operational and be provided with appropriate tools and financial resources to perform their role effectively. The European Commission Recommendation as well as the UN Paris Principles setting standards for equality bodies mark a right step in this direction.
517. Legislation, however, is not enough to guarantee equality and eliminate growing discrimination and intolerance, fuelled by anger and fear. Trade unions must be active in fostering diversity, tolerance and inclusion at all levels and opposing all possible grounds of discrimination and violence at the workplace and in society. Trade unions

have already put in place many negotiated practices that need to be further extended and developed. Social dialogue and collective bargaining proved to be strong tools to ensure equality and deal with discrimination and violence within companies, share commitments and objectives and monitor improvements.

518. Eliminating racism at work must be a priority embedded in all trade union activities. Equal opportunities in access to the labour market must be guaranteed to all citizen and residents, as well as the right to live in harmony and inclusion within European societies.
519. Discrimination against people with disabilities is a sad reality at the workplace and even more prevalent in access to the labour market.
520. Individuals who identify as lesbian, gay, bisexual, transgender, questioning, intersex or in another way (LGBTQI\*) often suffer discrimination at the workplace. Trade unions must be equipped to protect and promote the rights of LGBTQI\* workers against all forms of offence to their rights, dignity and well-being. Not all Member States have established legal protection or even equality provision on the ground of civil law. Such loopholes are unacceptable and must be filled as soon as possible and trade union action, starting with collective bargaining, has already made progress in this direction.
521. People with chronic diseases and long-lasting conditions, like but not only HIV/AIDS, auto-immunity, cancer, or mental health or psycho-social issues, must be protected against any kind of discrimination in recruitment, job continuity, job maintenance and working conditions.

### **Actions**

522. The ETUC will develop specific actions to combat racism and xenophobia at the workplace and in society. It will support affiliates in tackling the issue in the national contexts, raising awareness of all forms of discrimination on individual grounds as much as on multiple forms of discrimination. It will support the exchange of views and practices to equip all workers' representatives to deal with discrimination on these grounds
523. Coordination of trade union networks for the exchange of good practices, including legislative ones, to promote upward convergence in legal provisions.
524. The ETUC will push the EU institutions to reopen discussions on the so-called horizontal Directive so as to ensure concrete legal tools to address discrimination issues also outside workplaces. The Commission Recommendation on the effectiveness of equality bodies will be monitored and supported.
525. The ETUC will continue collaborating with NGOs and other bodies to defend and promote human rights, equality and inclusion.
526. The legislative protection and promotion of people with disabilities within the labour market, both in access to employment and keeping the job, will be assessed and monitored in all Member States, to fill the loopholes.
527. The ETUC will continue promoting the LGBTQI\* trade union rights network, supporting the fight for equal treatment and non-discrimination, respect and dignity. It will promote the demand for the formal recognition of civil rights in national legislation wherever necessary, and through collective agreements, on same-sex parenthood and children's rights.

528. It will call on institutions to include in conventions, statements and manifestos related to human rights that discrimination based on sexual orientation, identity and expression of gender will be considered a violation of human rights.

## **External relations**

### **Setting the scene**

529. The EU's international role is fundamentally changing as a consequence of wars and armed conflicts and violations of freedoms and human rights on the EU borders (even in candidate countries), followed by the humanitarian emergency in the Mediterranean and terrorism, hostility in relations with Russia and uncertainty about the consequences of the recent shift of US policy on multilateralism and trade, its exit from the nuclear agreements with Iran and Russia, and the assertive global policy of China.
530. The ETUC is developing its international activities in the context of EU external action – including enlargement, development cooperation and international trade – and policies with external aspects, including migration, energy, climate and environment. The revised European Neighbourhood Policy (ENP) is an important instrument to attain the Global Strategy objectives towards the east and the south of the EU, consistent with the Rome Declaration of March 2017, promoting a stronger role for Europe on the global stage, and in line with the Agenda 2030 for Sustainable Development. In its international activities, the ETUC cooperates with the International Trade Union Confederation (ITUC) and its regional organisations, in areas which are complementary and strengthen the trade union influence at global level.
531. As regards the economic and financial crisis, its effects have generated a deep crisis among multilateral institutions and fora, such as the United Nations, the International Monetary Fund (IMF), the World Bank, the World Trade Organisation (WTO), the Organisation for Economic Cooperation and Development (OECD), the G20 and G7, together with ongoing biased and worrying reforms of the UN and related agencies, including the International Labour Organization (ILO).
532. After failing to manage and govern the globalisation and financialisation of the economy, some of these institutions, often together with the EU, have imposed a counterproductive neoliberal austerity agenda, thus further jeopardising global growth, increasing the mistrust of people and consequently generating growing nationalistic and populist sentiments which are putting democracy at risk in many countries.
533. Recently, the prospect of Turkey's EU membership has been undermined, and Brexit is weakening the EU itself. At the same time, the EU's capacity to play the role of a model of democracy and social standards is undermined by its weakness in safeguarding respect for democratic rules and the rule of law in some Member States, its incapacity to provide effective solutions to the migration crisis, and damage to social dialogue and social rights in countries affected most by the economic and financial crisis.

