

# ETUC ACTION PROGRAMME 2015 - 2019



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**SYNDICAT  
EUROPEEN  
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# ETUC action programme 2015-2019

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## **STAND UP IN SOLIDARITY FOR QUALITY JOBS, WORKERS' RIGHTS AND A FAIR SOCIETY IN EUROPE**

1. The ETUC represents all working people in Europe. It exists to negotiate, campaign and take action for better living and working conditions.
2. The ETUC stands for a better Europe based on solidarity and equality, social justice and cohesion, peace and democracy. Therefore, the ETUC fights for sustainable growth, full employment, quality jobs, fair pay, good public services, education and training, fair taxation, good governance, voluntary and fair mobility, gender equality and respect for fundamental rights. It demands a different economic model in Europe and the world, and a process of development that respects people and the environment.
3. Europe is undergoing protracted stagnation and economic and social upheaval, as a result of the banking and financial crisis. People are suffering across the EU. Flawed policies have increased poverty and social inequality through cuts in wages, social protection and public spending; and created high unemployment, labour market deregulation, and precarious work - especially for women, young and older workers, migrants and low-skilled workers.
4. Structural reforms and the economic policies adopted in the EU's Fiscal Compact - which the ETUC opposed - stifle demand and growth, create the risk of deflation, and undermine the industrial base vital to long-term recovery. Cuts increase public debt, damage public services, and destroy jobs. Workplace and industrial democracy, social dialogue, consultation and collective bargaining are being ignored or undermined in many countries.
5. These policies have widened divergences between citizens and countries. Growing inequality is driving people apart, alienating them from core democratic values and the European project, and fostering support for dangerously extremist ideologies.
6. We call for a different approach, with policies that respect and promote our values and objectives across Europe and around the world. This requires a stronger recognition of the European Trade Union Confederation's right to be involved in EU decision-making.

## **THE ETUC'S PRIORITIES FOR A BETTER EUROPE ARE:**

- A. A strong economy that serves the people.
  - We demand investment for full employment and quality jobs for all.
  - An end to austerity policies.
  - We demand better wages to boost internal demand and recovery - workers in Europe need a pay rise, in order to reduce inequalities and fight poverty.
  - Fundamental social rights must have precedence over economic freedoms.
  - We demand policies for green jobs, a sustainable future, strong public services, fair taxation, an end to financial speculation and a revised European governance.
- B. Stronger unions for democratic values and democracy at work.
  - Social dialogue and collective bargaining must be respected and strengthened across Europe.
  - We want greater workplace and industrial democracy, freedom of association and the right to strike.
  - We call for ETUC involvement in EU employment, economic and social policy-making
- C. A core of ambitious social standards.
  - We demand implementation of a framework of labour and social rights that aims to achieve social progress.
  - We demand an end to social dumping and deregulation.
  - We want fair and equal treatment for all workers, without discrimination.

# PILLAR 1

## A strong economy that serves the people

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# PILLAR 1: A STRONG ECONOMY THAT SERVES THE PEOPLE

1

## THE EUROPEAN GROWTH AND EMPLOYMENT STRATEGY, AND ECONOMIC GOVERNANCE

7. Europe's economy has yet to recover from the crisis. Many Member States are facing below-standard growth performance, while too many of the jobs created are of low quality. Inequality is on the rise and wages and living conditions are diverging, instead of converging, within and between Member States. The Europe 2020 poverty target of lifting 20 million people out of poverty will not be met. On the contrary - the situation is worsening. About 6 million more people are now classified as poor, and in-work poverty is rising. Poverty is not only a result of the crisis, but stems from the unfair redistribution of incomes and assets. The EU, or large parts of it, is well on the way to a lost decade.
8. The Europe 2020 strategy, Europe's ten-year growth and jobs strategy adopted in 2010, was intended to set a framework to deliver smart, sustainable and inclusive growth. The year after its adoption, the strategy was locked into the new economic governance architecture which prescribed hard indicators for fiscal consolidation. The 2020 targets were thus transformed into second-tier goals, subordinated to the economic targets of the European Semester.
9. Five years on, despite its good intentions, the strategy remains the victim of Europe's collective austerity policy and, as things stand, most of its targets will be missed. Unemployment is affecting more than 23 million men and women. Almost 5 million young people are not in employment, education or training. Long-term unemployment has increased dramatically and almost 13 million people have been without a job for more than one year. Europe's 'job-rich recovery' remains elusive, and despite small signs of improvement in the employment situation, unemployment is likely to remain high for some time to come.

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## A NEW DIRECTION FOR EUROPEAN ECONOMIC POLICY

10. Two key factors explain why Europe is in this dire situation. One is that the financial crisis has revealed important flaws in the design of European Monetary Union (EMU). The other reason is that policy-makers across Europe have misread the causes of the crisis, thus reacting with policies that were counterproductive.
11. The design of EMU is incomplete in three respects. The sovereign debts issued by 19 Member States are no longer backed by central banks of their own. This makes economies vulnerable. Secondly, with banks that are 'too big to fail', the euro area lacks a proper banking union. And with a European budget that is limited to less than 1% of EU GDP, there is no mutual support in the form of a cross-border stabilisation mechanism.
12. Policy-makers have also rewritten the narrative. It is no longer deep financial market failure and uncontrolled capital flows, but rather profligate public spending and irresponsible wage levels impacting on public finances and competitiveness that are identified as the root cause of the financial crisis.
13. Following this new narrative, from spring 2010 to early 2013 Member States embarked on the course of austerity. This proved to be disastrous: cut after cut depressed demand and growth, the initial deficit targets were hardly ever reached, while public debt ratios as a percentage of GDP spiralled upwards because of disappointing GDP outcomes. Moreover, a multitude of initiatives to strengthen European economic governance were taken (Fiscal Compact, Competitiveness Pact, new regulations such as Macro-Imbalances Procedure), all having the twin objective of imposing overambitious fiscal austerity and competitive wage devaluation.

14. The strategy of trying to replace the missing instrument of currency devaluation by an internal devaluation of wages, including a deep reform of wage formation institutions, has not worked either. It has weakened demand, economic activity and employment, while leading to rising inequalities and social exclusion, dividing the euro area between 'debtor' and 'creditor' nations and at the same time bringing the economy to the verge of deflation.
15. The ETUC is very concerned about the future of Europe and about the future of our common currency. A single currency is not viable if Member States are competing against each other by cutting wages, if the 'sanctity' of private debt is upheld at all costs - even by breaching fundamental human and workers' rights - if the weakest economies have to bear the burden of adjustment while surplus countries are largely left off the hook, if rigid rules that are biased against public services, public investment and social security impose austerity even when the economy is weak, and if Social Europe is sacrificed to save the banks.
16. To regain the support and trust of workers in the project of European integration, a fundamental change of course is necessary.

## DEMANDS AND COMMITMENTS

17. **Europe needs an investment plan that really makes a difference.** The ETUC investment plan of 2% of GDP over the next ten years ('A New Path for Europe') remains valid and urgent. To escape from the spectre of deflation, to kick-start a strong and self-sustained recovery, to fight mass unemployment, to shift the burden of adjustment away from wages to a competitiveness based on quality, innovation and producing higher value goods, to promote upwards convergence in Europe by prioritising investment in distressed Member States, to make private business reinvest its profits, to develop a green and decarbonised European economy putting resources into renewable energy and energy efficiency, we need EU-led public investment to take the lead. While the investment plan proposed by the new European Commission does have the merit of putting a different policy agenda on the table, it is nonetheless limited in volume, more about insurance than about additional investment, and possibly moving further in the dangerous direction of privatising key public services like education. The ETUC demands that the Juncker plan should be changed along the lines of the ETUC's proposal. In particular, it should offer additional investment funding, aiming to create quality jobs and develop projects in Member States with high unemployment. Its design and impact must be monitored to evaluate gender impact.
18. **End the bias against public investment.** Private sector agents (corporations, households) can finance investment by taking on more debt. However, the rules of the Stability and Growth Pact governing public finances make it very hard, if not impossible, for Member States to finance their public investments through debt issuance. This introduces a bias against public investment that is weakening EU economies, both in the short run (lack of aggregate demand) as well as in the longer run (lower growth potential due to insufficient public infrastructure and networks). It also pushes public services and public investment into Public Private Partnerships (PPPs), potentially increasing costs for the public sector over the long term, while privatising the profits from projects.
19. The ETUC demands a New Path for Europe with an investment programme of 2% of GDP per year for the next 10 years, to generate quality jobs and develop sustainable energy systems, meeting social, economic and environmental challenges. We demand public investment in infrastructure and research, as well as in universal and high-quality education, healthcare and social services. Specific public investment in these areas should not be counted when national deficit levels are assessed, especially during economic downturns. Financial stabilisation should take place through economic growth and sale of Eurobonds, with an orderly debt restructuring process where necessary.
20. **A European Central Bank for the people.** We insist upon a change in the mandate of the ECB so that it pursues price stability as well as high levels of employment and growth, by stabilising the economy. The ETUC wants an ECB that that:

- shields Member States from financial market speculation;
- actively supports public investments and, in particular, the European investment plan;
- raises its target of price stability from 2% to a range between 2-3%, as this will offer more protection against the real danger of deflation as well as more flexibility in monetary policy decisions;
- acts as a lender of last resort for governments, authorising quantitative easing to finance new public investment when necessary.

In the interests of a democratic and fair society, the ECB should not behave as a political actor in its own right. It must respect workers and their rights instead of adopting a bias in favour of banks, businesses and free, unchecked markets.

- 21. The ETUC calls on the EU to adopt a macroeconomic policy that takes full account of the state of the economy.** The disastrous experience of austerity, of cutting public deficits and expenditure when the recovery is still fragile and weak, should never be repeated. The ETUC wants a demand-side policy that is firmly countercyclical. If the economy is in a dismal state, the priority should be to expand, not cut, aggregate demand. Public investment expansion and fiscal austerity should be sequenced: only when a strong recovery is underway should the focus shift towards reduced public deficit and public debt targets.
- 22.** To this end, **the Stability Pact should be revised** by putting austerity on hold as long as the economy is in crisis and clearly operating below its potential. The principle of the sanctity of debt has to be rebalanced with social needs and a rights-based approach. This means addressing the problem of unsustainable debt.
- 23. Rebalance European economic governance.** A European single market, and a single currency, need common rules to coordinate Member States' national economic policies. As shown by the euro crisis, a monetary union where Member States go different ways, from competitive wage disinflation to inflationary boom, is not sustainable. But common European rules need to be the right rules. Instead of focusing almost exclusively on cuts in government spending and increases in 'price competitiveness', as they do up to now, the rules should aim at promoting growth and creating more and better jobs. Rules should govern not only economic affairs but also promote the social dimension. And rules should not be applied blindly in country after country but should keep the total, Europe-wide picture in mind.
- 24. Look at the euro area as a whole.** Too often, policy in Europe is based on the hypothesis that the sum of policies pursued by individual Member States equals the outcome for the whole of the euro area. To correct this mistake, outcomes for the euro area as a whole should be explicitly assessed.
- 25. EU policy-makers must put the social dimension at the heart of European economic governance.** The current system does not take account of social principles. It focuses solely on economic objectives such as public deficit and debt targets or external trade deficits. Consequently, it is also decoupled from the Europe 2020 strategy and its goals of more and better jobs and lower poverty. The result is that the EU's economic governance system infringes on social objectives and fundamental rights. Clear limits and boundaries need to be set, forcing economic governance to respect the social principles within the Treaties and the European Charter of Fundamental Rights.
- 26.** One way to do this is to apply the so-called wage safeguard clauses<sup>1</sup> stipulating that the right to bargain and to undertake action will not be infringed upon. Wage safeguard clauses should be extended to all existing instruments of European economic regulation and should be enforced.
- 27.** The European Semester is supposed to be the vehicle for the implementation of the Europe 2020 strategy; however the goals of these processes are not consistent. The scoreboard of key employment and social indicators introduced in 2014 should bring a more systematic monitoring and analysis of

employment and social trends across Europe. A mechanism must be introduced that enables macro-economic policy to be corrected, if analysis suggests negative consequences for the employment and social situation.

- 28.** The ETUC demands better European co-financing, in particular for those Member States that are lagging behind in attaining Europe 2020 targets (as in the Youth Guarantee).
- 29.** The Europe 2020 strategy must be gender mainstreamed, and gender disaggregated to demonstrate relevant gender gaps and gender-specific impacts.
- 30.** Any reform affecting the labour market directly or indirectly must involve the social partners. We reject any arrangements that impose structural deregulation and weaken bargaining arrangements in the Member States. The next steps in economic governance in the eurozone, as set out in the report of the four Presidents<sup>2</sup>, must include the obligations set down in the Lisbon Treaty, in particular the objectives of full employment and social cohesion and the obligation to promote social dialogue and respect the autonomy of the social partners to bargain collectively on wages and working conditions.
- 31. Member States that are part of the euro area are particularly interdependent** because of single monetary policy, and face a special situation. Therefore, economic governance in this area also needs stronger coordination among trade unions, particularly with regard to fiscal, labour market, social and wage developments. At the same time, policies enacted in the euro zone have implications for the rest of the EU, so a comprehensive trade union response must also take account of the needs of workers across Europe.
- 32.** Trade unions' involvement in decision-making within the Europe 2020 strategy has been unsatisfactory. A really participatory approach is necessary throughout the whole process of governance, in particular during the EU Semester. The ETUC will support national organisations during the European Semester and seek to strengthen their involvement and impact on policy proposals.
- 33. Boost internal demand as a contribution to economic recovery.** Evidence shows that in recent years, real wages have increased less than productivity in most EU countries, leading Europe into the trap of deflation. This is not just a recent phenomenon: in the decade before the financial crisis, real wage dynamics were also unable to keep pace with productivity. This trend neither helps to support demand, economic activity and jobs, nor to improve the EU's overall competitive position, since Member States mainly export to each other. Therefore, real wages rising in line with productivity developments and nominal wages in line with positive inflation and productivity should be fundamental tools to support a fair society, economic growth and employment, by boosting internal demand, citizens' and workers' purchasing power and redistribution of profits and wealth.
- 34. Workers in Europe need a pay rise.** The ETUC demands a wage-led recovery policy and an increase in the wage share, with special attention to low-wage workers. EU economic and social policies should underpin decent wages and adequate social benefits as a motor of the economy, and should support internal demand and growth. The ETUC calls for an end to the gender pay gap.

## FIGHTING FOR TAX JUSTICE IN EUROPE

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- 35.** The ETUC calls for the introduction of an ambitious Financial Transaction Tax (FTT) in order to curb financial speculation and raise much needed tax revenue to protect public services and promote investment for social and environmental use. The ETUC is therefore concerned about the lack of progress made by the 11 Member States negotiating the FTT in the enhanced cooperation procedure and the attempts to weaken it. The ETUC calls on the governments to quickly reach an agreement. This would be the starting point for a more ambitious tax involving more countries and types of transaction.

(1) These already exist in two specific regulations (Regulation on macroeconomic excessive imbalances, and Regulation on the surveillance of the budgetary cycle - the so-called 'Two Pack').

(2) Preparing for Next Steps on Better Economic Governance in the Euro Area (12 February 2015): [http://ec.europa.eu/priorities/docs/analytical\\_note\\_en.pdf](http://ec.europa.eu/priorities/docs/analytical_note_en.pdf)

36. Each year national governments suffer over €1,000 billion loss in tax revenue through tax avoidance and tax evasion. Because of different tax rates for dividends, royalties, interest income and expenditure, companies easily shift their exposures to avoid tax payments. Strong measures are therefore needed both at European and national levels to combat tax evasion, tax avoidance and tax competition, and to ensure fair, effective and progressive tax systems. The ETUC is therefore demanding the establishment of a European agency for tax investigation. Greater cooperation between Member States is necessary. The EU should fully support and implement the ongoing OECD initiative to address Base Erosion and Profit Shifting (BEPS). Taxation should be coordinated within the EU to end the current race to the bottom. The EU should also agree on a mandatory common consolidated corporate tax base, with the introduction of a minimum rate of at least 25%. Taxation policy remains, however, a key national competence.

#### 4 DELIVERING FULL EMPLOYMENT AND PUTTING JOB QUALITY BACK ON THE AGENDA

37. The trend towards more precarious work and in-work poverty - already a pre-crisis phenomenon - has intensified during the crisis. All too often, precarious jobs put workers' health and safety at risk and, in addition to the short-term effects, leave them exposed to the risk of poverty and ill-health in old age.
38. Europe's ongoing employment crisis has emboldened some employers and policy-makers to insist that 'any job is better than no job'. Essentially, workers must be prepared to trade their rights in exchange for jobs. Many of these atypical and non-standard employment relationships are simply a way for employers to minimise their obligations and shift the costs and risks associated with employment on to workers and public authorities.
39. The increase in atypical and precarious work has resulted in greater labour market segmentation. Subcontracting, outsourcing and the use of temporary agency workers mean that many different types of contract with different levels of protection cover people in the same workplace. Whilst recognising the need to tackle labour market segmentation, the prevalent European policy approach has been to reduce employment protection for all, rather than close loopholes and increase protection for atypical workers.
40. Fighting precarious work is a well-established trade union objective. Unions have developed various strategies and actions to improve legal protection and collective bargaining coverage, and organise workers. Despite these efforts, some employers continue to develop ingenious new atypical employment relationships with the sole purpose of circumventing workers' employment rights. The impact of the economic crisis on working conditions, especially working time, wages and the informal economy, make it necessary to increase the role and actions of labour inspectors or relevant trade union representatives.
41. The challenge of creating quality jobs is huge. Since 2010, substantial labour market reforms have taken place primarily aimed at increasing wage and labour market flexibility while weakening employment protection legislation and collective bargaining, supposedly to promote job creation and address labour market segmentation. There is no convincing evidence that such reforms lead to job creation, and if they do, little or no assessment of the type of jobs created or their sustainability. On the other hand evidence is not lacking to demonstrate the positive relation between quality of employment and medium and long-term employment levels.

#### DEMANDS AND COMMITMENTS

42. Fighting unemployment by creating more and better jobs, including in public services, must, therefore, remain the number one priority for trade unions and policy-makers. Workers need decent work in order to be able to live decent lives and the quality, not just the quantity, of jobs must be assured.

