



European Foundation for the Improvement of Living and Working Conditions

Annual review of working conditions in the EU 2007–2008

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This fifth annual review examines four key dimensions of working conditions and quality of work and employment: career development and employment security, health and well-being, skills and competence development, and work–life balance. The report outlines relevant legislative and policy developments, and examines trends in the workplace during the period 2007-2008.

Introduction

The fifth annual review of the [European Working Conditions Observatory \(EWCO\)](#), which is part of the [European Foundation for the Improvement of Living and Working Conditions \(Eurofound\)](#) summarises the main developments at EU level in the area of working conditions and quality of work and employment during the period January to December 2007. The analysis follows the paper [Quality of work and employment in Europe: Issues and challenges](#), compiled by Eurofound (2002), which identifies four key dimensions necessary for the promotion of quality of work:

- ensuring career and employment security;
- maintaining and promoting the health and well-being of workers;
- developing skills and competences;
- reconciling working and non-working life.

During the reference period, no legislative progress has been made on the working time directive, notwithstanding the compromise proposed at the European Council in December 2007. Nor did legislative developments take place regarding work-related musculoskeletal disorders (MSD); however, the [European Commission](#) presented the Community strategy 2007–2012 on [health and safety](#) at work, and the social partners signed an agreement on combating violence and [harassment in the workplace](#).

Meanwhile, the launch of the [European Alliance for Families](#), combined with a report on the gender pay gap and a second-stage consultation on reconciling work and private life, aims towards the ambitious goals set in the European Commission's *Roadmap for equality between women and men 2006–2010*. The wide debate raised by the 2006 Green Paper on modernising labour law and by the Commission's communication on '[flexicurity](#)' was followed by a [European Parliament](#) resolution in December 2007 and by conclusions of the [Council of the European Union](#) stating the common principles of flexicurity.

1 – Legislative developments

Working time directive and temporary agency workers

Since its approval in 2003, the EU [Directive 2003/88/EC](#) concerning certain aspects of the organisation of working time has presented problems in its implementation mainly due to the wide differences throughout national labour law systems in the European Union. The European Commission engaged a wide-ranging consultation process at national and EU level in order to find a suitable agreement on the main controversial items such as the ‘**opt-out**’ clause, the 48-hour working time limit and the reference period for calculating working time.

The European Association of Craft, Small and Medium-sized Enterprises ([Union Européenne de l’artisanat et des petites et moyennes entreprises, UEAPME](#)) is calling for a rapid revision of the working time directive, preserving the internal **flexibility** and competitiveness of small and medium-sized enterprises (SMEs). According to the [UEAPME report \(137Kb PDF\)](#), it is necessary to:

- urgently find a compromise for the ‘on-call’ time issue, thereby removing the legal uncertainty created by the *Simap* ([C-303/98](#)) and *Jaeger* ([C-151/02](#)) cases ([EU0310202N](#)) – both referring to working time arrangements in the health sector. This compromise can be achieved by adopting the current European Commission proposal, which aims to create a new concept of the ‘inactive part of on-call time’;
- find an agreement on a reference period of 12 months as the general rule, by allowing **collective agreements** to extend it for a longer period;
- maintain the opt-out clause at individual level but make it also accessible through collective agreements.

For its part, the [European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest \(CEEP\)](#) considers detailed and articulated regulation on the working time directive as inappropriate and has expressed its preference for a national-level definition of working hours. In its [response \(76Kb PDF\)](#) to the European Commission’s questionnaire on the implementation of the directive, [CEEP](#) condemns the excessive burdens introduced by the [European Court of Justice \(ECJ\)](#) interpretation of ‘on-call’ time in the *Simap* and *Jaeger* cases. CEEP calls for greater flexibility regarding the timing of compensatory rest. The organisation also believes that on-call time should not be counted as work, even if it is spent in the workplace. In addition, CEEP recommends lengthening the period for calculating the working week from 17 weeks to a year, and maintaining the right for individuals to opt out of the directive, subject to reasonable safeguards.

However, the [European Trade Union Confederation \(ETUC\)](#) continues to demand the elimination of the individual opt-out clause, and that the definition of on-call working time should include the inactive part. Furthermore, [ETUC](#) deplored the UK government’s attitude against a compromise during the winter session of the 2007 European Council. Due to the ‘sensitive nature’ of this issue for some Member States, the council finally decided to postpone a decision on the matter of working time and to further pursue the dialogue ([ETUC press release 6 December 2007](#)) ([EU0802019I](#)).

Thus, the [Employment, Social Policy, Health and Consumer Affairs Council \(EPSCO\)](#) meeting of [5–6 December 2007 \(227Kb PDF\)](#) agreed to postpone a decision on the working time directive to the July 2008 Council meeting. EPSCO plans to examine it together with the [proposed directive on working conditions for temporary agency workers \(144Kb PDF\)](#), since both directives deal

with central aspects of the regulation of contemporary labour markets. The draft amendment to the working time directive aims to prevent some of the consequences of the ECJ case law by introducing the definition of the 'inactive part of on-call time'. The proposal also allows the opt-out provision if the worker agrees to work longer hours, taking into account the protection of health and safety of workers, provided that:

- employers and employees must consider other flexibility provisions before making use of it;
- a Member State cannot make use of both the longer reference period and the opt-out clause;
- an employee who refuses to work more than the average working time must not suffer as a result;
- any agreement on working time signed at the beginning of the employment contract would be null and void.