### **Priorities**

534. In this challenging context, it is necessary to develop further the ETUC's international activities, supporting renewed and more progressive and inclusive EU action in the international arena, which should promote the values of human rights, peace, democracy, fair and sustainable growth and a cohesive and rights-based social model,

in areas like international trade, development cooperation and humanitarian aid, including through the setting of international standards. This requires the EU to restore the values and practices of the European Social Model. The EU should be able to contribute to a relaunch of global multilateralism, through a profound reform based on democracy and peace, solidarity and respect for human, social and environmental rights. The EU should work for a strengthened EU-UN partnership.

535. In cooperation with the ITUC, the ETUC will demand more policy coherence at the international level, so that all international institutions - the ILO with its tripartite specific role, being at the centre - push for a real social agenda. Particular attention will be devoted to reshaping, in a socially sustainable manner, the structures and agendas of international institutions like the UN and its agencies, the OECD, the World Bank, the IMF, the WTO, the L20/L7 fora, including European institutions such as the Organisation for Security and Cooperation in Europe (OSCE) and the Council of Europe (CoE). The ETUC will support the ITUC, Workers' Group in the ILO Governing Body and Actrav in the protection of the ILO against the attacks aimed to weaken the ILO supervisory bodies' role in general and the right to strike in particular.
536. Priority will be given to European Neighbourhood Policy, to help the EU in fostering stability, security and prosperity within neighbouring countries in the east and south, on the basis of social dialogue and human rights. The EU needs to recover its role in the new geo-political context around its borders, in the Middle East and Mediterranean area.
537. The ETUC will engage in the implementation of the EU enlargement perspective for the Western Balkans, published in 2018. Regional cooperation and good neighbourly relations, fully involving workers and their representatives, are essential for progress on the respective European paths and to guarantee sustainability of the EU project. The modalities of enlargement must be reviewed in order to promote upward social convergence.

### **Actions**

538. The ETUC needs to continue lobbying the European Commission to appoint labour officers in EU delegations, first in countries linked to the EU by association/trade/investment agreements and gradually to all countries where the EU has delegations.
539. The ETUC will participate actively in the implementation of European Neighbourhood Policy, so that this instrument ensures an effective equal partnership that meets the real needs and aspirations of workers and citizens, including the recognition of the role of social partners in the neighbourhood countries.
540. In particular it will develop work with trade unions throughout the European continent and promote the European social model by actively supporting and cooperating with and within the Pan-European Regional Council (PERC).
541. The ETUC will continue to assist trade unions in candidate countries with initiatives helping them to successfully influence the accession process.
542. The ETUC has for years supported Turkish accession. This will nevertheless only be possible if fundamental rights and freedoms are respected. Therefore, specific attention will be devoted to human and trade union rights in Turkey. The ETUC will continue to urge the Commission and Member States to press the Turkish authorities



to ensure full respect for freedom of expression, speech and media; and full respect for the rule of law, democracy and justice; ensure the right to fair, independent trial and appeal procedures for the tens of thousands dismissed or suspended workers and public employees.