43. Growing poverty rates are an alarming signal to remind us that the fight against poverty and inequalities also requires efforts to improve the quality of employment and wages. Policies to reduce the risk of in-work poverty must be part of the effort to combat poverty in general. Reducing gender gaps are essential to tackling growing inequality and the expanding phenomenon of feminisation of poverty.
44. The EU needs a comprehensive strategy for sustainable growth and high-quality jobs for the coming years to overcome the current crisis. To turn Europe 2020 into a success story, austerity has to end, and be replaced by a more effective policy in favour of employment, research, innovation, education, environmental protection etc.
45. New strategies for the creation of quality jobs are needed, not least as employment rates might decline dramatically as digital technologies hold the potential to crowd out labour. In the short term, the need for public and private investment to relaunch demand and boost job creation remains paramount. However, a longer-term vision of the types of jobs that will be created and the labour market conditions that will prevail is also required.
46. Increasing numbers of workers do not have enough working hours, while others suffer from workplace stress due to work intensity or over-long working hours. A debate must be launched, initially within the ETUC, about issues surrounding the volume and share of work available, also taking into account individual skills and the need to adapt to technological progress, particularly digitalisation. The ETUC demands more good-quality jobs in solidarity-based public services.
47. The transition to an energy- and resource-efficient economy, increasing demand for health and social care services and the ongoing technological revolution all offer prospects for job creation, to make up for the 10 million jobs destroyed since the onset of the crisis in 2008. Efforts to support existing and future sectors with job-creation potential are needed, as well as measures to address ongoing job destruction and sector-specific developments in the short term.
48. The services sector, which is highly feminised, contributes in excess of 70% of both employment and output in Europe. Quality employment is crucial to create and maintain high standards of service quality, innovation and productivity. The European Union should devise specific policies to foster these standards in European services. This includes targeted action to ensure workers' access to training and encourage services research, and investment in public infrastructure.
49. As industry and industry-related activities are key to delivering solutions to today's societal challenges (climate change, energy supply, ageing population, mobility, raw materials), the gradual de-industrialisation of Europe (where 3.8 million jobs have been lost since the onset of the financial crisis) has to be stopped. The ETUC fully supports the EU objective of returning industry to a 20% share of Europe's GDP. To this end we need an active industrial policy at national as well as at European level, supporting economic sectors that contribute to a more social and sustainable economy and to the Europe 2020 targets. European industry cannot be strengthened by a strategy of low wages and cheap products. The real way forward is through high-quality products and services, good work through innovation, investment and a high-skilled labour force.
50. Innovation and information and communications technology (ICT) can only provide new opportunities to enrich the quality of employment, public services and of education if they go hand in hand with a decent work agenda. Yet more employment that is insecure and potentially precarious might be created through digitalisation, for instance in the form of crowdsourcing and work in the sharing economy. So new digital business models and IT governance must be designed in a way to enhance workers' participation. Trade unions can help to create the political vision and raise expectations for the effective use of ICT, combining its potential to boost productivity and competitiveness with improved jobs and wellbeing at work. To provide the workforce with the skills and knowledge necessary to achieve smart and sustainable growth, quality education and training, workplace and work-related learning as well as re-skilling and up-skilling strategies for workers are needed. To achieve this, an investment of at least 3% of EU GDP in Research and Development (R&D) is necessary.



51. Increasing women's, disabled and disadvantaged workers' and younger and older workers' participation in the labour market is vital to achieving the Europe 2020 employment target. There should be a specific target introduced within the EU2020 core objectives to reduce youth unemployment, which should then be translated into national targets. We call for the introduction of a separate guideline to fight youth unemployment within Integrated Guidelines. It is vital, under current circumstances, to defend the role of public employment services and active employment policies, as necessary tools for increasing unemployed people's opportunities to enter the job market.
52. Gender equality – in the sense of both women's and men's participation in the labour market – creates solidarity in national economies and benefits both society as a whole and the individual worker<sup>3</sup>. Gender equality and tackling labour market segregation are essential to addressing persistent gender gaps (pay, pensions, decision-making, hours worked, training etc.) and ensuring the quality and not just the quantity of women's labour-force participation. It must be mainstreamed in all EU and trade union policies.
53. Europe has an ageing population and the working age population has been shrinking since 2012. To address its demographic challenges, Europe needs a comprehensive approach encompassing: protecting maternity so as to counter the low European birthrate, creating the right conditions to assist workers to reconcile their professional, private and family lives and to help them to work longer where possible, increasing employment rates in all age groups, as well as establishing fair migration routes into the EU and supporting EU enlargement. demographic challenges, Europe needs a comprehensive approach encompassing: protecting maternity so as to counter the low European birthrate, creating the right conditions to assist workers to reconcile their professional, private and family lives and to help them to work longer where possible, increasing employment rates in all age groups, as well as establishing fair migration routes into the EU and supporting EU enlargement.
54. Longer working lives and high productivity require a lifecycle approach so as to ensure that work is sustainable and takes account of the preferences of people over 55. Mobility within the EU and EU enlargement, as well as third-country immigration, can provide clear benefits in meeting existing and future labour market shortages. Equal treatment, integration and inclusion must be guaranteed.
55. The ETUC categorically rejects the view that decent wages and working conditions hamper job creation. They are a requisite for a modern, well-skilled and productive workforce, which will in turn support a dynamic economy. Failure to focus on securing quality jobs and combating low wages and in-work poverty as well as income inequality is a fundamental weakness in current European policy on job creation and a 'job-rich recovery'. Encouraged by the Commission, Member States have implemented labour market reforms that go in the opposite direction, systematically neglecting the quality of employment. The ETUC will continue to insist that promoting job quality must be the central objective of the European Employment Strategy.
56. The European Employment Strategy (EES) must focus on the quality of jobs. Boosting job creation across Europe is key, but the jobs created must be good-quality and sustainable.
57. In tackling labour market segmentation, equal treatment and fair pay for all workers must be the main objective, irrespective of their contractual or legal status. Permanent, open-ended contracts should remain the standard form of employment relationship. However, employment and social protection rules should cover all workers, and must be adapted to the individual, irrespective of the type of employment relationship.
58. The ETUC calls for protection to be raised everywhere to the best European standards, and for EU policies to combat precarious work practices, in line with the spirit and the letter of the European social acquis. Making all labour contracts precarious will do little to provide Europe with the skilled workforce or innovative work practices it needs to remain competitive and keep up with developments on the global stage.
59. The trade union movement should step up the fight against precarious work. To be effective, a common strategy to fight precarious work, coordinated by the ETUC, needs to be developed and implemented, including further efforts to organise workers and awareness-raising campaigns among the general public. Unions should seek to utilise and strengthen the legal framework, including the use of international labour standards.
60. The ETUC must rebalance the debate on structural reforms by setting out an alternative agenda, with job quality as its centrepiece. This should be based on:
- Fair and living wages (see pillar 2);
  - Secure employment contracts and good working conditions, including health and safety protection (see pillar 3);
  - Education and training;
  - The right to collective representation, workers' involvement and collective bargaining (see pillar 2);
  - Equal treatment and the right to reconcile professional and personal life;
  - Social protection.
61. The ETUC and its affiliates should/will work towards:
- Replacement of the current employment rate target with an employment rate target corrected for full-time equivalents, and with specific, differentiated targets for women and men, in order to increase women's participation in the labour market.
  - Developing cross-sectoral initiatives (projects) on the impact of information and communication technologies (ICT) and other issues affecting job creation and workers;
  - A definition of 'quality work' with individuals at the centre to be elaborated at European level, encompassing agreed quality-of-work indicators<sup>4</sup>;
  - Campaigning and raising awareness around the issue of quality jobs, with a renewed focus on the 'Decent Work, Decent Life' agenda, including reinforced cooperation with European trade union federations (ETUFs) and the International Trade Union Confederation (ITUC);
  - Fighting precarious work by developing a (comprehensive) Trade Union Action Plan Against Precarious Work, encompassing:
    - integrating the issue of precarious work into the collective bargaining agenda;
    - assessing the incidence and evolution of precarious work in Europe by monitoring developments at national level and in different sectors;
    - integrating precarious workers into trade unions and building links with the organisations representing them, as well as employers who behave in a socially responsible way.
    - lobbying at European and national levels to ensure the ratification of international labour standards, specifically ILO Convention 189 on decent work for domestic workers and the 2014 Protocol to the Forced Labour Convention 1930.

(3) According to the OECD, EU GDP could grow by 12% if provisions for female workforce participation were improved.

(4) The European Parliament has also put forward the idea of a Decent Work Index in the context of a scoreboard on key employment and social indicators in the Joint Employment Report.

62. Education and training policies are key for civil society development, social cohesion, sustainable growth and quality employment. All citizens and workers must have full and equal access to learning opportunities in order to obtain the knowledge and skills they need for their professional lives and personal wellbeing. In many European countries, austerity measures have put at risk the universal right to access to education. This right, together with the right to lifelong learning for all, must be guaranteed, for example through a European framework for the right to in-work training and educational leave for all workers.
63. Trade unions, employers, governments and educational institutions must work together to tackle skills mismatches and gender stereotyping in the labour market. This will make an important contribution to reducing youth and female unemployment, and providing training for workers needing to upgrade their skills. In particular, to tackle skills gaps in industry, STEM education (science, technology, engineering and maths) must be promoted at all levels, especially for women and young people.
64. Learning paths have to supply the labour market and foster quality employment and working conditions, but at the same time support personal development and citizenship and offer a better quality of life for all. Furthermore, they are essential to support sustainable development and the transition towards a green economy. More public investment for education and training is needed at all levels, paying close attention to quality and learning outcomes. Companies should also invest in training, to upskill and enable their workforces to keep in step with fast-moving technological and economic changes.
65. Quality in education and training has to be fostered, as well as permeability between learning paths, and recognition of formal, non-formal and informal learning and work experience, especially in feminised sectors, in the context of implementing the right to lifelong training.
66. Work-based and workplace learning have to be top priorities for European countries, in order to facilitate the transfer of youngsters between education and training and the labour market, and to ensure that workers have access to continuous training so as to retain their jobs and improve their skills and careers. Quality of apprenticeship and traineeship schemes should be improved, particularly in terms of training outcomes, working conditions and labour protection. The ETUC strongly supports the development of a wide-ranging European quality framework for apprenticeship, with minimum quality standards. Apprenticeship schemes should be designed in a way that prevents traditional gender stereotyping from an early stage.
67. Further steps must be taken to improve initial and continuous vocational education and training, to ensure sustainable employability for all. It is essential to improve dialogue with employers and governments, to ensure professional development for workers and skills that meet labour market needs. In addition to engaging in dialogue, unions have a direct role in promoting wider access to quality education and training in the workplace through a range of union-led initiatives and in supporting the right of all employees to continuously improve their skills.
68. Students and workers should have access to learning and employment mobility schemes and cross-border recognition of skills, competences and work experience. The role of the social partners in policy and coordination at European and national levels on quality education and training, to improve living and working conditions and secure sustainable employment, should be enhanced. EU and national tools, bodies and actions in education and training fields have to be improved and better coordinated. Particular attention should be devoted to the exchange of information and best practices in order to enhance trade union involvement.
69. Country Specific Recommendations (CSRs) should encourage Member States to invest in education and training, while pursuing the above priorities in all European countries. The ETUC underlines that a high level of investment is needed to create a 'learning society' and the necessary reforms of education and training to guarantee equality in access to knowledge. Social partners, and in particular the sectoral social partners in education, have to be fully involved in economic governance and education and training reforms at all levels. At a time when some governments have been undermining social dialogue in response to the crisis and reforms, increased cooperation between social partners is vital for quality education and training in the future. Social dialogue on education and training should be at all levels, as well as the Structured Dialogue on Education and Training at the European level.

70. The ETUC is committed to pursuing these objectives and priorities, in close cooperation with the European Trade Union Committee for Education (ETUCE), through:
- participation in the Semester process, by influencing education and training contents within the Annual Growth Survey, the National Reform Programmes, and the Country Specific Recommendations, and defending the right to education and training, guaranteed as a public service;
  - participation in the EU-level informal structured dialogue recently set up with DG Education and Culture, by enlarging it to DG Employment;
  - participation in bodies, working groups, programmes and initiatives at European level on education and training, including CEDEFOP, the ERASMUS+ programme and the European Social Fund, the Alliance for Apprenticeships, all EU mechanisms for quality assurance, skills recognition, mapping and evaluation;
  - pressing for an EU Quality Framework for Apprenticeship and an EU Alliance for Workplace Learning;
  - Strengthened consultation and cooperation with its affiliates, notably the ETUCE, other ETUFs and national confederations, and the Youth and Women's Committee and Eurocadres, as well as with external networks and stakeholders active in education and training fields.

## PUBLIC SERVICES

71. Public services - ranging from health to justice systems - contribute directly to economic output and are essential to the smooth running of the economy and society. To promote both equity and efficiency, the ETUC calls for public provision of high-quality child and elderly care, health, education, training and employment services, transport, water, waste and other vital services. Investment in public services also promotes a more egalitarian labour force by increasing women's participation in the labour market. This requires a clear engagement to defend essential public services (health, education, social services, justice) throughout the EU, particularly those that affect the most vulnerable.
72. The ETUC believes that the Lisbon Treaty (Treaty on the Functioning of the European Union/TFEU Article 14 together with the Protocol on services of general interest) imposes an obligation on the Commission to act to promote and defend high quality public services. Consequently, new initiatives on public services should be benchmarked against these provisions.
73. The ETUC opposes further liberalisation and commercialisation of public services. This does not improve the efficiency and quality of services. Greater awareness is needed about the consequences of this marketisation, as it undermines the principles and values on which quality public services are built, encourages corruption and provides opportunities for capital to shift away from productive, innovative and wealth-enhancing investment. The right to water, access to education, healthcare and social services are fundamental rights that must be protected throughout Europe. However, austerity measures and lack of investment in public services are threatening their quality, and even their provision, which leads to increasing inequality and poverty everywhere in Europe. The ETUC warns against the use of Public-Private Partnerships (PPPs) and calls on the Commission and Member States to evaluate properly the financial risks associated with their use.

## DEMANDS AND COMMITMENTS

74. The ETUC demands a critical in-depth assessment of previous liberalisations and privatisations with the participation of all major stakeholders and maintains its demand for a moratorium on liberalisations. The ETUC supports positive reforms that deliver better public services more effectively, for example through public-public partnerships.
75. The ETUC will support public services and fight any attempts to dismantle them through austerity cuts, trade agreements and wholesale privatisation, with the aim of safeguarding their essential contribution to democratic development, sustainable growth, employment and welfare.

## 7

### INVESTING FOR SUSTAINABLE DEVELOPMENT

76. Europe's economic crisis is also a major environmental crisis.
  - More than 450,000 people die prematurely each year in Europe because of poor air quality in a large number of Member States<sup>5</sup>.
  - Levels of greenhouse gas emissions are still far from the objectives set out for 2050 and the weak commitments agreed for 2030 will make the transition to a low-carbon economy even more expensive and difficult.
  - Human activities lead to the extraction of a much larger quantity of primary materials than the planet is able to produce or replace. This puts access to certain primary materials and the future of certain industrial activities at risk.
77. Our existing economic model is unsustainable for the environment, for society and for the economy.
78. There is no question of choosing between employment and environmental protection. Europe has the means and the obligation to pursue both objectives. First of all, there can be no employment or social justice on a devastated planet. Secondly, improving energy and natural resource efficiency also means cutting production costs and boosting the development and durability of European companies. Thirdly, exploring the synergies between environmental and economic policy could create millions of jobs in improving energy efficiency, developing renewables, and moving to a circular economy. Younger generations of Europeans and those yet to come will suffer the consequences of inaction on climate change and pay the highest price, even though they bear no responsibility. Inaction will also have severe consequences for poorer countries, and increase migration pressure to Europe and other parts of the world.
79. Investments in the European energy transition based on renewable energies and energy efficiency can play a major role in overcoming the crisis, while at the same time generating and securing new jobs. Europe would thereby become less dependent on energy imports, releasing massive financial resources which could be invested in quality jobs, new technologies and process innovation.
80. The crisis should in no way justify maintaining the status quo, or delaying the crucial change of direction. On the contrary, the current period offers an opportunity for a radical rethink of our economic model, to make it compatible with the imperatives of sustainable development.

(5) European Environment Agency, "Air quality in Europe, 2014".

## DEMANDS AND COMMITMENTS

The ETUC will pursue the following objectives:

81. The ETUC calls for a change to the European and global economic model, in favour of respect for humanity and the planet. In contrast to the auto-destructive approach underlying the current principle of competitiveness, the ETUC demands a system based on long-term investment, a stable but ambitious regulatory framework, and a strong social dimension so as to bring about a 'just transition' to a green economy for all Europeans.
82. A **sustainable investment** strategy for Europe. Investment is key to transition. The EU must commit itself to an investment strategy designed to achieve decarbonisation of the economy, based on:
  - the ETUC's investment plan, outlined in 'A New Path for Europe';
  - extending and strengthening environmental priorities (environment mainstreaming) in the EU budget;
  - phasing out environmentally harmful subsidies. No funding for projects at odds with EU environmental commitments.
83. Development of a low-carbon and sustainable strategy for European industrial policies. The transition to a more sustainable economy must bring with it the strengthening and transformation of Europe's industrial base, including:
  - stronger involvement of the social partners at sectoral level, so as to identify long-term strategic infrastructures, the best available technologies, and needs with regard to skills and qualifications;
  - greater European financial support for low-carbon industrial innovation;
  - support for industrial sectors proved to be exposed to significant risks of carbon leakage, with priority to structural measures to promote energy efficiency;
  - carbon taxes that protect innovative industries from environmental dumping;
  - the reinforcement of industrial environment protection regulations and the reduction of toxic substances.
84. A **just transition** policy framework with strong EU financial support – based on the five pillars of social dialogue, investment in quality jobs, greening of education, training and skills, trade union rights and social protection – to tackle climate change (mitigation and adaptation) both at European and international levels, including:
  - a legally binding international agreement covering all major economies and ensuring that global warming will be kept under 2°C, while taking into account 'common but differentiated responsibilities';
  - an EU climate and energy framework in line with 2050 targets.
85. An effective **European energy community** based on:
  - a coherent investment framework, support policies and market designs at EU level, cost-efficient and in line with the objectives of the climate and energy framework;
  - the development of sustainable and low-carbon energy sources in Europe;
  - energy efficiency (in manufacturing processes) and energy-saving measures (in services, transport, buildings), including a more ambitious Eco-design regulatory framework, as well as stronger measures to reduce the energy demand of the building stock in the EU;
  - investment in better interconnection of EU energy networks;
  - support for innovation in low-carbon technologies for both power and industries;
  - affordable energy prices for consumers and industry;
  - energy security.