A specific evaluation of the provisions concerning the opt-out and the implementation of longer reference periods must be conducted at European level. Taking into account this evaluation, the Commission may, if appropriate, submit a proposal to revise the directive.

Directives on health and safety at work

On 14 June 2007, the ECJ gave its judgement on the infringement proceedings brought by the Commission against the United Kingdom ([Case 127-05](#)) for failing to transpose properly [Council Directive 89/391/EEC](#) on measures to encourage improvements in the safety and health of workers at work. The UK had restricted the duty on employers to ensure the safety and health of workers in all aspects related to work, as set out in the framework directive, to carry this out only 'so far as is reasonably practicable'. The ECJ rejected the European Commission's claim that the directive puts forward an alternative legal standard. In the view of the Commission, the directive places an absolute duty on the employer. The Commission, however, expressly acknowledged that such a duty 'does not imply that the employer is required to ensure a zero-risk working environment' and that, as a result of carrying out a risk assessment, 'the employer may conclude that the risks are so small that no preventive measures are necessary'. Nevertheless, according to the Commission, the employer remained responsible if an accident were to occur ([EU0707059I](#)). In a [press statement](#), ETUC respects the ECJ's absolute independence, but believes that the dismissal of this claim may go against European workers' inalienable right to protection of their health and safety at work. As the study [The 'reasonably practicable' clause \(497Kb PDF\)](#) by the [European Trade Union Institute for Research, Education and Health and Safety \(ETUI-REHS\)](#) underlines, 'the ECJ appears to disregard the debates of 1987–1989' when 'both the Commission and a big majority of the Member States and the [European Parliament](#) categorically chose to drop this clause, which had been a feature of the earliest Community health and safety directives'.

Musculoskeletal disorders at work

On 30 March 2007, the European Commission launched a [second-stage consultation \(123Kb PDF\)](#) on the issue of work-related musculoskeletal disorders (MSD), by inviting the social partners to forward an opinion or a recommendation and to inform the Commission about their willingness to start a negotiation process. The existing body of directives covers a limited number of work situations, such as manual handling, working with screen equipment and vibrations, while other ergonomic risk factors, such as awkward postures, repetition-force or contact stress are not adequately addressed in the existing EU legislation.

The Commission proposes to integrate in a single new directive the following two directives – [Council Directive 90/269/EEC](#) on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers and [Council Directive 90/270/EEC](#) on the minimum safety and health requirements for work with display screen equipment. The new directive would be complemented by non-legal measures such as better information, guidelines and outreach developed to help the relevant parties, by introducing a comprehensive definition of work-related MSD and risk factors. The new strategy would require employers to evaluate risk factors and to establish and implement ergonomic risk prevention programmes designed to control or reduce exposure to the risks and symptoms of work-related MSD. Furthermore, it should provide employers with basic criteria to identify tasks involving exposure to a level of intensity, duration or frequency that would require an extended risk assessment, and to establish a comprehensive set of risk prevention measures.

An impact assessment of the new directive is envisaged by 2009, according to the call for tender [VT/2007/073](#) by the [Directorate-General for Employment, Social Affairs and Equal Opportunities](#). That particular tender is entitled ‘Contract for an in-depth study to analyse and evaluate the environmental and socioeconomic impact of possible Community initiatives in the area of prevention of work-related musculoskeletal disorders in the European Union’.

According to the reply to the second-stage consultation on 8 May 2007 from the [Confederation of European Business \(BusinessEurope\)](#), the existing legislative framework provides an adequate coverage of MSD. Instead, [BusinessEurope](#) sees a need to improve information on appropriate risk prevention strategies and to increase knowledge with regard to the management of occupational MSD risks, particularly in SMEs and the public sector. The EU employer organisation prioritises its recommendation to prepare toolkits aimed towards particular economic sectors and the workplace.

According to the [UEAPME response \(124Kb PDF\)](#), the problem is not a lack of legislation but rather the ‘lack of its practical implementation, as the real challenge for companies is to find a workable solution adapted to the specific work situations’. The business organisation emphasises the need for risk prevention actions. Moreover, it considers that a general overarching directive ‘would be inappropriate and unrealistic as MSD varies significantly across different sectors and professions’.

Meanwhile, ETUC’s [response \(123Kb PDF\)](#) to proposals made during the consultation phase ‘reiterates its demand for a directive aimed at preventing MSD’, because this illness is the most common health-related problem reported by workers and the main reason for absenteeism. In the opinion of the trade union confederation, a new directive would trigger actions designed to combat MSD by complementing the instruments already in place. ETUC emphasises the need for consistent simplification within a framework designed to cover all potentially dangerous work situations, including the reintegration of those affected by work-related MSD into the labour market and providing compensation for the harm or injury caused.

The [European Federation of Food, Agriculture and Tourism \(EFFAT\)](#) and the [Employers’ Group of the Committee of Agricultural Organisations in the European Union \(GEOPA-COPA\)](#), for their part, observe in a [joint response \(27Kb PDF\)](#) that the definition of work-related MSD and the harmonisation of statistics ‘responds to the proposals stated in the European Agreement reached in the agricultural sector’. However, due to the specific nature of the industry, where the majority of employers have at most two employees, risk prevention and assessment continue to raise concern.

REACH

On 1 June 2007, BusinessEurope set up a network of European federations and companies aiming to guarantee the exchange of information and best practice within industry regarding the new Regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals ([REACH](#)). The network also seeks to secure a consistent voice in cooperating with authorities and policymakers in order to achieve successful implementation of the new regulation. The REACH Implementation Network was launched on 7 September 2007.