543. The ETUC confirms its commitment to promote and support the peaceful conflict resolution in the EU South and East Neighbourhood (Palestine, Syria, Western Sahara and other regions), in accordance with international law, with the right of all peoples to self-determination and in line with UN resolutions. The ETUC recognises that European involvement in economic activities in these illegally occupied territories contributes to perpetuate the situation. The ETUC will identify and monitor the use of all EU instruments, including the EU trade policy and agreements, that could target the occupation of these territories with a view to putting an end to it and to violations of human and social rights, while ensuring that measures are simultaneously taken to offset the negative effects on workers. The ETUC supports the objective of a two-state solution in Palestine and encourages cooperation between Israeli and Palestinian trade unions.
544. The ETUC will also – in cooperation with the Arab Trade Union Confederation – promote and assist independent trade unionism and social dialogue in the EuroMed region, which is confronted by particularly worrying evolutions in socio-economic terms, in relation to refugees, democracy and respect for human rights, including fundamental principles and rights at work. The ETUC will push the European institutions to build a strong cooperation and partnership with the Mediterranean region, with which many European countries have important links. This new shared and common partnership should aim at increasing human and workers' rights, including fundamental principles and rights at work. Furthermore, it should address migrants' rights, democracy, equality and a new deal for security, peace and sustainable development.
545. The ETUC will maintain and develop relations with trade union organisations in Africa, in the Americas and Asia, in the framework of its cooperation with the ITUC. The ETUC will further develop the work of the Asia-Europe Labour Forum (AELF) engaged in the Asia-Europe Meeting (ASEM), in order to promote social justice and development.
546. The ETUC will continue implementing bilateral and multilateral cooperation with trade unions and institutions in other parts of the world, as it has done already over recent years in areas like the US, Canada, Latin America, Japan and others, particularly on topics of common interest, such as international trade, migration, supply chains and multinational companies, also contributing to develop the G7 and G20 agenda through strong cooperation with TUAC.
547. The ETUC recognises the importance of the ILO as a unique tripartite specialised agency of the United Nations, which has a key role to play in the implementation of the processes of the UN development system (UNDS) reform. In a reformed UNDS, the ETUC supports an independent and tripartite ILO in continuing to strengthen its advocacy, outreach and visibility in order to proactively promote its normative mandate as well as the implementation of the four strategic objectives of the Decent Work Agenda.
548. The ETUC promotes the values of peace, protection of human rights and non-proliferation of nuclear weapons, and in this context calls on the EU to encourage Member States to sign the UN *Treaty on the Prohibition of Nuclear Weapons*. The ETUC will open a discussion with the affiliates involved regarding the possibility of

relaunching a European programme for a just transition from military industry to civil industry.

## **Trade**

### **Setting the scene**

549. With the Lisbon treaty giving the EU new and far-reaching competences in trade and investment policy, the need for a progressive trade agenda is more urgent than ever. EU trade agreements are increasingly 'comprehensive' with a widening impact on trade union concerns and on workers' rights and working conditions.
550. When trade is properly regulated and there is adequate engagement with trade unions in trade negotiations and trade policy, trade has the potential to deliver quality jobs and fair pay. Globalisation requires a social dimension and human rights-based approach to answer workers' genuine concerns on the negative effects of international trade on their jobs, wages and working conditions. We reject a corporate European trade and investment agenda which leads to increasing inequality and undermines the provision of quality public services for all, including healthcare and education. On the contrary, the ETUC demands a trade agenda that protects and promotes our social and environmental standards and guarantees the precautionary principle. We need a deep and real change from the way trade policy has been conducted thus far.
551. EU trade policy has been of particular importance for the European labour movement, which has followed its development closely. The ETUC has actively engaged with European institutions on the matter and developed a general policy on EU trade and investment. European trade unions are in favour of an alternative trading system that is fair and just, providing equal rights and benefits for workers and all citizens. The ETUC has been working with trade unions from third countries with which the EU is negotiating trade agreements, issuing joint positions to communicate common trade union messages.
552. The European Commission has intensified its bilateral trade liberalisation agenda, to include services and regulatory cooperation. Following the ECJ ruling on the EU-Singapore FTA, the EU is decoupling investment agreements from its FTAs. The ETUC will demand that the EU uphold the principle of reciprocity and mutual interest in trade relations.
553. The EU is also an important player in the global web of supply chains. More than 60% of global trade is dependent on contracts in supply chains sourced from different parts of the world. In multiple cases working people around the world have been denied labour rights, forced to work for poverty wages and in insecure or precarious conditions.