**86. A resource-efficient Europe based on:**

- the promotion of a circular economy;
- policy targets and appropriate indicators to measure progress on use of land, materials and water as well as greenhouse gas emissions and biodiversity. Such indicators must go beyond conventional measures of economic activity and be used for developing the non-financial reporting of companies and public organisations;
- greening of taxation, through phasing out harmful subsidies, while paying attention to possible impacts on social protection systems;
- sustainable public procurement;
- e) alternative business models, combatting planned obsolescence and extending producers' responsibility;
- synergies with EU industrial policy, taking account of national circumstances.

**87. The greening of the labour market through:**

- enhancing workers' environmental skills and awareness through training and education initiatives;
- strengthening workers' participation on matters relating to energy and the environment.

**8 EU BUDGET, COHESION POLICY AND STRUCTURAL FUNDS**

88. The EU budget, and in particular European Structural and Investment Funds, should back up extraordinary investment plans at European level aimed at fostering sustainable growth and employment. Such plans require fresh resources, but existing EU funds should also be available.
89. Co-financing by Member States should be taken out of deficit and debt calculations, in order to promote the effective use of EU funding. The European Investment Bank (EIB) or, alternatively, a new European Fund for Investment (EFI) should also support the implementation of investment plans, prioritising projects with the greatest impact on jobs, and Member States where unemployment is highest.
90. Europe needs better quality jobs, so investment projects need to be linked to decent jobs and to the key principles of the European social acquis, such as priority to open-ended working contracts, the principle of equal pay for equal work in the same place, and the right to collective bargaining. The EIB and EFI should also allow Member States and beneficiaries to use EU Structural and Investment Funds to co-finance their financial interventions.
91. The EU's cohesion policy is essential to support sustainable growth and quality employment. The recently approved regulation for the European Structural and Investment Funds for the period 2014-2020 strengthened these priorities, including (in particular for the European Social Fund/ESF) employment, fair mobility, fight against poverty, social inclusion, and education and training.
92. The ESF has taken on new challenges, like the Youth Employment Initiative, the European Alliance for Apprenticeship, the new fund to fight against poverty, and the reformed EURES Network for EU employment.
93. New programmes have been launched, or reformed and strengthened, in particular Erasmus+, the renewed European Globalisation Fund, the Employment and Social Innovation Programme, and the EURES programme, including Your First EURES Job.
94. The Partnership Principle has been clearly enshrined, and strengthened and widened through the adoption of the European Code of Conduct on Partnership, which governs local authorities' social partners' and stakeholders' involvement in all stages of programming, implementation and monitoring of Structural Funds. This is an important achievement by the social partners and in particular the ETUC.

95. Nevertheless, the ETUC is concerned about some negative aspects. The total amount of the EU budget has been reduced, as well as the ESF allocation, and the so-called macroeconomic conditionalities have been introduced, despite action put in place by the European Parliament and supported by the ETUC.
96. Furthermore, the Partnership Principle does not cover all funds outside the Regulation for European Structural and Investment Funds. In addition, the European Code of Conduct on Partnership is not yet fully implemented and respected by all Member States. A positive element is that the European Parliament will carry out a mid-term review of the EU budget, which should take place in 2016.

**DEMANDS AND COMMITMENTS**

**97. The ETUC will:**

- Monitor the impact of European Structural and Investment Funds on sustainable growth and employment, and ensure that such funds and the EU budget in general contribute to the EU investment plan;
- Monitor the use of the ESF, in particular within the ESF Committee, to ensure that social priorities and new tasks assigned to the fund are properly defined and implemented, with the involvement of social partners;
- Monitor the use of all other funds in the EU budget to ensure they respect the priorities quoted above, also through structured dialogue and the effective participation of social partners;
- Ensure that the Partnership Principle and the European Code of Conduct on Partnership are properly implemented, by involving social partners in the funds' management at all levels;
- Influence the mid-term review of the EU budget in 2016, in order to correct the shortcomings in the Multiannual Financial Framework 2014-2020 and to strengthen the most socially relevant elements of the EU budget;
- Support affiliates through capacity building, to allow for better participation in strategic decisions and access to all EU funds, in particular the ESF.

**98.** Beside such priorities, the ETUC supports all initiatives aimed at increasing economic and social cohesion, as well as cross-border cooperation, at regional and local level. The ETUC therefore supports the EU macro-regional strategies (Baltic, Danubian, Adriatic-Ionian and Alpine Macro-Regions), by boosting the social dimension and strengthening trade union networks and social partners involvement within these strategies. Furthermore, the ETUC supports all trade union networks active in the regional, local and cross-border dimension, such as the Inter-Regional Trade Union Councils (IRTUCs), the ECTUN (European Capitals Trade Union Network), the cross-border partnerships within the EURES Network, and the recently established ETUC network for migrants Union/MigrantNet.

**99.** The profound economic crisis in Europe has dramatically worsened the social position of many people. To counter this trend, the ETUC calls for a policy shift towards more social investment. Social investment should no longer be seen as a mere cost, but as investment in the future and in growth and employment that will materially contribute to achieving the Europe 2020 objectives and underpin the European social model. The ETUC calls for protection to be raised everywhere to the best European standards, and for EU policies to combat precarious work practices, in line with the spirit and the letter of the European social acquis. Making all labour contracts precarious will do little to provide Europe with the skilled workforce or innovative work practices it needs to remain competitive and keep up with developments on the global stage.

# PILLAR 2

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# PILLAR 2: STRONGER UNIONS FOR DEMOCRATIC VALUES AND DEMOCRACY AT WORK

1

## EUROPEAN SOCIAL DIALOGUE

100. The 'Val Duchesse process', initiated in 1985 by the European Commission, marked the emergence of EU cross-industry social dialogue. The agreement reached by the European social partners in 1991, and incorporated in the Maastricht Treaty in 1992, called for a stronger role for the social partners in determining EU social standards. During the second half of the 1990s, the European social dialogue, both cross-industry and sectoral, developed considerably, also with the help of a supportive Commission.
101. But the crisis that struck Europe in 2008 has also had a negative impact on social dialogue and collective bargaining at all levels. Bi- and sometimes tripartite social dialogues have in several countries been decentralised, dismantled or undermined, directly or indirectly, as a result of European and national policies, often initiated by the Troika (European Commission, European Central Bank and International Monetary Fund) or the Commission's CSRs in the framework of the EU Semester. The Commission, which was a proactive player 20 years ago with real social initiatives and policies, is no longer supporting the social dialogue 'in a balanced way', as it should, but is instead pushing for deregulation (so-called 'better regulation' or REFIT) at all levels.
102. The ETUC is currently facing opposition from employers and certain governments to any binding instrument arising from an autonomous, inter-professional agreement, as a matter of principle. In the absence of pressure from the Commission, they are even less keen to negotiate unless it is in the context of a 'partnership for reforms'.

### Challenges for social dialogue

103. Social dialogue at all levels is part and parcel of the European social model. It is enshrined in the TFEU, namely article 153-155, and part of the *acquis*. But sound industrial relations also have an economic added value. It is recognised - including by employers - that countries with the most developed social partnerships and effective social systems are among the most successful and competitive in the world, even in times of crisis. Strong industrial relations, including collective bargaining, are part of democracy and necessary instruments for a fair and efficient regulation of the economy and of the labour market.
104. Other levels and dimensions that play an important role in the development of social dialogue are tripartite dialogue, European Works Councils, European and international framework agreements, IRTUCs, etc.
105. Social partners have to be consulted on all the issues that have a "direct or indirect impact" on employment, as agreed with EU-level employers in the framework of the 'Joint Declaration on the involvement of the Social Partners in Economic Governance'.
106. But in several Member States and candidate countries, the political context is not supporting the development of European legislation, nor the national social dialogue. In other cases, employers do not engage effectively in industrial relations with unions, but lobby governments in order to secure policies that weaken minimum social rights and standards.
107. A further new challenge is EU economic governance and its impact on real, timely and meaningful involvement of European and national social partners in addressing the challenges facing Europe.

108. Despite this difficult period, the social partners, both at EU and national levels, have succeeded in concluding a number of agreements at cross-industry and sectoral levels.

## DEMANDS AND COMMITMENTS

109. The ETUC will develop a strategy and coordinated actions to secure progress in the social dialogue at inter-professional and sectoral levels throughout the public and private sectors, in order to define binding and eligible instruments. Social dialogue has, even in these times of crisis, to contribute to the upwards harmonisation of social rights, equal opportunities between women and men and the further development of the European social model.
110. The Commission must step up its support - political, financial and administrative - particularly in European countries where social dialogue is weak or misused by the national authorities. It must end the worsening underinvestment in the sectoral social dialogue.
111. The ETUC will urge the Commission and the Member States and candidate countries to promote in a coherent way a genuine, autonomous social dialogue at all levels. Indicators for monitoring and evaluating the state of play and the quality of the national bi/tripartite social dialogue in European countries have to be put in place where trade unions want them. The CSRs should include, where needed, concrete proposals on this issue.
112. The ETUC will advocate 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: company and administration, local, regional, sectoral, national and European.
113. The Commission's input should also include proposals such as a new Social Agenda and a set of social proposals that could lead to EU social partner consultations, and thus regulation through social dialogue.

### Autonomous dimension of the EU social dialogue

114. Social dialogue involves the social partners, i.e. trade unions and employers' organisations. They act in full autonomy. This autonomous dimension of social dialogue has to be respected, promoted and developed at all levels. In 2012, for the first time, problems arose with the Commission over the transposition into EU law of the sectoral agreement on hairdressers. The Commission's role should be to facilitate the implementation and legal transposition of social dialogue agreements.
115. Whereas the new Commission has announced "a new start for the dialogue with the social partners", the ETUC is awaiting more concrete initiatives in this field. At the high-level conference in March 2015, the Commission committed itself to better involve European and national social partners in economic governance and its own work programme. Obviously, this Commission would like the social partners to take a proactive role in reforms or to participate in the implementation of its work programme, but the social partners have a broader formal role, for example in the EU legislative process.
116. Social partnership should not be confused with civil society dialogue. Worrying developments in the area have been witnessed both at European and national levels, with the so-called consultation of social partners and NGOs, or public consultation on issues that are within the competence of the social partners, underlining the special role of the social partners and social partner consultations set out in the treaties.
117. Nor should social dialogue be confused with Corporate Social Responsibility (CSR): both have to complement, and not replace each other.

118. Continuous falling levels of trade union membership are worrying. We need strong unions for a strong ETUC and strong social dialogue, so addressing unionisation is vital for our future. Higher recruitment is needed above all at national level. Decreasing membership has a direct impact on the ETUC's power of influence.

## DEMANDS AND COMMITMENTS

119. The ETUC will oppose Commission attempts to circumvent Article 155 of the TFEU 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 for example by launching impact assessments or consultation processes.
120. The ETUC will support its members in their organising efforts by sharing successful or innovative practices. Such exchanges and any other actions should place a particular focus on recruiting and keeping young people and precarious workers in the trade union movement.
121. The ETUC will develop tools for national trade union training on Europe. Such training can encourage a broader understanding of the value of European cooperation and promote a common understanding among European trade unionists.
122. The ETUC is determined to improve the cross-industry and sectoral social dialogues, both at EU and national levels. It will – together with the European federations – campaign for stronger investment by the Commission in facilitating the sectoral social dialogue at all levels.
123. The ETUC will continue to develop and operate joint 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.
124. The ETUC will support the ETUFs in launching, together with employers, a series of joint training seminars on cross-sector and sectoral social dialogue, in order to showcase the possibilities of social dialogue and the added value of seeking joint solutions.

## Implementation and monitoring of adopted texts

125. Since the Athens Congress, some progress has been made on the monitoring and implementation of existing agreements (FA). The Framework of Actions (FoA) on Youth Employment provides for the monitoring of implementation beyond four years, where action has been inadequate. After years of discussions, European employers have agreed to start the monitoring of all FA (and FoA) aiming at full coverage.

## DEMANDS AND COMMITMENTS

126. Further action has to be taken with the employers on reviewing and improving the way social dialogue is conducted. The follow-up and monitoring of the implementation of social dialogue outcomes, at European and national level, will be improved. Targeted capacity building is not enough. One option to be examined is 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.
127. EU social partners should consider their autonomous agreements as making up part of a quasi EU social acquis and promote them as such in preparing their respective members in candidate countries for EU accession.
128. The ETUC will support the Commission in carrying out its own assessment and follow-up when EU consultations lead to social partners' autonomous agreements. The Commission is entitled to take further action if the implementation of those agreements does not meet initial objectives or cover all Member States (for example, the stress agreement).
129. The ETUC will, after an internal evaluation, develop a typology of the different EU social dialogue autonomous instruments, with European employers, building on the one proposed by the Commission in its Communication of 2004.
130. In the longer term, the ETUC could, in addition to the measures mentioned, examine the need for a set of fundamental ground rules ensuring that European autonomous framework agreements are implemented and respected in all Member States. These rules will only deal with issues relating to agreements at European level. The specific details of such a system must be considered thoroughly in accordance with what would be the realistic outcome of negotiations between the ETUC and employers' organisations.

## Social partner involvement in economic governance

131. In 2013, the European social partners adopted a joint Declaration on 'the involvement of EU and national social partners in the economic governance process', and more broadly in policy-making at all levels covering issues which have 'a direct or indirect impact on employment'. Sadly, up until now, a timely, meaningful and effective involvement in governance – including taking social partners' comments into account – happens only in a few Member States.

## DEMANDS AND COMMITMENTS

132. The ETUC will push the Commission to provide for continuous and full involvement of European and national social partners in economic governance, as promised. Member State governments must establish the same procedure. The social partners need to be seriously involved at all stages of the European Semester. They should also be in a position to contribute actively to social impact assessments, which will be carried out in EMU countries involved in assistance programmes.

**133.** Better use of existing fora – Tripartite Social Summits (TSS); Social Dialogue Committee (SDC); Employment, Social Policy, Health and Consumer Affairs Council (EPSCO); Employment Committee (EMCO); macroeconomic dialogue (MED); etc. – will be fostered in order to strengthen the role of the ETUC and the EU social partners in economic governance.

**134.** A strong role for the social partners in economic governance should under no circumstances weaken the autonomous and institutional role of the social dialogue – especially in the context of social policy.

### Tripartite dialogue

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135. Social dialogue can be complemented by tripartite dialogue between governments, trade unions and employers' organisations. Bipartite and tripartite social dialogues support social cohesion and democratic processes. The ETUC will encourage the institutionalisation of the Macro-Economic Social Dialogue.

### DEMANDS AND COMMITMENTS

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**136.** The work of the TSS has been better prepared in the SDC. But the composition and the working methods of the TSS have to be improved. The ETUC will come up with proposals and will discuss them with the employers and the Commission.

**137.** The ETUC will continue to push, together with the employers, for the implementation of one of the joint recommendations of their Joint Declaration, which states that "the European social partners should be invited to report on their main messages expressed at the Tripartite Social Summit at the beginning of the plenary meeting of the European Council in the afternoon". The social partners should also, in one way or another, be consulted on the draft conclusions.

### Other actions

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138. The ETUC will campaign for the right for organised labour to take action at the transnational level, specifically for a transnational right to strike, an important element in enabling unions to act on an equal footing with companies.

139. The ETUC will support social partners beyond European borders as well as in the framework of EU and EFTA trade, investment and aid and development agreements. The Lisbon Treaty stipulates that the EU should promote its values and social model globally.

140. The ETUC demands access to and consultation with the Eurogroup meetings at least twice a year (Euro-MED) to ensure workers and their families' concerns are being heard. The ETUC calls on the employers' associations to support the Euro-MED dialogue.

## COLLECTIVE BARGAINING AND WAGES

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### Wage increases and industrial relations as an engine for economic growth

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141. The ETUC regards good wages as an engine for economic growth. Boosting internal demand is a key factor in the recovery of the European economy as well as in supporting innovation and productivity within companies and sectors. European competitiveness should be based on quality products, services and jobs, instead of lowering labour costs.

142. Strong industrial relations, well-funded collective bargaining institutions, as well as decent statutory minimum wages where trade unions want them, are fundamental tools to support internal demand and ensure fair living wages for all.

143. Fair wages are the best way to combat inequalities and ensure fair distribution. In-work poverty should be fought by increasing minimum wages and strictly adhering to the principle of equal pay for equal work in the same place. Discriminatory sub-minimum wages for young people under a certain age threshold should be prohibited. In all of this, the autonomy of social partners to bargain and set wages collectively is key.

### DEMANDS AND COMMITMENTS

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**144.** It is time to reverse the downward spiral of wages. The ETUC is committed to promoting wage and wage share increases in Europe, and to triggering a recovery in workers' purchasing power, through a stronger common trade union wage policy and enhanced coordination of and support for collective bargaining.

### Wages and collective bargaining in economic governance

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145. Collective bargaining and wage setting mechanisms have been under strong attack in recent years as a consequence of the economic crisis, economic governance and austerity measures.

146. In particular, Commission interventions in wage formation and collective bargaining institutions have often been in breach of the Treaties and EU fundamental labour rights. In several cases, these interventions have failed to respect or overruled agreements reached by the social partners themselves.

147. Minimum wage institutions have been affected, wages have gone down in several countries. Moreover, some labour market reforms affected wage trends and, by resorting to precarious work practices, broad areas of the labour market have been excluded from collective bargaining or even minimum-wage coverage.



## DEMANDS AND COMMITMENTS

**148.** The ETUC will counteract these trends by launching a comprehensive set of actions (i.e. the ETUC Collective Bargaining Toolkit) for strengthening coordination of collective bargaining and wage strategies, as well as for enhancing and implementing trade union participation in economic governance, when wage setting systems and collective bargaining institutions are involved. These actions aim to tackle and where possible prevent attacks on industrial relations and wages, including through specific discussions and negotiations with the Commission and EU Council Committees.