Global Harmonised System (GHS)

After the 2006 consultation, on 27 June 2007 the European Commission adopted a [proposal for a regulation](#) to bring the European system for classifying, labelling and packaging chemicals and preparations into line with the [Global Harmonised System \(GHS\)](#) created by the [United Nations \(UN\)](#). The objective is to ensure that the same criteria are used to classify and label hazardous chemicals worldwide, by complementing the new REACH regulation. The Commission proposes to amend the classification criteria references in subsequent legislation in order to minimise the GHS system's impact on business in the chemicals industry.

According to [ETUC's response \(31Kb PDF\)](#) to the consultation on GHS, 'deletion of a considerable number of substances from the classification list of Annex I of Directive 67/548/EEC is absolutely unacceptable unless each individual chemical case-by-case has been further documented and re-assessed.'

Needlestick injuries and infectious diseases

On 13 December 2006, the European Commission launched the [first-stage consultation \(34Kb PDF\)](#) of the social partners about the possible initiative on protecting healthcare workers from blood-borne infections due to needlestick injuries. The consultation was launched in response to the [European Parliament resolution](#) of 6 July 2006. The Commission envisages an initiative with the aim of strengthening certain provisions of [Directive 2000/54/EC](#) on the protection of workers from risks related to exposure to biological agents at work. This amendment would include stricter and clearer measures in terms of the safety of procedures, training and information for workers to be introduced in the course of their daily occupational tasks.

ETUC takes a positive view towards a legislative initiative by the Commission and notes that persons exposed to this health risk can work in a wide variety of economic sectors. On the employer side however, UEAPME underlines in its [response \(111kb PDF\)](#) that it would be more useful to prepare particular guidelines on the problem, while BusinessEurope considered in a statement on 14 February 2007 that the legal framework at EU level ensures adequate protection.

The [response \(62Kb PDF\)](#) by the [European Hospital and Healthcare Employers' Association \(HOSPEEM\)](#) argues that needlestick injuries are not as high in the list of work accidents among healthcare workers as the European Parliament resolution states. HOSPEEM believes that a new directive will not better ensure the safety of healthcare workers. In its view, more training and effective monitoring of compliance with legislation at national level are likely to have a greater effect, in line with agreed guidelines.

The European Commission's [second-stage consultation \(124Kb PDF\)](#), launched on 20 December 2007, incorporated the above opinions. The consultation document also considers that an integrated approach including both legislative and non-legislative initiatives is most appropriate to address the issue.

Carcinogens in the workplace

After the 2004 consultation, on 9 March 2007 the European Commission launched the [second-stage consultation \(109Kb PDF\)](#) on revising [Directive 90/394/EEC](#) on the protection of workers from the risks related to exposure to carcinogens at work. The consultation focuses on updating the binding occupational exposure limit values (BOELV) for substances included under [Directive 2004/37/EC \(131Kb PDF\)](#), which is a codified version of Directive 90/394/EEC. The discussion also seeks to extend the scope of the directive to further substances including category 1 and 2 agents toxic for human reproduction (reprotoxic), as set out in [Council Directive 67/548/EEC](#) relating to the classification, packaging and labelling of dangerous substances. Furthermore, the Commission underlines the need for appropriate training measures for workers according to a comprehensive approach.

In its [response \(151Kb PDF\)](#), ETUC welcomes the inclusion of reprotoxic substances and notes the poor results in setting BOELVs according to the procedure defined in the directive. The trade union confederation calls for limit values considerably below the technically-based OELVs for the respective substances. ETUC believes that such a revision – combined with the REACH regulation – will improve the effectiveness of workers' protection from chemicals exposure, not least in terms of the data generated. In a [press release](#) to mark the international day of commemoration for workers who have suffered injury or death at work on 28 April, ETUC called for tighter inspections and the replacement of carcinogenic substances. Meanwhile, the [International Metalworkers' Federation \(IMF\)](#) issued a risk prevention guide, entitled [Occupational cancer, zero cancer \(2Mb PDF\)](#).

BusinessEurope considers, in its reply of 15 June 2007, that a revision of the carcinogens directive is premature because of the overlapping with the REACH regulation in force since 1 June 2007. Moreover, the employer organisation is not in favour of extending the scope to reprotoxic substances. It believes that practical guidance, appropriate and additional risk management and exposure prevention measures for carcinogens, mutagens and reprotoxic substances (CMRs) will have to be implemented at the workplace.

In its [response \(138Kb PDF\)](#), UEAPME disagrees with the idea of extending the scope of Directive 2004/37/EC. The business group emphasises that objective criteria for setting BOELVs are potentially useful if they include a socioeconomic impact assessment and technical implementation analysis. UEAPME proposes a role for the [European Agency for Safety and Health at Work \(OSHA\)](#) in dissemination activities.

In its [reply \(65Kb PDF\)](#), CEEP confirms the need to improve the approach allowing for increased control of the CMR risks for reproduction. The employer organisation believes that a compendium of good practice issued by the European Commission would be useful. The organisation also considers as a first priority that objective criteria should be set establishing restrictive maximum values of exposure to chemical substances used at work. Appropriate approaches should include the following elements: expert judgement and good practice, establishing a level of exposure found in practice where high standards of occupational health and safety are applied and using this together with scientific knowledge to set a challenging but achievable occupational exposure limit.