### **Priorities**

554. The ETUC will continue its fight to protect international labour standards as set by the International Labour Organization (ILO) and ensure trade deals require the ratification of ILO conventions before they are agreed. This is necessary to prevent a regulatory 'race to the bottom', in particular freedom of association, the right to collective bargaining and the right to strike. The EU trade policy must also take into account the decent work agenda and ensure trade policy promotes the UN Sustainable Development Goals.

555. The ETUC has been strongly advocating for the inclusion of enforceable labour provisions in international trade and investment agreements that would protect and enforce those standards. However, the Commission has brushed away the possibility of introducing an economic sanction mechanism in case of persistent breaches of labour rights within EU trade agreements. Nevertheless, the ETUC does not consider this debate closed and will continue pressing for strong independently enforceable labour provisions to be included, which meaningfully involve trade unions and sanctions as the final penalty for violations of labour rights, notably in CETA as stated in the Joint Interpretative Instrument attached to the agreement. The ETUC rejects all trade agreements that do not include social and environmental clauses and safeguards.
556. The ETUC will also pressure the Commission to foster collective bargaining, more secure and safe employment relationships, formalising informal work in supply chains, purging supply chains of slavery and child labour in EU Member States and third countries, to tackle the negative effects on workers of global supply chains.
557. The ETUC asks to be involved in consultations with the Commission on the mandate, progress and conclusion of trade negotiations.
558. The ETUC has been closely monitoring the external investment policy of the EU, in particular the inclusion of the Investment Court System (ICS) in CETA and other agreements and the development of the Multilateral Investment Court (MIC). This will remain an important priority for the ETUC, as these legal mechanisms are still a cause of concern. Such investment protection mechanisms undermine equality and the rule of law by maintaining special courts for foreign investors that bypass domestic legal systems, while no similar protections are granted to workers. Moreover, they have the potential to undermine the right of sovereign states to elaborate their own legislation, especially in the field of social and environmental rights. The European Commission, instead of focussing on investment protection, should be focussing on ensuring the respect of human and labour rights by the investors.
559. Ratification and implementation of the eight ILO Core Labour Standards as well as compliance with updated ILO Conventions and instruments such as the Forced Labour Protocol and ILO Conventions on health and safety at work must be a pre-condition for entering into EU trade negotiations. However, if a partner country has not ratified or properly implemented these Conventions, it must demonstrate through a binding roadmap how this will be achieved in a timely manner. ILO up-to-date instruments must be included in all EU trade agreements in a manner that makes them effectively enforceable.
560. However, the EU should prioritise multilateral solutions in the context of the World Trade Organisation (WTO) in accordance with our demands for a progressive trade policy. The multilateral trading system should be protected and developed. The WTO is the base in doing so and EU is a strong global player within the WTO. The ETUC has consistently supported equitable trade regulated by multilateral institutions and called for strong cooperation between the WTO and the ILO. The ETUC urges the EU and its Member States to put more pressure on the WTO to include respect for labour standards, as set and monitored by the ILO.
561. A global level playing field has to be created between decentralised, mixed economies on the one hand and centralised, state-led economies on the other. All participants in the international trading system should play by the same rules.

- 562. The ETUC supports a strong Binding Treaty that can effectively pave the way to full respect for the rule of law in the transnational activities of financial and economic actors and reaffirm the priority of respect for human rights and of general interest over the rules that protect private corporate interests.
- 563. The protection of public services is a key priority and the ETUC will continue to press for their full exclusion from the scope of all trade agreements.
- 564. The Cotonou Agreement between the EU and ACP countries will expire in 2020 and discussions on its follow-up started in August 2018, which the ETUC will follow closely. The ETUC has called, with ITUC-Africa, for current EPAs negotiations to be halted and a new trade relationship developed with African countries promoting decent work and protecting public services. ACP countries should continue to receive preferential market access to the EU without having to open up sensitive sectors, as this displaces good jobs and increases informal employment.

### **Actions**

- 565. The ETUC will continue advocating for the policies included in the 'ETUC Resolution for an EU progressive trade and investment policy' and lobby against trade deals that do not meet these objectives. The ETUC will deepen collaboration with the international trade union movement to develop more effective shared strategies to make trade policy work for workers.
- 566. The ETUC will continue to engage with its affiliates to monitor existing trade agreements in civil society structures that are in place, in order to make the voice of trade unions heard.
- 567. The ETUC pushes for an ILO Convention on supply chains.