**149.** In this framework, the ETUC will continue to insist upon the need to respect the autonomy of collective bargaining, the fact that wages are a national competence, and that the main tool to increase wages and fight social dumping is collective bargaining. Statutory minimum wages (when demanded by the trade union concerned) are to be considered, together with collective bargaining, as a complementary strategy to protect wages from falling through the floor, ensure a minimum standard for all workers, and thereby prevent in-work poverty.

### ETUC coordination of collective bargaining and wages

150. According to the resolutions, positions and projects developed by the Executive Committee and the Collective Bargaining Coordination Committee after the Athens Congress, the ETUC is committed to implementing its method of internal coordination of collective bargaining and wage policies. The ETUC will also support the coordination of collective bargaining and wage negotiations that take place in the sectoral federations.

151. Some priorities were set for this coordination:

- The key point of reference and criterion for trade union wage policy in all countries must be to offset the rate of inflation and to ensure that workers' incomes reflect their participation in productivity gains, with some flexibility according to the different countries' and sectors' specificities, but pursuing consistent improvements in wage rates also to secure appropriate reallocation;
- preserving collective bargaining rights, including the right to strike, and the autonomy of social partners, as well as fighting against forced decentralisation of collective bargaining;
- orientations for defensive agreements and opening clauses in cross-industry, sectoral and company agreements, in order to keep them temporary, bargained, limited and monitored by social partners, in exchange for clear and well-defined employment and investment benefits. Cross-border solidarity and the need to avoid dumping should also be taken into account;
- common priorities on minimum wages and collective bargaining coverage;
- in coordination with the ETUFs, spreading and strengthening European framework agreements and transnational company agreements in multinational companies;
- closing the gender pay gap, tackling gender inequalities and removing all forms of discrimination, through collective bargaining and industrial relations, while also pressing for a clear definition of work of equal value;
- fighting against sub-minimum wages for specific groups of the working population, in particular on the basis of age;
- addressing the structural reasons for unequal pay.

152. The ETUC will continue to pursue these priorities in the next mandate.

### ETUC participation in the European Semester and the toolkit for coordination of collective bargaining and wages

153. The ETUC launched a new method of coordination of collective bargaining and wages in the framework of EU economic governance.

154. Wage trends and collective bargaining reforms are monitored during the European Semester. Country Specific Recommendations, as formulated so far, have been severely unbalanced, mainly focussing on how to decentralise and deregulate collective bargaining systems.

155. Decisions on how to organise collective bargaining and wage-setting fall within the social partners' autonomy and sovereignty. Article 153.5 of the Treaty excludes pay, the right to strike and the right of association from EU competences.

156. In order to ensure this, it is vital that the renewed ETUC coordination of collective bargaining and wages supports affiliates in dealing with economic governance, while being autonomous and easily applicable. This objective can be achieved by enhancing trade union capacity for timely consultation and involvement in all government decisions concerning National Reform Programmes (NRPs) and CSRs, particularly when wages and collective bargaining are at stake.

157. Implementing its Collective Bargaining Toolkit launched in October 2013, the ETUC is improving its method of coordination and of collecting inputs from affiliates. Thanks to the involvement of national confederations and ETUFs, the ETUC issues an annual report on wages and collective bargaining at EU level and reacts to the general strategies adopted by the Commission through the Annual Growth Survey and the CSRs.

158. In fact, the compounded increase in real wages over the last seven-year period was below productivity developments in an overwhelming majority of Member States, and it led to deflation and recession.

## DEMANDS AND COMMITMENTS

**159.** The ETUC is committed to restoring wage increases and redistribution of wealth and profits at all levels. Without prejudice to trade union wage autonomy at national level, it will continue to develop recent initiatives, within the framework of the European Semester process, aimed at influencing wage developments and at keeping real wages at least in line with productivity trends in all countries.

**160.** Such initiatives will include discussions and negotiations with employers and relevant institutions at EU level, and in particular targeted forms of coordination, campaigns and actions in countries and/or cross-border regions, at the request of affiliates.

## Transnational company negotiations; defensive agreements/opening clauses

161. The ETUC Executive Committee adopted a Resolution on a 'Proposal for an Optional Legal Framework for transnational negotiations in multinational companies'.
162. The proposal set clear conditions for enforcement and implementation of Transnational Company Agreements (TCA), as well as for autonomous disputes settlement, on the basis of procedures adopted by the ETUFs to start, develop and finalise negotiations with multinational companies.
163. In the conclusions of the EU-funded study 'Defensive agreements, opening clauses: integrated strategies of worker involvement and collective bargaining against fragmentation and downgrading', the ETUC sets out some best practices and orientations for defensive agreements and opening clauses in cross-industry, sectoral and company agreements.

## DEMANDS AND COMMITMENTS

164. The ETUC is committed to achieving the objective of an Optional Legal Framework through further analysis and discussion on transnational negotiation practices, as well as lobbying EU-level institutions and employers' organisations.
165. The ETUC will, in close cooperation with national trade unions and ETUFs, seek the implementation of the orientations for defensive agreements and opening clauses. National social partners' autonomy must be safeguarded. There should be no weakening of national collective agreements.
166. The ETUC, together with European trade union federations, is committed to developing the quality of negotiations and agreements in transnational companies. To this end, it will consider drawing up, together with all its affiliates, guidelines for innovative agreements aimed at preserving employment, wages and working conditions.

## Common priorities on minimum wages and collective bargaining coverage

167. In its proposal for 'A Social Compact for Europe' (June 2012), in line with the Athens Congress conclusions, the ETUC set out its position on wage-setting and in particular minimum wages: 'Wage-setting to remain a national matter and to be dealt with according to national practices and industrial relations systems. Negotiations between social partners at the relevant level are the best tool to secure good wages and working conditions; the statutory minimum wage, in those countries where trade unions consider it necessary, should be increased substantially. In any event, all wage floors should respect Council of Europe standards on fair wages.' This position was to be considered as a comprehensive approach to wage setting, where minimum wages have to play a complementary role in supporting strong and well-structured collective bargaining institutions to be autonomously delivered by social partners. Such an approach is developed further in this chapter.
168. The Social Compact's position is still valid and should be confirmed. At the same time, we have to recognise that the objectives have not been fully achieved in most countries.

169. After President Juncker's inaugural speech in the European Parliament, a new type of discussion is likely to start at EU level on minimum wages. In that context, the ETUC believes that statutory minimum wages, where trade unions want them, should be set with the involvement of social partners. The level of a statutory minimum wage should aim for better standards, as advocated by international organisations. This, together with collective bargaining, will help to help to combat in-work poverty, social and wage dumping, and will foster internal demand. In this context, it is advisable to start discussions on a common reference for national statutory minimum wages, applicable in countries where they exist.
170. Two issues should be addressed:
  - How to define the best reference and targets for setting, implementing and increasing minimum wages, where they exist or are going to be introduced;
  - How to ensure statutory minimum wage systems fully cover all workers in a country, regardless of the legal status of their work contract, working conditions or age.
171. Minimum wages alone cannot offer an adequate response to labour-cost competition and in-work poverty. Strengthening collective bargaining systems and their coverage is essential to prevent a downward slide in wages.
172. It has been difficult to set up strong collective bargaining institutions in Central and Eastern Europe. In these countries, minimum wages play a more important role than in others where well-established industrial relations systems are able to secure the best deal for workers. Therefore a balanced and differentiated approach to minimum wages is needed, respecting national practices and needs.
173. A further question is what level to fix minimum wages at, in countries where trade unions want them.
174. The Council of Europe has since 1961 put forward a definition according to which a 'fair' or 'decent' wage is at least 60% of the average net wage - and certainly not below a level of 50% of the average net wage. An in-depth analysis of the Council of Europe standards on 'fair' or 'decent' wages, jointly conducted by the European Trade Union Institute (ETUI) and the ETUC, showed that they could have unwanted consequences<sup>6</sup>.
175. This analysis has led to exploring other possible definitions and targets besides the standard of the Council of Europe, such as for example the Living Wage approach as practised in the UK (a calculation which, in the UK, turns out to be 60% of the median wage), the Organisation for Economic Cooperation and Development (OECD)'s standard of low wages (with a low wage defined as being less than two thirds of the median wage), and a single European wage standard adjusted for the difference in purchasing power between the Member States.

(6) The analysis found that the concept as defined by the Council of Europe (CoE) is broad with reference being made to 60% of the average wage and certainly not less than 50% of the average (not the median) wage. It is also confusing that the CoE itself views this as a 'fair' wage and not a 'minimum' wage. Furthermore, the CoE defines its 'fair' wage threshold in terms of a 'net' wage, thereby creating the possibility of shifting the responsibility to pay a decent wage from the employer to the state.

## DEMANDS AND COMMITMENTS

**176.** The ETUC and national trade unions – in considering minimum wages – will put in place complementary actions to:

- discuss and explore possible EU-level frameworks and/or recommendations to increase level and coverage of statutory minimum wages, in countries where they exist or trade unions want them. However, wage-setting is to remain a national matter and to be dealt with according to national practices and industrial relations systems;
- in support to this, explore further definitions and targets on the level to fix minimum wages in these countries;
- ensure that, where statutory minimum wages exist, they are set with full involvement of social partners;
- oppose lower minimum wages for young workers and the exclusion of categories of workers from minimum wage coverage.

**177.** The ETUC will foster collective bargaining and higher wages through:

- fighting for significant wage increases and real wages growing at least in line with productivity trends;
- the development, in close cooperation with its affiliates, of a strategy on how to strengthen collective bargaining institutions, coverage and coordination, social partners' autonomy in setting wages, trade union membership and negotiating power, as well as to support a statutory minimum wage where trade unions want it;
- further discussions with its affiliates in order to set the most appropriate targets for a common European trade union strategy on minimum wages;
- specific support and actions to establish or restore collective bargaining and/or minimum wage institutions in countries where they do not exist, are weak or have been dismantled;
- support to forms of regional and/or cross-border cooperation and coordination of wage policy and collective bargaining, and to transnational negotiations in multinational companies;
- EU-level trade union initiatives – in agreement with the affiliates – for possible recommendations, frameworks, increased cooperation and campaigns designed to support:
- trade union participation in economic governance at different levels;
- the right to establish/reinforce autonomous collective bargaining systems and wage-setting mechanisms;
- statutory minimum wages and erga omnes mechanisms, where trade union consider them necessary.
- supplementary European systems of industrial relations, which contain certain basic rules for collective agreements at the European level, including disputes settlement mechanisms.

## More and better workplace and industrial democracy

178. The financial, economic and social crisis has demonstrated that the way companies and businesses have been run up to now – giving priority to creating shareholder value and extracting the wealth produced – is bad for society. Yet the Commission has not drawn the necessary lessons. Now is the time to turn instead towards stronger stakeholder rights and, in particular, to reinforce workers' involvement.
179. In October 2014, the ETUC Executive Committee adopted the landmark resolution 'Towards a new framework for more democracy at work', laying the foundation for a holistic approach to workers' involvement. This must be implemented through strengthening information and consultation rights, as well as board-level participation rights in European company forms. The good coordination of information, consultation and board-level representation is a precondition for prompt and efficient workers' involvement.
180. Strong liaison between the different levels of workers' representation is needed and will be one important strand of future ETUC work. The new framework should bring significant improvements, filling existing gaps in worker influence.
181. The ETUC, with the support of an expert group, will prepare and launch an offensive for stronger workers' involvement at the workplace in Europe, with the aim of promoting workplace and industrial democracy at all levels, designing and promoting a better framework for information, consultation in all company forms and board-level participation rights in European company forms, improving anticipation and conduct of company restructuring, and fighting for stronger participation of workers, where it exists, and notably women on company boards.

## Information and consultation

182. Securing stronger information and consultation rights for all workers is a top priority for the ETUC. Whilst the ETUC does not agree that consolidation is the right approach to enhancing information and consultation rights, we recognise that the three information and consultation directives under review in the Fitness Check need to be updated and strengthened, particularly as company restructuring has become a permanent feature of company life. Restructuring and anticipation of change are not yet dealt with in these directives. First and foremost, provisions for anticipatory management of change need to be outlined, as well as stronger information and consultation rights, with a view to reaching agreement via meaningful social dialogue before any final decision. The information-consultation procedures must involve the whole value chain: upstream suppliers, subcontractors, and dependent companies downstream. It is essential for workers' representatives to have the right to expert advice, when necessary, paid for by employers.
183. Workers in the public sector should have equal rights to information and consultation. The right to collective bargaining and the right to strike must be restored and extended throughout public services.

## European Works Councils

184. European Works Councils are at the heart of European worker representation and social dialogue in multinational companies. EWCs are widely known to be genuinely European bodies for information and consultation in the workplace. The legislation on EWCs was adopted in 1994 and improved in 2009. More than 1,050 EWCs are active. The Commission has to report on their functioning before June 2016.
185. EWCs have been established in approximately half of the companies covered by the directive. There is room for improvement in a number of areas including, inter alia, confidentiality and the link between national and European levels of worker representation, reporting back to employees, the right to training, translation and access to company sites, numbers of meetings, termination of old agreements and sanctions.

## Workers' board-level representation

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186. The European company (SE) statute is incomplete because it has not established a European minimum standard for all forms of European company as it relies on national provisions. The ETUC rejects the "before-and-after" principle and calls for a new and integrated architecture for workers' involvement which must fully respect existing national standards and introduces European minimum standard for all European company forms.
187. Building on the existing EU acquis, the new directive should set ambitious standards for information and consultation and workers' board level representation (WBLER). The ETUC can no longer accept the current approach of trying to maintain WBLER only where it already exists at national level, although there is a risk of the most progressive national models being eroded. The Union should adopt WBLER as a mean of increasing workers' influence in the decision-making process in enterprises with a European company form.

## Towards fair restructuring in times of crisis

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188. Although Europe has always undergone phases of accelerated restructuring in specific sectors (e.g. steel, textiles) or national economies (e.g. the transformation process in Central and Eastern Europe), restructuring after the 2008 crisis is different. The crisis brought to an end a comparatively long phase of net job creation and resulted in a sharp and continuous increase in unemployment that is continuing in most Member States. It also accelerated industrial decline in Europe. Restructuring became an ongoing feature of economic life resulting from technological progress and innovations, and societal and political changes affecting, in particular, labour market and social policies.
189. Experience from EWCs, both good and bad, shows that biased or partial information and consultation procedures threaten workers' ability to comprehend the whole dimension of change and to engage in meaningful consultation and anticipation of restructuring. The existing legal framework is unsatisfactory due to enormous differences between Member States.
190. The ETUC warns against the creation of a separate information-consultation-participation mechanism for restructuring. Anticipation of change requires fundamental reform away from the current short-term corporate governance system, which prioritises shareholders' interests and where workers bear the costs (loss of employment, loss of income, skills, opportunities and often health...), towards a new approach based on stakeholder participation, a vision of a long-term, sustainable company, generating growth through high productivity and high-quality jobs.
191. The ETUC calls for better anticipation of change, to prevent or reduce job losses, and adequate information and consultation rights throughout the subcontracting chain. The Commission plans to monitor the application of the informal quality framework and will consider the need to revise it by 2016.
192. Democracy cannot stop at the front door of companies and workplaces. The trade union movement is in favour of extending democracy to company decision-making. The ETUC must avoid globalisation and Europeanisation undermining democracy at work.
193. The ETUC rejects the proposal for a Directive on a single member limited liability company (SUP), opposing in particular the provisions that allow for workers' board-level representation to be circumvented, and the fact that no provision for information and consultation is foreseen. The proposal generates serious concerns with regard to fiscal evasion, workers' rights, bogus self-employment, letter-boxes and sustainable corporate governance in general. The SUP shows the need for a common European framework for more democracy at work.

## DEMANDS AND COMMITMENTS

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The ETUC will foster more and better industrial relations through:

194. Fighting for the improvement of the information and consultation directives: the ETUC position and the path to follow are laid down in position papers and resolutions and in particular the position adopted in the Executive Committee of 3-4 December 2013 complementing the Resolution adopted on 23 October 2013: 'Strengthening information, consultation and participation rights for all workers'.
195. Promoting and strengthening European Works Councils, and preparing the review and possible revision of the EWC Directive: the role of EWCs must be strengthened with regard to resources, trade union-elected delegates, members' training, expertise and coverage. The ETUC will participate fully in the directive reporting exercise and will investigate on its own behalf the day-to-day work of EWCs, and in particular the handling of restructurings. This will be done in close cooperation with the European federations and the worker participation team of the ETUI. The ETUC underlines the need for stronger sanctions in the case of infringements of the EWC Directive.
196. Launching a campaign, together with the ETUFs, to negotiate and set up more EWCs in companies covered by the directive.
197. Strengthening cooperation and coordination of information, consultation and board-level participation (where it exists), involving trade unions and workers' representatives, works councils, EWCs, and worker representatives on company boards.
198. In-depth work on the new directive on information, consultation and board-level participation rights in European company forms, with the support of the ETUC expert group and the ETUI and European Worker Participation Competence Centre (EWPC). The ETUC will address the loopholes in the existing fragmented European corporate governance and the European company law acquis. The ETUC reflection group on this topic will also come up with other more concrete proposals.
199. The ETUC will fight for the implementation of the draft directive reserving 40% of seats on company boards for women.
200. The ETUC will campaign to improve the legislative framework governing anticipation of change and restructuring, so as to extend the rights of trade unions and workers' representatives. The ETUC will assess the quality framework for restructuring, which seems to have no positive impact at all. The ETUC will present proposals to improve all levels and instruments, including legislation, to respond to the challenges of restructuring.