Nanotechnologies

On 6 September 2007, the European Commission published the [First implementation report 2005–2007 \(162Kb PDF\)](#) on nanosciences and nanotechnologies according to the 'integrated, safe and responsible approach' proposed in 2004. The report summarises the main activities which the Commission supports on the basis of innovation and health and safety. The [NanoCap](#)

[project](#), promoted by trade unions, non-governmental organisations (NGOs) and universities, aims to investigate and mainstream the impact of nanotechnologies on health and safety, including in the workplace. Furthermore, the German Federal Institute for Occupational Safety and Health ([Bundesanstalt für Arbeitsschutz und Arbeitsmedizin, BAuA](#)) and the German Chemicals Industry Association ([Verband der Chemischen Industrie, VCI](#)) have produced [guidance](#) on the handling and use of nanomaterials at the workplace.

Statistics on health and safety

In a [proposal for a regulation \(177Kb PDF\)](#) issued in February 2007, the European Commission recommends a basic legal act on statistics concerning public health and health and safety at work. Such data would facilitate the expansion of the EU health monitoring system envisaged in the [amended proposal](#) for a decision establishing a second programme of Community action in the field of health and consumer protection 2007–2013. This development would overcome the ongoing ‘gentlemen agreements’ with the Member States, which cause certain limitations in the comparability of data.

All of the Member States need clearer information on the time schedule and milestones for the implementation of the new statistical tools, currently being developed, and on the actions being prepared for quality improvement. Moreover, most of the new Member States (NMS), which joined the EU in 2004 or 2007, have stated that they will not be able to comply with the EU requirements in terms of statistics on public health and health and safety at work without a European legal framework. Such compliance would be necessary to implement the full statistical body of law of the European Community or [acquis communautaire](#), in addition to the new statistical collections to be set up in the near future.

The statistics shall provide data for structural indicators, sustainable development indicators and European Community health indicators, as well as for the other sets of indicators which it is necessary to develop for the purpose of monitoring Community actions in the fields of public health and health and safety at work. Member States will be required to supply [Eurostat](#), the statistical office of the European Commission, with two reports every five years. The first of these reports will pertain to public health statistics, while the second will concern health and safety at work statistics. Both reports will outline the quality of the data transmitted and the data sources. Meanwhile, statistics on these issues shall be provided annually, covering the characteristics of persons affected by occupational illnesses and disease or health-related problems. The data will also provide information on the characteristics of the enterprise and workplace, and the cause of the illness.

In an [opinion \(68Kb MS Word doc\)](#) of 25 October 2007, the [European Economic and Social Committee \(EESC\)](#) supports the proposed regulation. EESC emphasises the importance of common definitions and systems for recognition, not least because of the [mobility of workers](#). The committee recommends taking account of the sex and age of the persons affected and, as far as possible, the nature of the [employment relationship](#). Cooperation with the [International Labour Organization \(ILO\)](#) and the [World Health Organization \(WHO\)](#) both at theoretical and methodological level should be developed. Such theory could include research into the causes of work-related illnesses and accidents, as well as ergonomics and rehabilitation. In the view of EESC, the proposed regulation constitutes one of the most useful means of progressively bringing about convergence of the nature and the definitions of data to be recorded, as well as of the methods of collecting and analysing these data in order to constantly improve their quality, compatibility and comparability.

A [European Parliament resolution](#) of 13 November 2007 shares the opinion of EESC and recommends taking into account studies and surveys of both OSHA and Eurofound.

Practical implementation reports on health and safety

On 17 January 2007, EESC published an [opinion \(66Kb MS Word doc\)](#) welcoming the 2006 [European Commission proposal \(254Kb PDF\)](#) to bring together reporting obligations on health and safety at work in a single report, thereby simplifying and rationalising the documentation. EESC believes that this ‘will enable the national authorities in Member States to obtain a better overall view of the situation and make it easier to report on the links between the various health risks which the directives seek to prevent’. In the opinion of EESC, the Commission should require ‘Member States to consult with the social partners on all sections of the report and to include their comments in the report before sending it to the Commission’.

On 26 April, a [European Parliament resolution](#) amended the Commission proposal by requiring the report to provide information according to sex. Furthermore, specific chapters should deal with the implementation of the particular aspects of each directive, including specific indicators, where available. The European Parliament again recommended cooperation with both Eurofound and OSHA. On 30 May, the European Council adopted [Directive 2007/30/EC \(106Kb PDF\)](#) amending Council Directive 89/391/EEC, and its individual Directives and Council Directives [83/477/EEC](#), [91/383/EEC](#), [92/29/EEC](#) and [94/33/EC](#), with a view to simplifying and rationalising the reports on practical implementation ([press release 30 May 2007](#)). The directive was signed on 20 June 2007.

Electromagnetic fields

On 26 February 2007, the [European Society of Radiology \(ESR\)](#) sent an [update \(89Kb PDF\)](#) to the European Commission advising that recent scientific evidence raised uncertainty over the limit exposure of Magnetic Resonance Imaging (MRI) set by [Council Directive 2004/40/EC](#) on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields). This directive should have been implemented by October 2006, but ESR urgently recommended a derogation for MRI.

The European Commission therefore proposed an amendment on 26 October 2007 to postpone the deadline for introducing legislation on workers’ exposure to electromagnetic fields until 30 April 2012 ([Commission press release](#)). This delay would allow a full analysis of the studies, including that launched by the Commission, on the potential negative impact of the exposure limit values set by the directive on the medical use of MRI and would facilitate an in-depth impact analysis of the directive’s provisions.