### **UN Agenda 2030 - Sustainable Development Goals in the EU**

#### **Setting the scene**

- 568. Since the United Nations family adopted a set of 17 goals in 2015, sustainable development has featured high on the agenda of the EU and its Member States. Even if Europe starts from higher standards than other regions of the world, the first Eurostat monitoring report flags several areas where Europe is underperforming or is far from the targets. This especially concerns poverty and inequality reduction and the Decent Work Agenda (DWA) as part of the sustainable growth objective set out in goal 8.
- 569. Change must be reflected within institutions that are bound by social, economic and environmental sustainability obligations but the European Commission still handles the implementation of Sustainable Development Goals (SDGs) in Europe separately from other mainstream policies.
- 570. The UN Agenda needs a progressive political commitment in order to attain a real change and avoid that businesses and government could make use of SDGs to hide their non-sustainable decisions.

#### **Priorities**

- 571. The UN Agenda 2030 is still unknown to the wider public. Education and raising awareness will be a centrepiece of trade union action in Europe, also creating alliances

with education and training bodies as well as research institutions, and making workers aware of its implications for social justice and fair redistribution of wealth.

572. The ETUC will organise a trade union strategy for implementation of SDGs around three large programmatic pillars: i. Decent work and the social progress agenda; ii. Climate change, circular economy and environmental sustainability; iii. Democracy, justice and participative societies (including collective bargaining and social dialogue). All these three areas need their own specific action plan.
573. The aim is to integrate this into the new mid-term strategy of the European Union for 2030 and the next generation of European semesters and to mainstream this into the European and national trade union strategies. Specific actions to achieve gender equality will be mainstreamed throughout all the pillars. The ETUC will exchange best practices in implementation of SDGs and where appropriate will promote ownership of practices shown to be particularly effective or innovative.
574. Within this holistic approach to SDGs, trade unions should work together with other stakeholders, bringing their contribution to policy areas where unions can make the difference. Trade unions are committed to a world in which democracy, good governance and the rule of law are essential for sustainable development. Social dialogue, including collective bargaining, is key for the implementation of all SDGs and Europe should be a model of best practice for the world. In the absence of social dialogue, at European and/or national level, the ETUC and trade union affiliates will actively work for quick progress towards achieving the SDGs.
575. Implementation of SDGs is an opportunity to achieve just transition for workers: *in primis* triggering investments for sustainability that create new, quality jobs. Efforts to achieve SDGs have to reinforce workers' rights including information, consultation and participation rights, strengthen collective bargaining and support the creation of stronger legal frameworks for balanced, autonomous and free negotiations. Collective bargaining must play a role in its transnational dimension as specifically required to achieve goal 10, as well as the participation of workers in the choices that will influence their future in the implementation of goal 9.

## **Actions**

576. The ETUC will advocate a holistic approach to SDGs. The ETUC will contribute by focusing its efforts on goals where trade unions in Europe can make a difference, namely goals 1, 4, 5, 7, 8, 9, 10, 12, 13, 16, 17 to build interconnections and maximise synergies among all goals. The ETUC will work actively to make SDGs a real game-changer that will move Europe toward progressive policies that promote social justice and defend fundamental rights of workers. Three action plans will enrich our strategic areas of work – decent work, full employment, environment, democracy – with concrete actions.
577. The ETUC, in close cooperation with its affiliates, will push the EU to take a leading role in SDG implementation through legislation, EU policies and the EU Semester, especially making the SDGs the blueprint for the Post-2020 strategy. In this framework, all European countries should be called upon to develop national plans for the implementation of SDGs, ensuring the active participation of trade union organisations.
578. We will mobilise all sectors to include SDGs in the social dialogue agenda at interprofessional level and in full cooperation with European Trade Union Federations (ETUFs), sector and national levels. The Global Deal Partnership provides a useful tool

to achieve goal 8 in particular and the ETUC will continue to make use of and promote this initiative. Raising awareness, training and communication will be part of the trade union toolkit to enforce the Agenda 2030 in Europe and worldwide.