# PILLAR 3

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# PILLAR 3: A CORE OF AMBITIOUS SOCIAL STANDARDS

1

## REBALANCING THE EU APPROACH TO FUNDAMENTAL RIGHTS

202. The ETUC is fighting for a stronger social dimension in European Union policies. The Lisbon Treaty seemed to strengthen the social objectives of the Union. It also gave legal recognition to the European Charter of Fundamental Rights (CFR), and foresaw EU accession to the European Convention on Human Rights (ECHR).
203. Yet, since the Laval, Viking, Ruffert and Luxembourg quartet of cases in the Court of Justice of the European Union (CJEU) in 2007, EU law is giving priority to economic freedoms over fundamental rights. In parallel, the Troika has imposed drastic austerity measures, putting at risk the social acquis in a number of Member States. The ETUC is challenging the legality of several of these measures. The Union is obliged to uphold fundamental rights under EU primary law and international human rights law.
204. It is therefore particularly worrying that a number of austerity measures conflict with and undermine freedom of association and the right to collective bargaining, the right to housing and social security, the human right to health, access to drinking water and sanitation, the right to equality and the right to good education and administration.
205. A rethinking of the EU institutional framework is essential to correct this trend. National constitutions do not provide sufficient safeguards for the respect of basic democratic principles in the exercise of EU activities. The accountability of the Union itself must be invoked to guarantee respect for fundamental rights.
206. The adoption of a Social Progress Protocol is a priority for the ETUC. This Protocol, to be annexed to the Treaties, should clarify the primary status of fundamental rights, which must be respected in the daily activities of the Union. In parallel, the ETUC should consider other means to strengthen fundamental social rights in the EU institutional framework, taking account of the need to adopt, political, legal and financial measures to guarantee them.
207. The ETUC deplores the undemocratic methods used to negotiate the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (TSCG). Any Treaty change must go through the procedure foreseen in Article 48 of the Treaty on European Union (TEU), which lays down that the European Council must decide by a simple majority to convene a Convention to revise the Treaties.
208. The general objectives of such a Convention should be to:
- Commit the Union to respect and promote fundamental rights in its daily activities. The role and effectiveness of the CFR must be reassessed. Furthermore, the activities of the Union must be repositioned within a wider international framework. International Labour Organization (ILO) Conventions should be respected, and the Union, as well as Member States, should ratify the Council of Europe's Revised European Social Charter (RESC).
  - Re-examine the interaction between the economic provisions and the social objectives of the Treaties. The repositioning of economic activities within a wider social dimension should cover the provisions relating to freedom of establishment and provision of services, competition policy, economic and monetary affairs, and the progressive establishment of the internal market.
  - Ensure better access to the CJEU (based on joint decisions to be taken on a case-by-case basis by the litigation network).
  - Clarify that in the context of European social dialogue, the European Commission is obliged to put a proposal to the Council if the European social partners request it.

209. Meanwhile, the Commission should actively monitor all proposals to ensure that they are in line with the CFR. Above all, EU accession to the ECHR remains an absolute priority. By refusing to integrate the EU within a wider human rights framework, the CJEU opinion on the draft accession agreement (December 2014) has greatly endangered the chances of ratification. The ETUC is adamant that accession to the ECHR cannot be called into question and urges the EU institutions to find a convincing solution to the problems raised by the CJEU opinion.
210. The right to collective action, including the right to strike, is a fundamental right guaranteed by judgments of the European Court of Human Rights, the RESC, ILO Conventions, the CFR and most national constitutions. This fundamental right needs to be respected on all levels. Workers exercising this right must not be discriminated against. The ETUC condemns employers' attacks on the right to strike, not only in the ILO supervisory system, but also at national level.

## DEMANDS AND COMMITMENTS

### 211. The ETUC, together with affiliates, is committed to:

- ensuring that future institutional reform is carried out through the convening of a transparent and democratic Convention. The ETUC will not support any treaty change that does not address how to give a higher priority to the social dimension of the Union and correct the current imbalance between fundamental rights and economic policies;
- rejecting treaty changes that do not include the adoption of a Social Progress Protocol;
- putting pressure on EU institutions and Member States to accelerate EU accession to the ECHR. Pressure will also be exerted on European governments to ratify all the provisions of the RESC, and in particular the Collective Complaints Procedure Protocol, allowing trade unions to file complaints concerning non-compliance with the Charter;
- demanding special labour chambers in the CJEU to ensure that judges have specialist knowledge of social and labour law.
- obtaining privileged access to the CJEU in order to enable European trade union organisations to bring direct actions on issues that concern them.
- in cases concerning social partner agreements pending before the CJEU, securing an opportunity for the social partners, as authors of the agreement, to present their interpretation directly to the Court.

### 212. The ETUC and its affiliates will defend the right to strike at all levels.

## A NEW IMPETUS FOR GENDER EQUALITY

2

213. Equality between men and women is an imperative, enshrined in the Treaty, and an integral aspect of European values. The EU has made significant progress towards greater equality between men and women in society and in Europe's economy through upward harmonisation. Yet systematic differences between men and women persist: women have lower income, less paid work, and carry out a disproportionate share of unpaid caring. It is vital that neither the financial crisis nor a weakening commitment to gender equality should be allowed to reverse progress.
214. For this imperative to become reality, concrete actions and commitments are therefore needed, through a cohesive EU legislative framework that encourages the empowerment of women, as well as the inclusion of gender issues in strong collective bargaining across Member States and candidate countries. Constitutional changes do not write themselves. Without concrete legislation the everyday life of men and women will not change much, if at all.

215. This applies to equality between men and women in the labour market, in the economy and politics generally, as well as between women and men as couples and within the home and family life.
216. In spite of a sizeable European acquis, directives, CJEU case law, recommendations to all relevant actors and a high level of expertise around Europe, gender equality has not materialised. It is crucial that governments, social partners and civil society at all levels are active in the field of gender equality and fulfil their different roles and responsibilities.
217. For the first time, the new Commission highlighted gender equality in the title of one Directorate-General, giving this policy area more visibility. Nevertheless, despite the shift of political responsibilities from DG Employment to DG Justice five years ago, gender equality should not be limited to a rights-based approach but be an integral part of all EU employment and social policies.
218. A dual approach of gender mainstreaming (integrating gender into all policy areas) and specific measures is acknowledged to be the best way to achieve gender equality. And yet many relevant actors have not implemented gender mainstreaming in their policy-making. Competence in gender equality and support institutions with a specific political responsibility in this area are a prerequisite.
219. Despite the EU's long-standing commitment to gender equality, a high level of inequality between men and women persists. The financial and social crisis in Europe has had a severe impact and has tended to aggravate inequality, with a higher share of young women not in employment, education or training (NEETs), greater risk of poverty for lone parents (mainly women) or young couples at the beginning of their working lives, and old-age poverty, which is again mainly female.
220. The opportunity to be economically independent and to enjoy good living conditions without fear of violence or exploitation are essential human rights.
221. According to the Gender Equality Index developed by EIGE (European Institute for Gender Equality) and presented for the first time in 2013, the EU has an average score of 54 and is only half way towards achieving gender equality in six domains (where one stands for no equality and 100 for full equality). These six domains are: work, time, money, power, education and health. There are different levels of equality across these domains in the EU as a whole, and also between Member States.
222. With regard to work, time, money and power, women are still lagging behind men, with the lowest average score of only 38 found in the domain of power. In the specific area of representation on company boards, women score even worse (EU average only 23).
223. Deep labour market segregation persists, which contributes significantly to the various gender gaps (the gender pay gap, the gender pension gap, a representation gap in decision-making bodies and positions...)
224. Women reach high levels of achievement in education, and these attainments need to translate into access to leadership positions, equal working conditions and equal pay for the same work or work of equal value in all sectors and professions.
225. In the domain of health and access to healthcare, women and men achieve a similar score. However, while violence against women, in all its forms, remains one of the most pervasive human rights violations of our time, information and monitoring of the problem are inadequate. In 2013, no comparable sex-disaggregated data across the Member States were available.
226. To achieve gender equality these gaps must be closed - not by downgrading the working and living conditions of men and women, but by upward harmonisation, as required by the European Treaty. Achievements so far must be built on, not undermined. Going backwards is unacceptable to the ETUC.

## DEMANDS AND COMMITMENTS

- 227.** Closing the gender pay gap by improving the legislative framework especially on wage transparency and pay audits at company level remains a core priority for the ETUC and its members. Stronger collective bargaining in terms of coverage and integrating a gender perspective in all negotiations and collective agreements is an integral part of the ETUC's strategy for social dialogue and collective bargaining at EU and national level, as laid down in the ETUC resolution of June 2015.
- 228.** Enforceable standards for women in positions of responsibility in all policy areas are needed, including in the Commission and business organisations. The latter is laid down in the proposal for a directive on gender balance on company boards, which should be adopted.
- 229.** Breaking existing stereotypes in society, education and the media is still crucial to overcoming labour market segregation and obstacles to women or men in the labour market. Awareness raising campaigns and training tools can be effective. The transition from school or university into the labour market must be accompanied by specific measures so that young men and women expand their professional choices and can develop new career paths, without being subject to any type of discrimination throughout the selection and hiring process. The social partners should play a major role in developing different recruitment mechanisms, and specific measures to support female NEETs.
- 230.** The ETUC will press for a fairer balance in work, private and family responsibilities for both women and men, for example through continued lobbying for a revised Pregnant Workers Directive, the adoption of a directive on paternity leave, by encouraging men to take parental and carers' leave, and by lobbying for more public investment in care services and infrastructures, including child and elderly care. The ETUC will tackle the issue of discrimination during pregnancy, maternity leave and after return to work.
- 231.** Use of time is crucial to gender equality. To combat the gender gap in full-time/part-time work, it is vital that both men and women can combine a full-time position with care responsibilities. In this respect, the ETUC will oppose long working hours, in favour of voluntary part-time and a lifecycle approach to working time. The ETUC will support collective bargaining that aims at reconciling work and personal time.
- 232.** We demand common and comparable criteria and indicators for monitoring violence against women, in the workplace as well as at home. A stronger link between domestic violence and the workplace should be made. The 2007 European Framework Agreement on violence and harassment must be fully implemented.
- 233.** The ETUC fully supports the proposal for a new international labour standard covering all forms of gender-based violence. At EU level, the ETUC will lobby for a comprehensive framework for measuring and countering all forms of violence against women. The EU must accede to and fully implement the principles of the 2011 Istanbul Convention in order to make the EU a zero-tolerance zone for violence against women. The ETUC calls for all Member States that have not yet ratified the Convention to do so urgently.
- 234.** The ETUC will lobby for a fully-fledged new European Strategy on equality between women and men post-2015, with precise outputs, targets, monitoring mechanisms, timelines, funding and responsibility. The new strategy will require much stronger coordination and coherence with the EU 2020 strategy, Country Specific Recommendations and National Reform Programmes.

**235.** Achieving gender equality in the labour market and society continues to be a priority for the ETUC and its members. The ETUC will spell out its priorities via a specific ETUC Action Programme on Gender Equality for the period 2015-2019, taking into account the New EU Strategy for Gender Equality, to be developed by the end of 2015. The 8 March Survey will continue to assist members' endeavours in promoting gender equality and gender balance.

**236.** The ETUC will work to achieve gender equality by fighting all forms of discrimination, through negotiations and campaigning, placing special emphasis on social dialogue as a key tool for combating gender discrimination.

3

### TAKING A LEAD IN FIGHTING DISCRIMINATION

237. The ETUC is at the forefront of the fight for human rights and equality, and committed to equal treatment, non-discrimination, respect and dignity for all. To this end we work closely with NGOs active in opposing discrimination, at European level. Trade unions must be at the forefront in eliminating racism at work and in society as a whole. All trade union leaders and workers should include this challenge at the heart of their priorities. The ETUC should remain a strong, clear advocate for equal rights and a strong anti-racist movement in Europe, and promote the inclusion of workers from ethnic minorities in trade union activities and better representation of the interests of workers from ethnic minorities.
238. The ETUC emphasises the value of diversity and the need for an environment of tolerance enabling every individual to make a productive contribution to society.
239. Article 13 of the Treaty gave the EU the competence to take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, within and outside the workplace.
240. The ETUC strongly supports the current EU legislations<sup>7</sup> on the field of non-discrimination and strives for a far-reaching implementation of the two directives.
241. For the last six years, a horizontal directive has been blocked by the Council. The ETUC has lobbied strongly for this new directive, to prevent and combat discrimination outside employment. This would be a clear case of 'better regulation', to avoid different rules governing different grounds of discrimination, giving rise to legal and practical inconsistencies. All Member States should now show responsibility, commitment and leadership on equality.
242. A broad directive covering all the grounds mentioned in Article 13 of the Treaty would send a strong message to Member States and their citizens that we cannot build a modern and cohesive society that tolerates discrimination.
243. With demographic change, growing diversity in our societies in terms of ethnic origin and religion, and continuing intolerance of people on the basis of sexual orientation, a strong and coherent body of law - protecting all citizens from discrimination wherever they are in Europe - should be a priority.
244. But while an effective set of laws against discrimination is an essential tool to help stamp out unfair treatment, it is obvious that legislation on its own is not enough.
245. Huge challenges remain, including the under-reporting of discrimination for various reasons including fear of victimisation or lack of knowledge of rights.
246. Disabled people of working age still continue to face massive discrimination in the labour market.
247. Lesbian, gay, bisexual or transgender workers encounter widespread prejudice in many Member States, which is reflected in discrimination in the workplace, as confirmed by Commission surveys in 2012 and 2014.

(7) Two Directives are already binding in all Member States: the Framework Directive on equal treatment in employment and occupation (2000/78/EC), which covers the ground of sexual orientation, and the Directive on the principle of equal treatment of men and women in employment (2006/54/EC) which prohibits discrimination against people who have undergone gender reassignment.

248. Equality bodies at national level need to be effective, independent and adequately resourced, despite the crisis. Common Europe-wide standards on the operation of equality bodies are needed.

### DEMANDS AND COMMITMENTS

**249.** The ETUC is committed to:

- fighting all forms of discrimination and obstacles to equal treatment within and outside the workplace;
- coordinating trade union networks providing information and assistance;
- working with affiliates to inform workers, raise awareness and cooperate closely with equality bodies in this field. The ETUC will lobby forcefully for adoption and implementation the horizontal directive;
- application of the ILO Recommendation 2010 (number 200) on HIV and AIDS in the world of work, and pressing for HIV to be on government agendas.
- working with the European Disability Forum and organisations of disabled people at national level to promote employment for disabled people on an equal basis with non-disabled colleagues and in compliance with the terms of the UN Convention on the Rights of Persons with Disabilities (to which the EU is a signatory);
- encouraging and assisting affiliates in recognising discrimination on grounds of sexuality and gender identity as workplace and social issues where trade unions should intervene. This commitment covers the fight for equal treatment and non-discrimination, respect and dignity for lesbians, gay men, bisexuals and trans-gender workers (LGBT). A strong message should be sent to trade unions and their members across Europe that LGBT rights are trade union rights;
- developing, in consultation with relevant working groups, the Youth and Women's Committees, a detailed action programme on equality issues;
- continuing to work with the European Network Against Racism and other anti-racism organisations to promote employment for black and minority ethnic people on an equal basis with colleagues and in compliance with EU directive 2000/43/EC on race equality.



### Defending social legislation and fighting for better working conditions

250. The ETUC opposes the Commission better regulation agenda including the so-called REFIT initiatives on 'regulatory fitness'. They are ill-concealed attempts at deregulating Europe and withdrawing key legislation concerning workers' rights. The ETUC rejects the pejorative description of regulation as a burden, and the principle of excluding micro-enterprises and small and medium-sized enterprises (SMEs) from EU rules. They represent the bulk of all companies in the EU, which means that without them, only a small minority of companies would be covered by EU legislation. All workers in Europe have the right to the same protection regardless of the size of their employer, without any form of discrimination.
251. Existing European legislation needs enforcement at national level, so that rights become a reality for workers in Europe. The Commission, as well as national governments, has a responsibility to ensure the implementation of EU legislation. It needs to play its role as guardian of the Treaties (through infringement procedures, for example). By refusing to present the social partner agreement on the Protection of Occupational Health and Safety in the Hairdressing Sector to the Council, the Commission is not fulfilling its duty. This is threatening to destroy the social dialogue and the whole social acquis.
252. Impact assessments have become a key tool in the Commission's work on better regulation. The Commission prepares them prior to European initiatives (whether legislative or non-legislative), to measure economic, social or environmental consequences. However, there are a number of problems with this tool, including the methods and criteria for assessment, as well as the lack of transparency and the tendency to underestimate social benefits. Moreover, the ETUC opposes impact assessment of social partner agreements since it interferes with the autonomy of the social partners.
253. The Commission should propose an ambitious Social Agenda, improve existing standards for working conditions and workers' rights, and initiate new legislative proposals. Labour law directives should set minimum standards and include non-regression clauses.
254. The ETUC demands that all workers, whatever their geographical origin, be treated equally and enjoy the protection of labour law and collective agreements applicable to workers in the same workplace.
255. Replacement of regular workers by self-employed workers without labour rights is a major problem on the EU labour market. This has negative consequences for both kinds of workers. Recent case law confirms that collective agreements can cover the self-employed and guarantee them the same rights as employees, but only if they are falsely self-employed. All that is possible should be done in order for the legislator to also take responsibility and include self-employed and provide them with protection.
256. Throughout the EU, there is an increase in atypical contracts, circumventing or diminishing legal labour and social protection to workers through new forms of work. Precarious work does not offer workers the protection and security they are entitled to, and is not the solution for the labour market of the future, which will need skills and competences. Atypical contracts should only be an exception – permanent employment contracts must remain the norm. Whatever the form of work, it must be protected by collective agreement and/or legislation. In order to ensure that all working people can lead a decent life, social and labour rights must cover all workers in the EU, regardless of their employment contract or status.
257. Bogus self-employed workers are particularly vulnerable since they are not always covered by labour legislation and collective bargaining. Therefore steps based on ILO Recommendation 198 are needed to close this loophole, which serves to circumvent labour and social legislation.

258. The EU Directive on Working Time is key for the protection of workers' health and safety in Europe. But it can only be effective if it applies to every worker, if the opt-out comes to an end, if on-call time is working time, if the reference periods remain as they stand, if the scope of the derogation for professional and managerial staff is reduced and if working time rules are no longer circumvented by bogus self-employment. The ETUC is calling for proper enforcement of the directive, and will not tolerate any moves to water it down.
259. The use of new technologies, atypical schedules, the reorganisation of businesses and questionable management practices pose particular challenges in reconciling work and personal time.
260. The ETUC is also pushing for a better reconciliation of family, private and professional life, including the right to ICT disconnection. Workers need more control over their working time. Unsocial hours, such as shift work, night work, broken hours and work on Sundays have serious negative effects on the health and safety of workers and should therefore be limited, and only take place with trade union agreement.
261. All companies that bid for public contracts must comply with social and environmental standards throughout the supply chain, including the relevant collective agreements, and contracting authorities should integrate quality, social and environmental criteria into their procurement processes. The details of public contracts should be made public to allow proper scrutiny.