Gender equality in employment and occupation

On 15 May 2007, the declaration ‘[Towards gender equality in the European Union](#)’ ([2.5Mb PDF](#)) was presented at the Informal Meeting of the Ministers for Gender Equality and Family Affairs. The declaration reaffirms **gender equality** as a fundamental principle of the European Union and that ‘gender equality policies are essential instruments for social cohesion, economic growth, prosperity and competitiveness’. Moreover, it seeks implementation of all relevant activities envisaged by: the European Pact for Gender Equality, approved by the Member States at the European Council of 23 and 24 March 2006; the European Commission’s [Roadmap for equality between women and men 2006–2010](#); and the social partners’ [Framework of actions on gender equality \(111Kb PDF\)](#), established in March 2005. In the declaration, Member States are encouraged to:

- eliminate all forms of gender stereotypes in education and training, culture, media, the labour market and decision making;
- promote empowerment of girls and young women in society;
- boost the participation of migrant women in all areas of society, in particular in employment, and education and training;
- foster their commitment to increase women's employment and participation in decision-making processes;
- enhance reconciliation between work, family and private life for women and men, and eliminate the gender pay gap;
- promote female entrepreneurship, and redress gender inequalities in the field of education and training.

The European Parliament resolution on [equality between women and men in the EU](#) on 27 September 2007 welcomes the focus of the [Commission report on equality between women and men \(300Kb PDF\)](#) on employment issues such as the gender pay gap, reconciliation of work and private life, and the equal treatment directives. Economic independence for women is one of the priorities of the Commission's roadmap on gender equality and all policies in this area must be based on the principle of free personal choice and be geared to the various stages in life.

Reconciliation of work and family life

On 30 May 2007, the European Commission launched the [second-stage consultation \(180Kb PDF\)](#) on the reconciliation of professional, private and family life. It sought the opinions of the social partners on how to:

- increase childcare provision, social services and care facilities for elderly people, persons with disabilities and other dependants;
- enhance the dissemination and reinforce the exchange of good practice;
- encourage men towards reconciling their work and family life, as well as cultural change in organisations in order to avoid discrimination of men when taking family leave;
- develop and promote innovative, adaptable and flexible work arrangements and the contribution of new technologies, e-learning policies and techniques;
- revise existing leave arrangements according to duration, extent, flexibility and payment levels, by introducing new leave options such as paternity leave, leave to care for dependent family members and adoption leave. In addition, maternity protection and protection of women returning from maternity leave should be strengthened. However, more generous leave policies should not result in a disproportionate increase in the cost of hiring workers, especially in SMEs.

The European Commission encouraged the social partners to assess the provisions of their [framework agreement on parental leave](#) in the context of a possible review and invited them to continue their ongoing work according to their framework of actions on gender equality.

In its [opinion \(131Kb MS Word doc\)](#) of 11 July 2007, EESC considers that 'reconciling working and family life is necessarily linked with the achievement of gender equality' and encourages the social partners to launch regional and local-level initiatives. Such actions would bring together

committed players in a wide range of activities and coordinate local parameters in order to secure the most effective possible reconciliation.

ETUC's [position \(227Kb PDF\)](#) on the second-stage consultation welcomes the European Commission document and emphasises 'the need for an integrated approach offering a balanced policy mix to all workers and the need for policy coherence' to prevent actions taken from contradicting each other. ETUC supports the Commission's views that new types of leave could be introduced to better meet the needs of workers in terms of [work-life balance](#). Furthermore, the trade union confederation emphasises that not only elements of duration, payment and job protection need to be addressed but also health and safety, and breastfeeding provisions, in line with [ILO Convention No. 103](#) on maternity protection (see also the ETUC paper '[Reconciling professional, private and family life: A key objective for the European trade union movement](#)' (985Kb PDF), 2007a).

In its reply of 13 July 2007, BusinessEurope agreed with the European Commission on the link between reconciliation of work and family life and the labour market participation of women. However, the employer organisation expressed concern about the disproportionate emphasis placed on leave arrangements as a tool to both boost work-life balance and desegregate labour markets. Public authorities have a responsibility to ensure adequate care facilities, while the social partners have an important role to play in work-life balance by, for example, providing flexible working options where possible. These options would mostly arise at company or sectoral level, within a supporting institutional framework, since solutions have to be workable for both employees and companies.

The [UEAPME response \(221Kb PDF\)](#) points out that most of the mentioned legislative proposals concern national competences and no further regulation is needed at EU level. The business group emphasises the role of the social partners and the exchange of good practice.

In its [response \(74Kb PDF\)](#), CEEP strongly supports the establishment of the High Level Group on demographic change and the European Alliance for Families – a platform for exchanging knowledge and experience. Both the expert group and the platform focus on exchanging good practice between countries and organisations, and understanding the better performance of some countries in relation to the integration and retention of women and older workers in the labour market. CEEP underlines that measures aiming to improve work-life balance should be negotiated by the social partners at the appropriate level. The employer organisation also supports ways of encouraging fathers to take [parental leave](#).

EuroCommerce represents the retail, wholesale and international trade sectors in Europe. In its [reply](#) to the second-stage consultation, the organisation highlights that the 'lack of options to work flexibly represents a significant barrier preventing many people from entering the workforce, such as those with young children or caring responsibilities for elderly relatives'. Nevertheless, EuroCommerce does not believe that this challenge is best dealt with at EU level.