579. Specific actions will target trade union leaders, officials and members to raise awareness of SDGs and of the Agenda 2030 and equip them with tools to implement them. In particular, exchange of experiences, building on the TUDCN reporting mechanisms, will be key to promoting collective bargaining for sustainable development. Cooperation with the International Trade Union Confederation (ITUC) and its Trade Union Development Cooperation Network (TUDCN) will be reinforced. Exchange of good practices and capacity building for collecting bargaining practitioners will be a priority.

## **Development cooperation**

### **Setting the scene**

580. The development landscape is currently rooted in the Agenda 2030 - Sustainable Development Goals (SDGs), adopted by the United Nations in 2015. This is a universal agenda, affecting the EU and its Member States, in both their internal and external dimensions. SDG 8, decent work and economic growth, together with the Agenda for Decent Work, and the fight against inequalities are – among other aspects – key priorities for the trade union movement. The EU is the biggest player on the development cooperation scene in terms of resources and one of the most influential partners in the international policy debates.
581. As a European social partner, the ETUC has been engaging with EU institutions to put the Decent Work Agenda (DWA) at the core of EU development policy objectives and is involved in the Trade Union Development Cooperation Network (TUDCN) led by the International Trade Union Confederation (ITUC). Many ETUC member organisations work actively with developing-country trade unions to advance the decent work and social dialogue agenda in these countries.

### **Priorities**

582. The new European Consensus on Development (2017) recognises decent work and the engagement with trade unions in the promotion of social dialogue as priorities to achieve sustainable development. This constitutes a crucial milestone that will need to permeate the EU Multiannual Financial Framework (MFF) priorities. Together with the ITUC, the ETUC will influence the action guidelines of multilateral organisations such as the IMF, World Bank, Development Banks, etc.
583. The Member States, in the framework of the Development Assistance Committee of the Organisation for Economic Cooperation and Development, have adopted a new system to report on their aid flows, encompassing all four pillars of the DWA – including social dialogue and capacity building of workers' organisations. This will foster financial means to uphold trade union priorities in development cooperation, in line with Agenda 2030 and Goal 8 in particular.
584. At the same time, the private sector has been upgraded as a main actor for development finance. Financial mechanisms entailing the allocation of public development resources to business (such as blending and public-private partnerships – PPPs) are increasingly accepted, creating substantial concerns around transparency,

accountability and performance. The ETUC does not support the use of PPPs as primary source of financing, but if they are used, the financing of PPPs must be conditional on respecting human rights, the rules of transparency, social dialogue and decent work.

585. The EU's capacity to influence international political debates must be utilised by Member States and partners to embrace the DWA and to recognise the main role of trade unions in achieving the DWA and SDGs.

### **Actions**

586. Promoting the Decent Work Agenda and related SDGs remains the main objective of the ETUC within EU development policy. The DWA, based on rights and democratic ownership, is the foundation for sustainable development as opposed to palliative interventions. This goes together with the full recognition of trade unions as development actors in their own right.
587. Together with the ITUC, strengthen triangular, north-south and south-south development cooperation in line with the UN Agency (namely ILO) strategies for promoting mutually beneficial learning and cooperation in support of the UN Agenda 2030.
588. The ETUC, together with its member organisations, will scrutinise the financial aid in development cooperation reporting by Member States to ensure that the commitments towards social dialogue and capacity building for trade unions are complied with and also that financial aid is not tied to the conditionality of curbing migration.
589. The ETUC will keep using and reinforcing its role as a European social partner and maintain a strong engagement with the ITUC/TUDCN in order to:
- a) Voice trade unions' priorities from the global south in relevant EU legislative and non-legislative processes on development policy, fostering policy coherence for development;
  - b) Uphold the implementation of the SDGs, paying special attention to those related to the DWA, in EU development cooperation policy;
  - c) Promote social dialogue and the social partners' role in the future European Regulation on a 'Neighbourhood, Development and International Cooperation Instrument' and ensure that sustainable development of partner countries and their peoples is the guiding principle for any EU development programme. Trade unions should be considered as strategic partners, to be involved at every stage of policy-making including programming, implementation and monitoring;
  - d) Demand the accountability and transparency of European financial institutions such as the European Investment Bank and European Development Financial Institutions (DFIs), by supporting affiliates' engagement ensuring that the increasing share of public funding (development aid), channelled through the DFIs, is contributing to the achievement of the stated development objectives of the SDGs.
590. Monitor adequate compliance with the DWA and ILO Conventions by multinational companies in partner countries for European cooperation.