### DEMANDS AND COMMITMENTS

- 262.** We call on Europe to initiate a new, ambitious Social Agenda. The ETUC will work to raise the floor of social and labour rights for all working people regardless of their status; including good working conditions, free movement of workers, and access to the labour market for third-country nationals.
- 263.** The ETUC and its affiliates will continue to push for proper enforcement of the Working Time Directive.
- 264.** The ETUC and its affiliates will take legal action where appropriate in order to ensure the defence of workers' rights.

### Defending social legislation and fighting for better working conditions

265. It is clear from public health research that social inequalities cause health inequalities. Bad working conditions are at the root of a number of major illnesses and lead to significant health inequalities including high risk of disease and lower life expectancy. Around 160,000 people die every year in the EU as a result. Cancers linked to occupational exposures cause almost 100,000 deaths a year alone. Significant inequalities persist between men and women. Women are concentrated in a relatively small number of sectors and activities and tend to be in less senior positions. In this context, health at work and equality policies play a complementary role. Much stronger coordination and coherence with the EU 2020 strategy, Country Specific Recommendations and National Reform Programmes.
266. Prevention is of key importance<sup>8</sup>. Legislation is the principal incentive for enterprises to develop prevention policies. The second factor most likely to drive preventive action – in three out of four companies – is pressure from workers and their representatives. The fact that half the workers in Europe have no form of representation, particularly in SMEs, is therefore a major challenge.

<sup>(8)</sup> For more information, see the ESENER enterprise survey carried out by the European Agency for Safety and Health at Work in Bilbao

267. The European Working Conditions Survey and numerous other projects show that risks related to work organisation and psychosocial hazards, such as stress related to the organisation of work, questionable management methods, harassment and violence need to be tackled, especially in the public administration, health and education sectors. Studies have shown that risk assessments still focus mainly on physical hazards like fire, but take little notice of psychosocial problems such as work-related stress, violence, harassment or mobbing. Indicators must be developed to measure such risks. Psychosocial diseases have increased significantly in female-dominated occupations in recent years, and should be prevented through well-developed and systematic work environment plans and actions.
268. Occupational safety and health (OSH) measures benefit not only workers but also employers, because a healthy and safe workforce in a good working environment costs far less to any employer: Good working conditions bring less absenteeism due to sickness, reduced levels of work-related illness, higher staff motivation and high-quality results.
269. The gender dimension creates particular challenges. Workplaces and occupations need to be made accessible for both women and men and offer equal pay for work of equal value, and maternity and parental leave. Maternity protection at EU level should be strengthened to safeguard mothers' health and safety conditions during and after pregnancy as well as full payment and strong protection against dismissal. Particular attention should also be paid to the gender impact of exposure to dangerous substances; work organisation and the interaction with private life; the design and use of protective clothing, personal protective equipment, tools and machinery for women's work, and ageing and the long-term impact of work and pension schemes for women.
270. To enable each worker to keep her/his job until retirement age, working conditions have to be improved.
271. A high proportion of workers are exposed to carcinogenic agents, endocrine disruptors or substances toxic for reproduction. The use of nanomaterials is developing rapidly although evaluation of the associated risks is still in the early stages.
272. More than 50% of workers have no access to independent preventive services. The current crisis has worsened the situation. Prevention resources have been reduced overall, both in private companies and public authorities. In many countries, the weakening of workplace inspections makes legislation less effective.
273. Between 2004 and 2014, progress on health and safety standards was virtually at a standstill. The crisis in EU health and safety regulation has been clearly evident in the debates surrounding adoption of a new strategy for 2013-2020. The tripartite consultative committee on health and safety agreed priorities in a number of areas in its unanimous opinion of December 2011. The European Parliament also adopted a resolution in December 2011 endorsing many of these points. For its part, the high committee of work inspectors formulated some very useful proposals. The ETUC put forward its own views and priorities on a series of occasions.
274. The Commission Communication on a strategic framework on health and safety at work, adopted in June 2014, does not meet these expectations. The document fails utterly to put forward concrete proposals for action at EU level. In view of moves to re-evaluate OSH directives in the context of cutting regulation, the ETUC underlines the need to maintain high levels of health and safety for workers, and to tackle new health risks in the workplace.
275. In the view of the ETUC, there are two sides to the Commission's role. First, it is the sole initiator of EU legislation, and must not abuse this position of privilege by systematically refusing to submit legislative proposals to the Parliament and Council. The Treaties are clear. Article 153 of the TFEU establishes the precise objective of improving and harmonising working conditions. It defines the most appropriate instrument for achieving this: adopting directives that define a common level of minimum standards and implementing them in all Member States.
276. Secondly, the Commission must ensure that EU directives are effectively implemented. Here, it exercises a number of powers ranging from court proceedings against offending Member States to the coordination and promotion of strategy developed on a tripartite basis with trade unions and employers' organisations as well as Member States.

## DEMANDS AND COMMITMENTS

277. The ETUC will work in cooperation and consultation with the sectoral trade union federations and affiliates' experts on all matters relating to the promotion of health and safety in specific sectors and industries.
278. The ETUC will focus on the key issue of effective prevention, which can only be achieved through collaboration between unions, preventive services and the EU Advisory Committee on Health and Safety at Work, taking a long-term approach, with a gender perspective, to ensure adequate OSH for existing and future generations.
279. The ETUC recognises the role of standardisation as key tool in industrial policy. It will work on two areas: industrial advancement and services. This needs to be complemented by similar action at national level.
280. The ETUC insists on the introduction of mandatory OSH management, in Framework Directive 89/391/EEC, to build an independent workers' contribution to prevention through knowledgeable safety reps with training and the right to seek help from the appropriate occupational safety and health experts, with support from worker organisations and social dialogue.
281. The ETUC demands that independent occupational physicians and hygienists should work in close cooperation with both workers and employers in all workplaces. Workers should take part in the selection of occupational health services.
282. The ETUC will contribute to the revision of the Carcinogens and Mutagens Directive (CMD) by:
- adding new binding occupational exposure limit values (BOELs) to annex III. The ETUC strongly supports the proposal made by several Member States to establish 50 BOELs for carcinogenic substances in use in EU workplaces. This would allow for faster action and exclude competition between Member States through lower safety standards for workers. The ETUC and ETUI will work together to launch a trade union initiative on BOELs for an extended number of toxic substances;
  - extending the scope of the CMD to substances toxic for female and male reproduction.
283. The ETUC will contribute to work on REACH through:
- the identification of endocrine disruptors for human health, including them in the candidate list as Substances of Very High Concern and in the authorisation list;
  - pressing for the adoption of criteria for identifying endocrine disruptors in the context of the implementation of the Plant Protection Product Regulation and Biocidal Products Regulation;
  - working on nanomaterials within the revision of REACH annexes, with specific focus on the registration information requirements for nanomaterials to be included in the dossier and safety data sheets. The ETUC will pursue measures to ensure transparency and traceability of nanomaterials all along the supply chain.
284. On musculoskeletal disorders (vibration, manual handling and display screen equipment), the ETUC will put focus on the reformulation of related directives into an 'integrated directive' to cover all risks in a coherent manner.
285. Stress and other psychosocial risks in the workplace have also to be tackled by law. They are a major concern since they damage the individual health of men and women (through cardiovascular diseases, musculoskeletal disorders, suicide etc.) as well as affecting social and working life.

## Building strong social protection systems

286. The design and the structure of social policy and social protection systems are national competences. However, through the open method of coordination (OMC), and increasingly through the new policy framework of the European Semester, a common approach on several aspects of the structure of social protection is gaining ground. Common European principles should be further developed and applied in order to create a more Social Europe, taking into account the principles of universality, equal treatment and continuity.
287. As a consequence of the financial crisis and the recent structural reforms enforced under the European Semester, extending social protection coverage and resisting greater informality and a growing number of conditions to be met are pressing priorities for trade unions at national and European level.
288. Gaps in the social protection safety net have become more common due to stricter eligibility criteria in schemes like unemployment benefits, while at the same time more people need assistance from social protection systems, as a result of the crisis. Trade unions demand improvements in levels of benefits in order to ensure income security and prevent poverty for people who cannot work.
289. In times of budget constraint and austerity, social protection schemes need to be safeguarded by European standards, especially since budget cuts are often a result of European policy. The ETUC opposes such cuts and demands greater public investment in services. At EU level, the development of an area of coordination of social security policies should be encouraged, not marked by an exclusively quantitative vision aimed at reducing levels of GDP expenditure on social security, but based on the objectives of welfare reform calibrated on new social emergencies, in terms of solidarity between and within generations.
290. The right to social protection is covered by international fundamental rights instruments and the Treaty (Article 14 of the TFEU). Policy should aim to strengthen social protection systems based on common principles.
291. The concept of social protection floors, laid down in ILO Recommendation 202, can support inclusive social protection systems based on solidarity. This has a horizontal and a vertical aspect. Horizontally it means broadening the coverage of social protection systems to as many people as possible, and vertically it is about raising benefit levels. Both are vital in Europe today. Social protection floors are the starting point for a minimum level of guaranteed social security, while encouraging Member States to provide higher levels of protection to as many people as possible.
292. Poverty in Europe must be eradicated. The rise in poverty since the start of the crisis, despite poverty-reduction being a priority of the Europe 2020 strategy, is shameful. Ensuring a minimum income plays a key role in reducing severe poverty. A minimum income offers the means to live in dignity, to fully participate in society and to have independence throughout the lifecycle.
293. Not all countries have a minimum income scheme. Minimum income schemes, at an adequate level, should be introduced in all national social protection legislation. As part of an overall policy to strengthen social protection systems, the ETUC calls for a European framework directive on an adequate minimum income that establishes common principles, definitions and methods for minimum income schemes in the Member States. Common European principles should be agreed to ensure a decent standard of guaranteed income for everyone in the EU taking into account that such schemes need to be inclusive and embedded in a broader EU and national policy response while combining income support with active inclusion and access to quality services.
294. Social and health services are another national policy area where European action could provide support for people in many countries, considering them as essential to guarantee social rights, economic development and quality employment. Health and social services are vital to social wellbeing and should be governed by the principles of universality, equal treatment and public service. Access to social, health and long-term care should be an established right, embodied in a common European standard.
295. The provision of care for the elderly – a rapidly developing policy area due to demographic change – is a long-term challenge for European societies. However, its importance on national policy agendas differs. Generally, European welfare regimes do not recognise the need for ‘care’ as a health and social risk everywhere, and receiving care services is not considered a social right in all Member States. A common approach, as set out in the Social Protection Committee’s 2014 joint report on long-term care, should be implemented urgently.
296. Pension reforms must aim at better pensions for those who retire. The trend towards longer working lives should focus on better working conditions for all rather than concentrating only on pushing back the legal retirement age. Active labour market policies must go hand-in-hand with high levels of social protection, bring real opportunities especially for young people to get a job, and end unemployment for millions of workers in Europe. Long-term unemployment significantly erodes pension levels, because they are calculated largely on long-term rather than interrupted work records. The policy response to working longer must include improved working conditions, access to lifelong learning and a decent life. Arduous work must be clearly defined in a changing working environment and recognised and offset through provisions for early retirement.
297. The fixing of the legal retirement age is of key importance in each society. The ETUC rejects the idea that national parliaments should hand over their regulatory competence to mathematical formulae referring to criteria such as life expectancy. While exceptionally large numbers of EU citizens are unemployed, the ETUC underlines that it makes more sense to consider the economic dependency ratio, which shows the relationship between the number of working people and those who do not work, irrespective of their age. This leads to a focus on promoting broader labour market participation and creation of quality jobs.
298. To offer decent incomes to retired people, pension benefits must be properly indexed.
299. Occupational pensions based on collective agreements can be a supplement to public (first pillar) pensions, but they can never take their place. Any incentive to develop supplementary pensions should prioritise professional pensions (second pillar), coupled with universal application within a company or sector, as opposed to individual systems (third pillar).

## DEMANDS AND COMMITMENTS

### 300. The ETUC will fight for:

- improved social protection and against cuts in social and health expenditure, which should be considered as investments;
- a level of social protection for all workers in Europe which effectively protects incomes and combats and prevents poverty, as well as guaranteeing the right to healthcare and social health, including sickness benefits, unemployment benefits, healthcare and pensions;
- a common rights-based approach to long-term care;
- access to a defined set of goods and services, constituting essential healthcare, including maternity care, that meet the criteria of availability, accessibility, acceptability and quality;
- pension reforms that offer better outcomes for future retirees and more adequate public pensions, opposing any automatism linking statutory retirement ages to life expectancy;
- a stronger public pensions system so that private savings or occupational pensions are not necessary to safeguard a decent standard of living in old age;
- promotion of occupational pensions based on collective agreements and as a supplement to a stronger public pensions system. Occupational schemes should under no circumstances replace public pensions ;
- active policies to combat poverty.

**301.** The ETUC will set up an exchange of experiences among affiliated organisations in these areas.

**302.** The ETUC will coordinate joint strategies on national social protection floors.

**303.** The ETUC will continue to push for a rights-based approach, with the defence of and investment in solidarity-based social protection systems at European and international level.

**304.** The ETUC will continue to be a key stakeholder in all discussions at EU level on combatting poverty, improving living standards and achieving high levels of social protection. The ETUC will pay special attention to possible changes in regulation that may be proposed in relation to the coordination of social security systems and, in this context, will promote the improvement of workers' rights in relation to the portability of social protection rights, with special emphasis on unemployment benefits.

### Tackling social dumping and irresponsible corporate behaviour

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305. Free movement of workers is not only a fundamental principle in the EU but also a fundamental trade union principle, which the ETUC fully supports, values and seeks to uphold. However, workers cannot be treated as 'merchandise', to be moved around and exploited at the cheapest price without respect for national legislation or collective bargaining systems. This not only increases xenophobia and anti-European sentiment, it also perpetuates a downward spiral of poor quality jobs, instead of providing the workers and their home countries with a prospect of sustainable employment and economic growth. Most importantly, it denies workers from all over Europe the right to equality and dignity.

306. The ETUC demands the adoption of strong and coherent legislation to tackle the problem of letterbox companies. Labour inspectors also have an important role to play and should possess the necessary competences and be adequately resourced. The ETUC demands a directive setting minimum standards for labour inspection at EU level, based on ILO Convention and Recommendation 81.

307. National labour inspections cannot on their own address the challenges of an increasingly mobile labour market. Coordination and support is needed at EU level. The ETUC demands the setting up of an agency (like a 'social Europol') to investigate and prevent cross-border fraud throughout the Union and to guarantee that investigations are followed up by all Member States concerned.

308. Undeclared work and bogus self-employment are phenomena to be prevented, discouraged and opposed because of the negative impact they have on the rights and security of workers, on free and fair competition in the EU, on tax revenues and on the free movement of workers. Concrete action is needed at EU level and throughout Europe to reduce or prevent undeclared work and to protect undeclared workers, who are nearly always in extremely precarious situations.

309. The transposition and application of the directive on the enforcement of the provisions for the posting of workers must be carefully monitored. Member States must be under the clear obligation to uphold the rights of posted workers. Proper implementation of the Enforcement Directive will be crucial to progress in fighting abuses. It is essential to enable Member States to apply the necessary control measures against social dumping.

310. However, since the 2007 CJEU cases, it is more difficult to ensure non-discrimination between all workers doing the same job at the same workplace. A revision of the directive, together with the Social Progress Protocol, are necessary to guarantee equal treatment of workers, full respect for host country legislation and collective agreements. Additional measures are required to stop workers being forced into self-employment so as to avoid labour and social protection costs.

311. Finally, there is growing recognition that long subcontracting chains are problematic for the enforcement of labour law obligations. New legislation on subcontracting must be adopted, including standards for a mandatory liability mechanism and transparency requirements. Furthermore, the non-discrimination clause contained in ILO Convention C94 on labour clauses in public contracts should serve as inspiration for an EU initiative on subcontracting.

## DEMANDS AND COMMITMENTS

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**312.** The ETUC, together with its affiliates, will:

- Carefully monitor the transposition of the Enforcement Directive, while insisting on a revision of the Posting of Workers Directive in order to enforce the protection of posted workers, prevent social dumping and ensure equal treatment for equal work;
- Take action to tackle the problem of letterbox companies and bogus self-employment;
- Demand legislation on subcontracting, including a mandatory liability mechanism and transparency requirements;
- Fight cross-border fraud by demanding the establishment of an EU agency to prevent cross-border fraud.

### Free and fair mobility

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313. The ETUC stands for free and fair mobility for all. Under free and fair conditions, mobility is a great opportunity for personal, economic and social development of EU citizens and workers.

314. Citizens and workers should be allowed to find a job and live a decent life in their own countries and communities. If they decide to move, this should be done freely and without obstacles.

315. Mobility should never be compulsory, either directly or indirectly, and yet this is now the case in many southern and eastern European countries, where young people in particular are leaving to find a job either in Europe or beyond

316. Several obstacles still stand in the way of EU citizens finding decent work in another Member State, despite the existing EU legal framework for the free movement of workers. Mobile workers often experience discrimination or unequal treatment in fields such as social security, working conditions and wages, access to welfare and education, taxation, etc. Frontier workers encounter particular discrimination, since their status is not properly protected, recognised or even defined.

317. Abuses of migrant workers' rights and/or illegitimate obstacles to freedom of movement in the EU set up by governments should be identified and eliminated, also by organising migrants into trade unions and through social dialogue. Free movement within the EU and EFTA should not mean undercutting national or European standards or control measures to prevent social dumping.