The social partners sent a joint letter to the European Commission on 11 July 2007 announcing the setting up of a working group within the context of the [European social dialogue](#) to carry out an evaluation process of all elements of their framework agreement on parental leave.

European alliance for families

In its [meeting \(113Kb PDF\)](#) on 23 May 2007, EPSCO emphasised the importance of family-friendly policies in Europe and launched the European Alliance for Families 'as a platform for the exchange of views and knowledge on family-friendly policies as well as of good practice between Member States'. Low birth rates in many European countries are very often the expression of

social imbalance since [equal opportunities](#), gender equality and suitable work–life balance are not sufficiently put into practice. Families – in particular women – are overburdened by the constraints and costs that raising children or caring for dependents may involve and by the lack of affordable and high-quality childcare provision and other care services. They need better conditions governing work organisation, as well as a better balance between employment security and flexibility – that is, flexicurity – over the life cycle, in addition to better access to [lifelong learning](#) opportunities and gender equality in employment, notably by tackling gender stereotypes. Moreover, appropriate arrangements for parental and care leave are required for both women and men.

Furthermore, the Council calls on the European Commission to establish a framework in which interested Member States, social partners, civil society organisations and other stakeholders can learn from each others' experience. This experience can be used to improve conditions for families. In light of this, the Council invites Eurofound to set up an observatory 'for the purpose of facilitating the exchange of experience, good practice and innovative approaches on family-friendly policies'. This observatory would prioritise collecting 'information on local, regional and company initiatives to increase family friendliness, especially concerning a better reconciliation of work, family and private life'.

On 30 October, the [Council conclusions \(114Kb PDF\)](#) called on the Member States and the European Commission to use fully all appropriate funds to promote gender equality and work–life balance for women and men. Funds should be used for the purpose of removing gender-based labour market segregation, improving existing indicators and making effective use of time use surveys. This would help to develop comparable EU data on time spent on paid work and on family responsibilities by men and women, respectively. Such data would also allow for evaluating existing measures, in particular with regard to their impact on labour market participation.

Anti-discrimination law

The [European Year of Equal Opportunities for All](#) took place during 2007, and more than 1,000 initiatives were organised at local, regional and national level in all EU countries. Activities included 47 anti-discrimination training programmes, 31 studies or surveys, competitions for schools or business, and national advertising campaigns ([press release 20 November 2007 \(75Kb PDF\)](#)).

The [Lisbon Conference](#), which took place on 19–20 November 2007, noted that for the first time Member States have developed national strategies covering all six grounds of discrimination – sex, race, ethnicity, religion, sexual orientation, age and disability – targeted in Article 13 of the [EC Treaty](#).

On 11 May 2007, EPSCO asked the European Parliament [Committee on Civil Liberties, Justice and Home Affairs \(LIBE\)](#) to [promote a motion for a resolution \(131Kb PDF\)](#) on combating discrimination in the EU. The proposed resolution would have the aim of increasing monitoring, the exchange of good practice and facilitating the measures supported by the [European Social Fund](#), such as the [EQUAL](#) initiative and the Community Programme for Employment and Social Solidarity ([Progress](#)). In its request, EPSCO took into account the main results of the Eurobarometer report [Discrimination in the European Union \(summary, 1.27Mb PDF\)](#) (see also the [EWCO annual review on working conditions 2006–2007](#)).

The [EESC opinion \(111Kb MS Word doc\)](#), on 17 January 2007, emphasises that people with disabilities represent 15% of the European population. The council urges the European Commission to submit a proposal for comprehensive legislation extending anti-discrimination

protection for people with disabilities into areas other than employment. The legislation should also consolidate the principle of mainstreaming disability policy. Finally, EESC underlines the central role of the social partners, the exchange of good practice and the need to enforce the philosophy of ‘Nothing about disabled people without disabled people’ by supporting the network of disability organisations.

Violence in the workplace

On 26 April 2007, the European social partners – ETUC, BusinessEurope, UEAPME and CEEP – signed a [Framework agreement on harassment and violence at work \(4.9Mb PDF\)](#). The agreement states that these problems are ‘a mutual concern of employers and workers, which can have serious social and economic consequences’. It aims to significantly increase the awareness and understanding of workplace harassment and violence between employers, workers and their representatives. Moreover, the agreement tries to provide these parties with an efficient action-oriented framework in order to identify, prevent and manage such problems.

In a [press release](#) on the same day, ETUC emphasised the great importance of this framework agreement and the necessity of implementing its provisions into national procedures and practices concerning management and labour before April 2010.

The [Committee on women’s rights and gender equality](#) of the European Parliament organised, on 21 November 2007, a [public hearing \(104Kb PDF\)](#) on ‘Sexual harassment in the workplace’. Representatives of major EU institutions participated in the event, which also included interventions by social partner experts.

The Eurofound paper on [Women and violence at work](#) is based on data collected during successive waves of the [European Working Conditions Survey \(EWCS\)](#), ensuring a common data background. The study reveals the relevant exposure of women, particularly young women, to workplace harassment and violence, with the risk of dangerous consequences in terms of psychological disturbances and work-related stress.

On 20 June 2007, the European Parliament and the Council adopted jointly [Decision No. 779/2007/EC \(67Kb PDF\)](#) establishing for the period 2007–2013 a specific programme to prevent and combat violence against children, young people and women, as well as to protect victims and groups at risk. The initiative is known as the [Daphne III programme](#).