## DEMANDS AND COMMITMENTS

**318.** The ETUC is committed to action to:

- support the full implementation of the principle of the free movement of workers and fully enforce and improve EU legislation ensuring free and fair movement and equal treatment for mobile citizens and workers;
- fight against discrimination and obstacles that confront mobile citizens and workers;
- urge national, EU and EFTA institutions to properly define frontier workers' status, in every relevant field;
- urge European and national institutions to set up appropriate structures and funding, in strict cooperation with trade unions/social partners, to provide information and assistance to mobile workers;
- work with employers, governments and EU institutions to support trade union capacity to organise mobile workers and defend their rights at work through collective agreements;
- strengthen and coordinate trade union networks providing information and assistance to mobile citizens and workers, including through legal action (IRTUCs, EURES Partnership, trade union contact points and offices, UnionMigrantNet, etc.);
- encourage a regular exchange of information about successful union campaigns to oppose undercutting and exploitation, and provide support to such campaigns;
- encourage the development of campaigns that emphasise the need for unity between existing and migrant communities to resist exploitation, undercutting and scapegoating, as well as opposing actions by employers and institutions to create and use divisions between communities;
- support trade unions' involvement in EU and national policies to ensure free and fair movement of workers and citizens;
- involve the Youth Committee in better evaluating and designing instruments that can support free and safer mobility of young people across Europe, like the Your First EURES Job programme.
- promote concrete measures, such as a 'social Europol', more inspections and more coordination between public services inside the EU.

### Fair treatment and integration of migrant workers

319. The number of third country nationals on EU territory will increase in the coming decades, due to external factors such as humanitarian crises in neighbouring states, as well as internal factors like demographic change. Migration will therefore become a key priority both for the EU and the European trade union movement.
320. Migrants from third countries make a contribution to the EU economy and labour market, as well as enriching European society. In fact, integration is a two-way process, in which migrants become part of a host community, while the community also benefits from the cultural and economic input of people from other societies.
321. Furthermore, evidence shows that migrants mainly meet labour shortages not covered by EU workers and that their tax and social security contribution is significantly higher what they receive or will receive in social benefits and services.

322. Nevertheless, the EU narrative on migration in recent years has been focused on security and border patrolling, while leaving all responsibility for managing migration flows and integration to Member States. This approach has often led to poor integration and inclusion, as well as massive exploitation and unfair treatment of migrants in society and on the labour market. These phenomena boost discrimination and social dumping, and affect both migrants and workers in the host countries. Bad management of migration policies feeds social unrest linked to migration.
323. Enforcement of the EU legal framework on migration, including several new or revised directives, has been hampered by the reluctance of Member States to respect the EU acquis.
324. Equal treatment started to feature in these new legal tools, but with inadequate and fragmented results. Integration has become an EU policy, but little has been achieved in terms of implementation. Integration policies should be framed in common EU programmes, so as to direct resources more efficiently at EU, national and local level.
325. Irregular migration has been ignored, and undocumented migrants have often been treated as criminals, and pushed into illegality and undeclared work.
326. European migration policy should include both the regulation of migration and integration of third country nationals in conditions of equality. Policy on migration for work should be determined in cooperation with trade unions and employers' organisations. Issues surrounding the regulation of immigration and the needs of migrant workers in workplaces should feature in the trade union and collective bargaining agendas of ETUC member organisations.
327. Trade union membership, including at cross-border level, promotes integration through involvement in trade union life, and facilitates inclusion in the workplace, the labour market and society at large.
328. Dialogue and cooperation between local authorities and trade unions should be enhanced at all levels. Regional and inter-regional union organisations deliver activities to assist, inform, integrate and promote the inclusion of migrants. Existing local authority backing needs to be improved everywhere.

## DEMANDS AND COMMITMENTS

**329.** The ETUC will work to:

- change the EU narrative on migration and promote a more effective common European immigration policy, both at institutional level and in society, by shifting the attention away from narrow security issues to the contribution migrants make, human rights, equal treatment and integration;
- promote tolerance and combat all forms of discrimination, racism and xenophobia towards migrants;
- tackle abuses and violations of the rights of migrant workers, which drive down conditions and fuel precarious employment practices and social dumping, and reaffirm that integration will only take place when there is strong employment protection and decent treatment for all workers, through trade union action;
- secure a more coherent legal framework for migration at EU level, based on these principles and on more coordination and solidarity both between the EU and Member States and among Member States, aimed at preventing exploitation and discrimination, ensuring full equal treatment, and implementing paths for integration and inclusion of migrants;
- lobby Member States and candidate countries to ratify ILO Conventions 97 and 143 and the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;

- open a debate on irregular migration, its causes and effects, and on possible ways to bring undocumented migrants towards legal status and integration into the labour market and society, as well as to fight against undeclared work, exploitation and trafficking. The ETUC supports the implementation by all Member States of Directive 2009/52 / EC on 'Minimum standards on sanctions and measures against employers that employ third-country nationals staying illegally' as well as Directive 2011/36 / EU on 'Preventing and combating trafficking of human beings and protecting victims';
- strengthen trade union activities and networks providing information and assistance to migrants, notably through UnionMigrantNet, and migrants' participation in trade union activities;
- increase and support trade unions' efforts to recruit migrants, and to include the needs of migrant workers in the workplace in their agendas;
- strengthen cooperation with affiliates in candidate and associated countries, as well as with trade unions in origin and transit countries, in order to tackle migration phenomena, and in particular exploitation and unfair treatment, and to build up a common trade union policy for migration across borders;
- press for reform on migration issues at European and national level through negotiation with public authorities, cooperation with other stakeholders, and promotion of specific campaigns, actions and projects.
- urge Member States to favour the recognition of the status of long-term residents envisaged by Directive 109/2003, as well as the rights arising from it, including mobility.

**330.** Specific attention should be devoted to the problem of refugees and asylum-seekers, and to the tragedies taking place in European countries and particularly in the Mediterranean Sea. The ETUC has developed a new and effective strategy on this issue, and is committed to:

- encouraging search-and-rescue actions, which are essential to prevent deaths at sea and borders, as well as activities to fight trafficking, increase cooperation with countries of origin, and support humanitarian programmes to alleviate the suffering of populations hit by wars, hunger and dictatorships;
- demanding European solidarity on these issues in order to develop a stronger EU policy for recognition, welcome and settlement of refugees within EU territory, particularly through the revision of the existing legal framework (Dublin Regulations);
- securing full respect for human rights and fair treatment of refugees and asylum-seekers, and for EU law and international standards and conventions covering people trying to enter EU territory illegally, giving priority to their life and physical integrity;
- strengthening cooperation with origin and transit countries, in particular on EU borders and in candidate countries, in order to promote an EU asylum policy and prevent exploitation and illegality.
- calling for the reopening of legal channels to enter Member States, with a view to combating the dangerous phenomenon of international trafficking of human beings, and for humanitarian corridors in cases where people who have the right to asylum are subject to severe risks.

## Trade and external relations as tools for fair globalisation and respect for fundamental rights

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331. The ETUC insists on the strict application of the provisions of the Lisbon Treaty, which lays down that the Union's external and international trade policies should seek to advance its values in the wider world. These include democracy and peace, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the European Charter of Human Rights, the UN Charter and international law. The EU acquis, collective preferences and regulatory practices must in no way be undermined by external trade and investment relationships.
332. The ETUC has consistently supported equitable trade regulated by multilateral institutions, and called for strong cooperation between the World Trade Organisation (WTO) and the ILO. Recently, with the faltering of the Doha Round and a proliferation of bilateral trade agreements, the EU has also engaged in a number of bi-regional and bilateral negotiations in which, generally, trade agreements have been included within association, cooperation and strategic agreements. The ETUC agrees that trade and investment agreements should be part of a wider political relationship.
333. Such agreements should be negotiated in the public interest rather than in the interests of private investors and must under no circumstance undermine Member States' right to regulate. The ETUC opposes in particular Investor State Dispute Settlement (ISDS) mechanisms - which privilege foreign investors above all others and amounts to the privatisation of justice - the negative list approach (covering all services unless specifically excluded), and the inclusion of public services in trade agreements such as TTIP (USA) and CETA (Canada). The ETUC demands the exclusion of public services and a positive list approach in all trade agreements. We reject any lowering of European standards and insist that policy space must be maintained and that the right to regulate should not be limited by undemocratic bodies such as regulatory cooperation boards. The ETUC insists that all EU trade agreements must include enforceable labour protections. Such protections exist in US and Canadian agreements that should be improved upon to cover a wide range of ILO Conventions and included in EU agreements to ensure binding, effective provisions that are dissuasive to breaches and irrespective of whether these breaches are trade related.
334. The ETUC opposes the CETA agreement, which does not fulfil our conditions notably in including ISDS, and we will continue forcefully to oppose any further steps towards its ratification. The ETUC will take the same position in regards to any TTIP agreement. We will continue to monitor progress and press for improvements to promote decent jobs and growth and safeguard labour, consumer, environmental and health and safety standards through lobbying, campaigning and negotiating, in particular in our work in the European Parliament. We call on all affiliates to act at national level in support of this position.
335. The ETUC insists that EU and EFTA international trade and investment agreements should include a strong social dimension, promoting decent work and wages, sustainable development and environmental protection, safeguarding democratic governance and public services, guaranteeing a high level of financial regulation and the implementation and enforcement by all parties of ILO labour standards. All such agreements should be accompanied by a monitoring, complaint and sanction mechanism involving the social partners. Technical cooperation should be provided with the support of the ILO.
336. The ETUC is concerned at the reluctance of the Commission to use enforcement mechanisms where they exist, for example in the General Scheme of Preferences, when it is clear that partner parties violate international commitments such as core ILO Conventions.
337. The ETUC insists on the need for transparency in all trade and investment negotiations, democratic oversight by the European Parliament, and consultation with the social partners and civil society organisations. Political decisions must not be pre-empted by non-democratic bodies, such as a regulatory cooperation board, in any agreement.
338. The ETUC insists that the EU should maintain strong trade defence instruments imposing targeted restrictions on anticompetitive imports into Europe, in particular if produced by workers not protected by international standards.

339. The ETUC encourages EU development policy to promote, as a priority, social dialogue and decent work in beneficiary countries, including in emerging economies and we call on the EU as a whole and each individual Member State to reach the UN target for spending 0.7% of Gross National Income on official development assistance. The European trade union movement must be specifically involved in designing policies as well as in accessing the budget available.
340. The ETUC supports Aid for Trade initiatives as a way to promote private sector growth and employment in developing countries. The private sector in the EU can also be incorporated more fully into the development agenda as long as the primary aim of this is to promote economic growth and advance development objectives such as decent work in developing countries.
341. The ETUC expects and supports the development of a strong and united EU foreign policy based on the principles set down in the Treaty and in line with international law, fully implementing instruments for cooperation, democracy and human rights and using the European External Action Service (EEAS) to the full to promote them. The ETUC reiterates its call for EU delegations abroad to include dedicated labour-reporting officers.
342. Wars and violations of freedom and human rights on our borders continue to undermine peace, coexistence and security of all. The humanitarian emergency in the Mediterranean is a direct result of the many wars that have resulted in deaths, unprecedented violence and the flight of thousands of men and women, the persecution and discrimination against ethnic and religious groups, with the emergence of the phenomenon of terrorism and of international crime. The crisis in Ukraine, in addition to the dead and the violence, has also highlighted the need for a stronger European foreign policy centred in the absolute value of peace. The ETUC urges European initiatives to contribute to disarmament and a culture of peace and coexistence.
343. The ETUC will continue to cooperate with the ITUC in its international activities and to develop regional contacts. In particular it will develop work with trade unions throughout the European continent and promote the European social model by actively supporting the Pan-European Regional Council (PERC) and sub-regional activities as part of its involvement in the Eastern Partnership. We will continue to assist trade unions in EU candidate countries with integration initiatives.
344. The ETUC will also promote and assist independent trade unionism and social dialogue in the Euromed region, notably in the Palestinian territories, in cooperation with the Arab Trade Union Confederation and ACTRAV. The ETUC will participate proactively to the revision of the European Neighbourhood Policy, so that this instrument ensures an effective equal partnership that meets the real needs and aspirations of workers and citizens in the countries involved. The ETUC will maintain and develop relations with trade union organisations in Africa, in particular through ITUC-AF and EU-ACP work; in the Americas with the TUCA and at regional and sub-regional level (Andean Community, Central America, Mercosur) as well as the US and Canada; and Asia, with the ITUC-AP, and notably in seeking to develop the work of the ASEM Social Dialogue Forum.
345. The ETUC will also continue to cooperate with the ITUC through the Trade Union Development Cooperation Network, and with the Trade Union Advisory Committee to the OECD (TUAC) in particular in relation to the OECD Guidelines for multinational enterprises (MNEs), the OECD's Action Plan against Base Erosion and Profit Shifting (BEPS), and G20 initiatives.
346. The ETUC will cooperate with civil society organisations in initiatives that will advance ETUC policies.

## DEMANDS AND COMMITMENTS

347. The ETUC expects EU international trade and development policies to give a boost to growth, equitable distribution of growth and quality employment and to advance European values internationally.
348. The ETUC calls on the European Commission to increase the involvement of trade unions in European development cooperation policy. It should ensure greater synergy with and between national organisations regarding objectives.
349. The ETUC will be guided by the principles enunciated above in developing and pursuing policies for peace, democracy and labour rights in regard to specific regions and countries. We will continue to work in cooperation with appropriate sister trade union organisations worldwide.

# ANNEXE 1

## Congress emergency motions

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# ANNEXE 1: CONGRESS EMERGENCY MOTIONS

1

## REFUGEE CRISIS IN EUROPE

1. In recent months Europe has been experiencing a massive increase in numbers of people crossing our borders to seek protection from war and destruction in their own countries.
2. Many of these asylum-seekers risk their lives and the lives of their children and families in search of a peaceful and respectful environment to live in. The ETUC strongly condemns any measures that endanger their human dignity, human rights or physical integrity.
3. The barriers and fences that have been built recently have proved to be ineffective and have the sole impact of diverting flows from one route to another and playing into the hands of people-smugglers. Their use must be rejected.
4. We deplore the loss of lives of asylum-seekers crossing the Mediterranean and reiterate our call for the European Commission to continue search-and-rescue operations in order to provide effective humanitarian assistance to those at sea.
5. Long queues at asylum offices, overcrowded reception centres and improvised camps in many corners of Europe show how badly prepared and unwilling the countries have been to cope with this crisis. Austerity policies have added to the problems, making conditions even more difficult in the countries where refugees first arrive.
6. The ETUC supports the fundamental European values of respect for human life and dignity, and opposes populist and xenophobic attitudes. These values must be translated into action. To this end a genuine cooperation between EU Member States in accepting adequate numbers of refugees is essential, in line with the letter and spirit of the Treaties.
7. The ETUC calls for a proactive European asylum policy which respects internationally agreed protection standards, including the UN 1951 Convention on Refugee Status and its 1967 Protocol.
8. The Dublin Regulation must be overhauled. New rules should ensure that care for asylum-seekers is fairly shared between Member States and, as far as possible, take account of asylum-seekers' needs and choice of country of destination based on community, linguistic or family links, among other factors.
9. The ETUC calls for an urgent resettlement scheme which goes far beyond the 20,000 resettlements from third countries initially proposed by the European Commission.
10. The Council's decisions adopted on 22 September have to be welcomed. Relocation of 160,000 refugees can provide immediate relief to countries receiving extraordinary flows of international protection-seekers. In addition, financial aid to UN agencies will also help people camped in millions on the edges of conflict areas. However, the measures agreed by the Council provide only a partial response to the challenges that Europe is facing, and are far from achieving a permanent solution within a genuine European asylum policy. The ETUC encourages Member States to continue to work together in a spirit of constructive solidarity under the leadership of the European institutions. The ETUC condemns governments that are currently opting out of a common approach towards the relocation of asylum-seekers in Europe.
11. The ETUC calls for more effective cooperation for development with countries of origin. Democratic and economic development is key to removing the root causes of large-scale movements of people. The EU has a role to play in fostering this process.

12. The European Commission Agenda to cope with the refugee crisis may prove inadequate given the growing scale of the problem, especially on the East Balkan routes and in the Mediterranean Sea. More must be done: all people have the right to safety, economic security, religious and political freedom and access to quality health services and quality education within a society which protects those freedoms. The EU and its Member States should restore adequate levels of quality public services for all. Priority should be given to services that safeguard social cohesion, such as employment and housing. Reception and asylum processing centres need to be staffed by well-trained public-service workers.
13. With its 60 million members, the trade union movement in Europe remains a bulwark against all forms of intolerance and will continue to press for humanitarian responses to a humanitarian crisis. Where refugees are able to work, unions will recruit and represent them, and we will work with partners to provide humanitarian assistance to those who are not in work. The ETUC will cooperate with the International Trade Union Confederation in responding to a crisis that is global as well as European.

## FUNDAMENTAL RIGHTS IN SPAIN

2

1. Five years ago, on September 29, both major Spanish unions, CC.OO and UGT organised a general strike against the neoliberal reforms that the Spanish government was launching in Spain. On Tuesday, as the ETUC Congress opened, Spanish workers continued to suffer the impact of the economic crisis, the labour reforms and a trade union witch-hunt, with 300 trade unionists penalised for exercising their right to strike.
2. Moreover, on Tuesday, Spanish Courts confirmed the start of the trial of eight AIRBUS union reps and the sentencing of five ARCELOR MITTAL union reps as a result of their participation in picket lines during the last two general strikes in Spain (2010 and 2012).
3. The right to strike and trade union freedoms are under threat in Spain.
4. Therefore IndustriAll Europe, together with UGT and CC.OO industry federations, and CC.OO and UGT confederations, call for the support of ETUC Congress in strongly rejecting these attacks on fundamental workers' rights.
5. The Spanish federations and confederations appeal to the European trade union movement to join the ongoing campaign Striking is not a Crime by sending resolutions, letters and emails demanding withdrawal of the charges against workers.
6. Defending workers' rights is not a crime, it is our right.

## NORTHERN IRELAND

3

1. The Irish Congress of Trade Unions as a matter of urgency requests this Congress to intervene in demanding the political parties in Northern Ireland with the assistance of the British Irish and U.S Governments to resolve the political impasse in Northern Ireland.
2. This Congress supports the Devolved Administration of Northern Ireland and demands that the Governments involved in the negotiations provide a financial stimulus necessary to ensure the continuation of the political institutions.
3. The austerity measures being imposed on the citizens of Northern Ireland by the Tory Government in Westminster are a major impediment to the resolution of the political impasse. Northern Ireland remains a society emerging from conflict. A society which has the lowest levels of any region in the UK of investment, educational attainment, and the highest levels of mental ill-health, suicide rate 70% higher of any region, poverty, security spend, economic inactive.

4. The failure to achieve a political resolution in the talks which commenced this week will result in the fall of the political institutions and direct rule of Northern Ireland by the Westminster Government, the consequences of which are unimaginable for the workers and citizens of Northern Ireland and would result in the emergence from the shadows of so called dissident para-military groups to fill the political vacuum.
5. The Trade Union movement on the Island of Ireland assisted by other Confederations throughout Europe and the U.S has been central to the peace project. But for its role in maintaining the unity of workers irrespective of political or religious ideology outright civil war could have ensued.
6. Congress resolves to support the ICTU to maintain that peace project.

4

## SOLIDARITY WITH GREEK WORKERS

### Taking into account that

1. For the past five years Greece and its working people continue to face a deepening economic, social and political crisis resulting from consecutive rounds of austerity and labour market deregulation which have entrapped the country in a vicious circle of recession and unprecedented unemployment against deepening poverty and inequality.
2. Since 2010, the brutal economic adjustment programme imposed by the IMF/EC/ECB/ troika, without proper democratic legitimacy and accountability at both national and EU level, and implemented by successive governments, instead of delivering solutions, has worsened every economic and social indicator and failed to deliver its professed objectives by manifestly pushing the country's debt beyond any level of sustainability, contrary to all forecasts made by the troika.
3. The ongoing implementation of the third memorandum recently concluded by Greece's creditor troika and the Greek government renews the nightmare troika scenario and augments the onslaught by imposing on top of the existing measures, a fresh round of stringent austerity with new pension and wage cuts, tax hikes, lay-offs, large scale privatisation in the public sector, cutbacks in welfare and new attacks on social and labour rights.

### The ETUC

4. Expresses its full solidarity with Greek workers in their continued struggle against policies, which instead promoting recovery have violently impoverished Greek workers and pensioners, condemned Greece's youth to unemployment and migration, destroyed the country's productive infrastructure and social fabric fuelling racist and xenophobic neo-Nazi currents in society.
5. Demands an end to state intervention in free collective bargaining, an end to abolishing collective agreements and the dissolution of social dialogue, which render social partnership redundant setting an unacceptable precedent for the EU. It strongly urges the EU and the national governments to do whatever is necessary to guarantee free collective bargaining and the autonomy of social partners and to support social dialogue in true respect of the EU treaties and national laws. We condemn any kind of unilateral government interference in trade union autonomy, the intimidation of trade unions and demand the restitution of due trade union representation in social dialogue structures.
6. Joins Greek colleagues in demanding socially acceptable and viable solutions that consider trade unions as part of the solution and not the problem: a different policy mix to support investment, deliver sustainable growth and employment, safeguard incomes, provide fair and effective taxation, upgrade the State's regulatory role and sustain social cohesion and the environment.
7. Commits, along with its affiliated trade unions, to press national governments and the European institutions to reverse the economic and socially destructive requirements of the Memorandum, especially fiscal restrictions, privatizations and interference in collective bargaining. We call for debt restructuring to ensure sustainable growth.

## TISA

5

1. Since 2013, the EU has been negotiating the Trade in Services Agreement (TiSA) plurilaterally with 23 other WTO members with the aim of further liberalising trade in services by the means of reaching an international agreement that goes far beyond the existing provisions of the General Agreement on Trade in Services (GATS). By the goals set out in the EU negotiating mandate, this agreement should be "comprehensive and ambitious", "apply in principal to all sectors and modes of supply» and "bind the autonomous level of liberalisation". Yet, negotiations are conducted in total secrecy, behind closed doors.
2. In the beginning of June and July 2015, however, Wikileaks published the most comprehensive compendium of secret documents from the TiSA negotiations ever, revealing the full extent of the planned agreement for the first time. The leaked documents included the draft core text of this new agreement as well as several annexes including on domestic regulation, movement of workers and specific sectors such as maritime and aviation transport. First analyses of these documents make it apparent that TiSA might have significant detrimental implications on the working and living conditions of large parts of the population, including those of workers in Europe.
3. It appears that so-called ratchet and standstill clauses are to be incorporated into TiSA with the effect of locking-in a certain degree of liberalisation and confining the public policy space to that of ever increasing liberalisation. In sectors affected by such clauses, TiSA would make it impossible to return to a decreased level of liberalisation. The re-municipalisation of services of general interest that has occurred in recent years would no longer be possible choices of democratically elected governments. A possible incorporation of a so-called Most-favoured-nation (MFN) clause into the core text could bear the risk of bringing an investor-state-dispute-settlement (ISDS) mechanism into TiSA via the back door of other free trade agreements such as CETA or TTIP. More recent information sources confirm even a possible annex on the facilitation of patient mobility being currently under discussion by TiSA negotiators, despite Trade Commissioner's Malmström reassurance in February 2015 as reaction to a first leaked concept paper by the Turkish party that "under no circumstances, I would ever propose a trade agreement that contained provisions on portability of health insurance".
4. One of the key issues of the TISA negotiations are the so-called rules on domestic regulation, which directly relate to important regulations for safeguarding standards. The newly leaked negotiation documents reveal that regulations must be in line with TiSA provisions even if they are non-discriminatory and serve to guarantee fundamental cultural, social or ecological rights. By the same token, regulations must stand a so-called necessity test of being "no more burdensome than necessary". The objective here is to restrict a government's room for manoeuvre as far as regulations are concerned, thus potentially putting a downward pressure on labour, social, environmental and consumer standards. This, for instance, would also impact financial services where, in the aftermath of the global financial crisis, it is especially important for more stringent standards to be enforced. Yet, the negotiation documents reveal that even greater liberalisation of the financial markets is envisaged under TiSA. The most recent official withdrawal of Uruguay and Paraguay from the TiSA negotiations in early September can be judged as another indication that states start to see these risks and react to the increasing public pressure.
5. **In light of these alarming recent publications and against the background of the European Parliament currently drafting its recommendations on TiSA, the ETUC Congress urgently calls for the following aspects to be guaranteed in the TISA negotiations:**
  - Negotiations must not take place in secret. Negotiation documents must be published in order to allow the general public and civil society to be informed in good time. We demand the highest level of transparency and involvement of the European Parliament, national parliaments, social partners and civil society organizations.
  - Every effort must be undertaken to protect public services and in particular no pressure must be brought to bear either in favour of liberalising or privatising public services, nor should a return to the provision of greater - or even wholly - public services be blocked by any ratchet or standstill clause. Public services e.g. health care and social services, education, water and waste services must therefore be excluded from the scope of any trade agreement; this exclusion should apply irrespective of how the services are provided and funded. In this light we ask the European Commission to openly reject the use of negative or hybrid listing in any trade agreement.

- Under no circumstances should possible means of regulation be restricted where this leads to a lowering of national labour, social, environmental and consumer standards. The member states' right to regulate and to introduce new regulations must not be compromised. Between two services that meet the same use, member states must be allowed to favour the one furnished in respect of labour standards.
- Limits on the introduction of new prudential regulation and further liberalisation of financial markets cannot be accepted. Governments must maintain the right to fully intervene in times of financial crisis, and to limit international financial flows in order to prevent currency crises. The financial crisis demonstrated that instead of further liberalisation and deregulation, governments must bring back the rules and regulation on the financial markets.
- European data protection standards, as provided for in the envisaged EU General Data Protection Regulation, must not be compromised. Data collected by foreign businesses must therefore be processed in situ and in line with local data protection laws.
- Any establishment of temporary free movement of workers must under no circumstances make it possible to undermine labour and social law and collective agreement provisions of the host country and respect the obligation to proceed with a preliminary analysis of the labour market. Possible negotiations on mode IV must be bound to functioning cross-border cooperation in administration and justice in labour and employment law issues as a precondition to guarantee the full application of collective agreement wages and working conditions. It must be possible to make any lack of enforcement by the contractual parties subject to dispute settlement including sanctions.
- Any dispute settlement mechanisms foreseen in TiSA - may it only be temporary before a possible multilateralization of the agreement under the WTO - must take into account the current critics on ISDS, and more especially must not offer private investors the privilege to challenge democratically chosen policies without strong social clauses allowing to effectively sanctioning violations of international labour standards at the same time.

6. If TiSA doesn't meet all these demands, the ETUC calls for its rejection.

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## UK REFERENDUM RENEGOTIATION STRATEGY

1. Congress notes that there will be a referendum on Britain's continued membership of the European Union at some time in the next two years. The British government is currently seeking to renegotiate the relationship between the EU and the UK, and the British Prime Minister will be raising the issue at the European Council in October.
2. While the British trade union movement supports a European Union that delivers economic prosperity based on social justice, civil and human rights, equality for all and rights at work, the British government is seeking the dilution or even disappearance of EU-wide social protections, not only as they apply in Britain but potentially across the EU as a whole. Concessions to the British government at this time will only serve to reinforce the increasing domination of neo-liberal ideology within many member states of the European Union and will inevitably prejudice the EU's historic high standing within the labour movement. While already intensifying the crisis in Greece, forcing the marketization of our public services and overriding public policy positions of democratically elected governments, the EU must oppose any attempts to further alienate working people.
3. Protections for women and working parents, part-time, temporary and agency workers, in situations of redundancy and information and consultation, and a range of health and safety rights including limitations on excessive hours and the creation of a work-life balance, are all under threat. Congress strongly rejects the attempts being made by the British Prime Minister to use the renegotiation process to undermine workers' rights, to foster divisions around migration, and to promote a Europe for financial and business elites only.

4. Congress believes that Conservative attempts to obtain an 'opt-out' from EU-wide protections for UK workers, seeking to water down rights - especially the Working Time Directive and the Temporary Agency Workers Directive - and to impose a moratorium on future employment rights is wrong and counter-productive. Working people in Britain, faced with the prospect of a Europe based on insecurity at work and flexibility on employers' terms, will have little enthusiasm to vote and be even less likely if they do, to vote to stay in the European Union.
5. UK Government attempts to restrict benefits for migrants coming from other parts of Europe would herald an attack on everyone's in-work benefits both in Britain and across the EU. Some employers will always try to use new entrants to the labour market to drive down wages, and we believe the EU has a positive role to play in preventing this exploitation by providing a core of EU-wide fundamental rights and labour standards, including the right to collective bargaining and the protection and enforcement of collective agreements. Congress believes that the only effective and acceptable ways to address concerns about free movement are to provide working people with the security against exploitation and undercutting that strong unions and decent rights at work, robustly enforced, would provide; and to expand access to public services and housing, using EU funding to follow migrants so that services can adapt to population changes.
6. Since the UK Government announced its plans for the EU Referendum, the TUC has campaigned and lobbied to expose the Government's anti-worker rights agenda; to press employers to accept the need for a high level of workers' rights as the quid pro quo for access to the single market; and to persuade other European Governments to reject the agenda of worse rights for working people, including freedom of movement, that the British Prime Minister is more or less openly advocating.
7. Congress welcomes what the ETUC and its affiliates have done in solidarity - and in their own interests - to ensure that their politicians understand that no concessions will satisfy the British Prime Minister's Eurosceptic backbenchers or UKIP, and that such concessions would also undermine support for the European Union in other countries.
8. Congress commits to campaign and lobby against the UK Government's attempts to further water down Social Europe.
9. Congress agrees that the ETUC should work closely with the TUC, European Industry Federations and national affiliates to press Governments, Members of the European Parliament and employers across Europe to reject attempts by the British Government to water down workers' rights either in the UK or at European level.
10. Workers will not back or support a Europe that fails to protect and enhance the position of working people and civil society, seeks to negotiate secret deals like TTIP and CETA without reference to the values or needs of Europe's citizens or one that solely works in the narrow interests of global corporations and finance capital.

## HEALTH AND SAFETY AT WORK

1. To work in a healthy and safe environment is a fundamental human right. Work should not put the lives or health of workers at risk.
2. The ETUC Congress condemns the attempts to put into question the existing framework of health and safety protection and to classify much needed health and safety standards as needless red tape or «the most burdensome of EU legislative acts».
3. The Congress is gravely concerned that this tactic has prevented any progress. Improvements recommended by social partners have stalled. Several legislative proposals, including those supported by both employers and workers (e.g. proposals on carcinogens and mutagenic substances, the hairdressers' agreement) have been blocked.
4. The Congress therefore welcomes the Opinion of the tripartite Advisory Committee on Safety and Health at Work delivered on 24th September 2015 and adopted unanimously by representatives of governments, employers and workers' organisations in 28 member states.

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5. We endorse the Committee finding that «there is no need for a full recast of the occupational health and safety directives system. The current structure with a framework directive and individual directives should be maintained”.
6. The Congress calls on the EU Commission to respect the Opinion of the Advisory Committee and
  - stop the endless reviews, revisions and discussions on reducing health and safety legislation under the guise of “better regulation”;
  - define an ambitious EU strategy and actions to improve the deteriorating working conditions in Europe by tackling the rise in psychosocial risks and the large number of musculoskeletal disorders, and recognising invisible occupational diseases. Specific attention should be given to precarious work for both men and women and to the reinforcement of the role of safety reps;
  - ensure that health and safety legislation is applied to all workers regardless of the size of the company;
  - take proper regulatory measures to eliminate work-related cancers in Europe and collaborate with international Institutions to eradicate them globally. Priority should be given to tightening European binding limit values for fifty of the most carcinogenic and mutagenic substances used in the workplace, and to harmonizing all other existing national standards at the highest European level.
  - Under no circumstances should possible means of regulation be restricted where this leads to a lowering of national labour, social, environmental and consumer standards. The member states’ right to regulate and to introduce new regulations must not be compromised. Between two services that meet the same use, member states must be allowed to favour the one furnished in respect of labour standards.

7. Over the last five years, the International Federation of Journalists (IFJ; 600,000 members worldwide) and the European Federation of Journalists (EFJ; more than 320,000 members in 40 countries) have, together with the TGS, led efforts to defend the interests of journalists and human rights activists.
8. In mid-September this year, the IFJ and the EFJ held an international conference in Istanbul, focusing on freedom of the press and workers’ rights in Turkey. At that conference, they condemned the Turkish government’s renewed attacks on freedoms and called for workers to be able to enjoy freedom of association. The participants also reasserted their support for the public right to information.
9. In a letter dated 25 September 2015 and addressed to President Recep Tayyip Erdoğan, our organisations and several European and international confederations denounced the current threats to freedom of the press and freedom of expression in Turkey and called for an end to the growing censorship in the run-up to the forthcoming elections.
10. The European Trade Union Confederation (ETUC) Congress, held in Paris from 29 September to 2 October 2015, hereby expresses its full solidarity with journalists, media staff and freelancers in Turkey, and with trade unionists from the TGS.
11. The ETUC Congress hereby calls on the Turkish authorities to release the 21 journalists currently in detention, to cease all legal action against journalists on the grounds of “insulting the president”, to withdraw the accreditation system, to lift the geographical barriers to information websites imposed by the Turkish Telecommunications Authority, and to cancel reform of the Press Card Commission. Freedom of association, the public right to information and freedom of speech must be respected.
12. The ETUC calls on the Turkish authorities to end repression against Turkish and Kurdish journalists as a matter of urgency.
13. There can be no democracy without freedom of the press.

## 8 SOLIDARITY WITH TURKISH AND KURDISH JOURNALISTS SUFFERING REPRESSION

1. For freedom of speech.
2. In recent years journalists, trade unionists and press collaborators in Turkey – a European Union candidate country – have suffered repression at the hands of the authorities. Journalists and trade unionists are arrested and imprisoned on a regular basis, while others face violence, censorship and insults, are threatened with dismissal and are refused accreditation. There are many examples of ongoing legal cases against journalists.
3. Our comrades in the Journalists’ Union of Turkey (TGS) face unacceptable pressure from the authorities as they seek to defend the interests of their Turkish and Kurdish colleagues suffering repression.
4. These repressive policies also have a broader target – freedom of speech itself – in their attempts to censor information on a number of issues, including the plight of the Kurds, corruption allegations against the political classes, ongoing wars in the region and the counter-terrorism strategy.
5. Efforts to repress journalists and the media have intensified in the run-up to the forthcoming general election on 1 November 2015. It is for this reason that an emergency motion is required. Forces loyal to the ruling party have besieged the offices of Turkish daily newspaper Hürriyet on two separate occasions. Journalists from daily newspaper Zaman face regular insults and intimidation from the leaders of public institutions. In the last six months, 25 new cases have been brought against journalists from daily newspaper Cumhuriyet, and three foreign press correspondents have been expelled from Turkey in the last two weeks alone.
6. As recently as 28 September 2015, Turkish police raided the offices of Kurdish daily newspaper Azadiya Welat and Kurdish press agency DIHA in Diyarbakir without an official warrant, arresting 32 journalists and media employees in the process. The journalists were detained and questioned for more than seven hours before being released.



# ANNEXE 2

## Improving gender balance in the ETUC

## ANNEXE 2: IMPROVING GENDER BALANCE IN ETUC

ADOPTED AT THE PARIS CONGRESS ON 30 SEPTEMBER 2015

### INTRODUCTION

Having regard to the statutory amendments submitted by the TUC, aiming at improving women's representation in ETUC statutory bodies and largely inspired by the principles of the Road Map adopted at the Executive Committee in June 2014;

Having regard to the discriminatory rule adopted by Congress in Athens 2011 stipulating that each gender should be represented by between 40% and 60% in ETUC statutory bodies and calling for to put forward measures to ensure a balance between men and women in ETUC;

The ETUC Congress taking place in Paris between 29 September and 2 October 2015 gives mandate to the new Secretariat to redraft the proposed statutory amendments and put forward proposals at the next ETUC Mid-term Conference;

Asks the Mid-term Conference to endorse new amendments.  
Affiliated organisations undertake to implement those amendments in their nominations to the 2019 Congress, in advance of their formal adoption by that Congress, when they will become applicable.



The ETUC is the voice of workers and represents 45 million members from 89 trade union organisations in 39 European countries, plus 10 European Trade Union Federations.



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