Directive on services

After more than two years of discussions and revisions, on 16 November 2006 the European Parliament approved [Council Directive 2006/123/EC](#) on services in the internal market. Agreement was finally reached on the basis of an amended version specifically excluding taxation from the scope of the directive. The controversial ‘country-of-origin’ principle was also removed and the specific provision on [posted workers](#) was abolished. The final version established the non-overriding nature of the services directive as regards other provisions of Community law.

Nevertheless, in a [statement](#) on 9 May 2007, ETUC denounced the initiative of certain MEPs from the [Alliance of Liberals and Democrats for Europe \(ALDE\)](#) seeking to put health services back into the services directive.

Portability of supplementary pension rights

On 7 March 2007, the European Parliament Committee on Employment and Social Affairs issued [compromise amendments \(204Kb PDF\)](#) to the proposal for a directive on improving the portability of supplementary pension rights. The amendments remove the concept of portability introduced by the European Commission's proposal (see the [EWCO annual review on working conditions 2006–2007](#) for a more detailed overview of previous developments). The committee amendments favour a scheme of minimum standards for supplementary pension rights, thus reducing the scope of the proposed directive. The proposed amendments also provide for common minimum standards for vesting periods. After the [European Parliament resolution](#) of 20 June 2007, the Commission modified its [legislative proposal \(94Kb PDF\)](#), subsequently presented on 9 October 2007, in order to adopt a common approach.

In a [press release \(170Kb PDF\)](#) on 21 March 2007, UEAPME welcomed the elimination of the principle of rights and capital portability. Furthermore, the business organisation highlighted the increased role of the social partners and the value attributed to collective agreements in this policy area. However, UEAPME criticised the excessive burdens deriving from the definition and limits of vesting periods, and from retroactivity.

On 22 January 2008, the Commissioner for Employment, Social Affairs and Equal Opportunities, [Vladimír Špidla](#), announced the publication of two independent studies on a [Quantitative overview on supplementary pension provision \(975Kb PDF\)](#) in nine EU countries (European Commission, 2007g) and [The mobility profile of 25 EU Member States \(316Kb PDF\)](#) (see [European Commission press release](#)). The latter report is based on Eurobarometer data on mobility.

2 – Policy developments: European Employment Strategy

New Community Lisbon Programme and European social model

Notwithstanding the first positive results in declining unemployment levels, the [Joint employment report 2006–2007 \(194Kb PDF\)](#), adopted by EPSCO on 22 February 2007 and approved by the European Council on 8–9 March 2007, states that it is necessary to go further in this regard. Employment strategies must also focus on improving the adaptability of workers and enterprises to the challenges posed by European and international economic integration, the development of new technologies and the demographic ageing of European societies.

The related [Presidency conclusions \(213Kb PDF\)](#) underline the importance of ‘good work’ in terms of workers’ rights and participation, equal opportunities, safety and health protection at work and a family-friendly work organisation. The European Council noted that it looked forward to the discussion on the European Commission’s definition of flexibility principles, as outlined in the latter’s communication on flexicurity (see below).

The Council’s [Decision on guidelines for the employment policies of the Member States \(133Kb PDF\)](#), published on 19 June 2007, calls on Member States to concentrate efforts on three priority areas:

- attracting more people to, and retaining more people in, employment, increasing labour supply and modernising **social protection** systems;
- improving the adaptability of workers and enterprises;
- increasing investment in human capital through better education and skills.

On 11 December 2007, the European Commission presented the Communication to the Spring European Council 2008 entitled *Strategic report on the renewed Lisbon strategy for growth and jobs: Launching the new cycle (2008–2010) – Keeping up the pace of change (COM(2007) 803 final (201Kb PDF))*. The same day, the Commission also issued the Communication *Proposal for a Community Lisbon Programme 2008–2010 (COM(2007) 804 final (255Kb PDF))* in order to prepare the ground for a new Community Lisbon Programme. Both documents call on Member States to implement their policies under the [National Reform Programmes](#) and highlight the need for additional Community-level policy action to supplement resources for disadvantaged regions and Member States through cohesion policy programmes.

Flexicurity and quality of working life

The European Commission presented a Communication, *Towards common principles of flexicurity: More and better jobs through flexibility and security (COM(2007) 359 final (84Kb PDF))*, on 27 June 2007. It defines flexicurity as an integrated strategy looking towards employment security rather than job security, while also aiming to enhance flexibility and security in the labour market through policies based on four major components:

- flexible and reliable contractual arrangements, aiming to abandon the old perspective of ‘insiders’ and ‘outsiders’ towards modern labour law, collective agreements and work organisation. ‘Insiders’ may be regarded as relatively protected employees, compared with the rather unprotected ‘outsiders’ who also participate in the labour market;
- comprehensive lifelong learning strategies to ensure the continual adaptability and employability of workers;

- effective active labour market policies which help people to cope with rapid change, reduce unemployment spells and ease the transition to new jobs;
- modern **social security** systems that provide adequate income support – including unemployment benefits, pensions and healthcare – helping people to combine work with private and family responsibilities.

In this context, the EU and Member States should go further towards a successful knowledge economy with more ‘upwards mobility’.

The social partners were involved in the consultation process on flexicurity, culminating in the organisation of a [Stakeholder flexicurity conference](#) on 20 April 2007. At this event, the [expert group on flexicurity](#), which the Commission set up to report on pathways towards improved flexicurity, presented an [interim report \(43Kb PDF\)](#). The [final report \(134Kb PDF\)](#) from the expert group was published in June 2007.

In a [statement \(136Kb PDF\)](#) on 6 March 2007 replying to the 2006 Green Paper on modernising labour law (see below), BusinessEurope welcomed the launch of the flexicurity debate. The employer organisation believes that most of the labour market reforms should be taken at national level. At the same time, the EU should maintain an important role in organising exchanges of experience and monitoring national reforms, avoiding a top-down legislative approach. Furthermore, the definition of ‘insiders’ should include both permanent employees and those employed with flexible arrangements in order to avoid a negative view of the latter.

[UEAPME’s position paper \(170Kb PDF\)](#) of 7 September 2007 fully agrees with the common flexicurity principles and the four pillars as set out by the European Commission. However, it rejects the Commission’s definition of ‘insiders’ and ‘outsiders’. In the view of UEAPME, all workers are ‘insiders’, while only persons who are economically inactive are ‘outsiders’.

In its [position statement](#) adopted on 17–18 October 2007, ETUC strongly disagrees with the European Commission’s view that stable jobs and secure employment contracts undermine the capacity of the economy to grow and adapt to change. The Commission reveals this opinion by inferring a strong bias in favour of ‘external’ flexibility or ‘easy firing’ models at the expense of other strategies using ‘internal’ flexibility. ETUC rather promotes a concept of labour-friendly flexicurity where high job quality and work–life balance provide further opportunities for productivity and competitiveness. This concept also assures protected mobility and the possibility to improve workers’ skills much better than precarious employment does. However, such an approach requires appropriate financing; otherwise, the Commission’s proposal will be unbalanced in favour of flexibility without a credible commitment to employment security.

At the [Tripartite Social Summit for growth and employment](#) of 18 October 2007 under the [Portuguese EU Presidency](#), BusinessEurope, CEEP, UEAPME and ETUC presented a joint analysis of the [Key challenges facing European labour markets \(2.5Mb PDF\)](#). They agree that no ‘one-size-fits-all’ solution exists to meet the different flexibility needs of employers and workers, and claim a major role for the social partners in the ongoing debate on defining flexicurity principles.

In its July 2007 [opinion \(97Kb PDF\)](#), EESC remarks that the European Commission should have paid more attention in consulting the social partners on the European definition of common flexicurity principles. The committee also emphasises that the social partners should be involved in the design and implementation of flexicurity policies at all levels. Moreover, EESC considers that internal and functional flexibility has been underdeveloped in the current flexicurity debate; this form of flexibility can upgrade workers’ skills and positively influence productivity (see also [NL0402NU03](#)).

On 29 November 2007, the European Parliament adopted a [resolution](#) on the common principles of flexicurity. Taking into account the European Parliament's remarks and the output of the consultation process, the European Council approved its [Presidency conclusions \(189Kb PDF\)](#) in December 2007, making significant changes to the eight principles proposed in the European Commission's June communication ([EU0707069I](#)). Among the amendments, the 'insiders' and 'outsiders' definition was removed and a major role was devoted to the social partners. The revised 'Common principles of flexicurity' were contained in Annex I of the Presidency conclusions.

On 1 February 2008, the [Informal meeting of Ministers for Employment, Social Affairs and Gender Equality](#), under the Slovenian EU Presidency, established a '[mission for flexicurity](#)'. This mission is composed of seven permanent members who will visit four or five Member States to discuss in depth the state of play as regards the development and implementation of the national pathways towards flexicurity. The final report of the mission will be presented to the employment ministers in December 2008.

Modernisation of labour law

In March 2007, the EU-level social partners presented their positions on the 2006 Green Paper on *Modernising labour law to meet the challenges of the 21st century* ([COM\(2006\) 708 final \(77Kb PDF\)](#)). This input was provided for by the open [public consultation](#) procedure (see the [EWCO annual review on working conditions 2006–2007](#) for a more detailed overview of previous developments).

In its [response \(73Kb PDF\)](#), CEEP expressed scepticism regarding the need for further EU-level legislation and called for the application of the [open method of coordination](#) by enhancing the exchange of good practice rather than producing additional legislation, thereby avoiding a top-down legislative approach. BusinessEurope also underlined the need to respect the [subsidiarity](#) principle in its [reply \(131Kb PDF\)](#) to the Green Paper. The employer organisation criticised the attempt to provide a common European definition of 'worker' since a variety of contractual arrangements is essential for an effective functioning of the labour markets. In its [position paper \(163Kb PDF\)](#), UEAPME highlights the working time directive as an example of the need to limit EU legislation to core elements in order to avoid difficulties in the national implementation processes; BusinessEurope also points to this dilemma. All three employer organisations regret the need for a common European 'floor of rights' – in their view, minimum standards are already provided by national legislation and collective bargaining at different levels.

Meanwhile, ETUC's [position statement](#), adopted on 20–21 March 2007, strongly disagrees with the European Commission's view that standard employment relations are outdated because they are 'overly protected'. Instead, ETUC proposes to invest in the enforcement of existing national and EU labour law by refocusing the scope on the real causes for labour market segmentation and extending protection to new forms of 'dependent' work.

On 11 July 2007, the [European Parliament resolution](#) on modernising labour law encompassed most of the social partners' remarks, while maintaining a positive attitude on the need for the EU to tackle the issue. In October 2007, the Commission's Communication on the outcome of the public consultation ([COM\(2007\) 627 final \(152Kb PDF\)](#)) recognised the need to advance an integrated approach to define and implement flexicurity principles. It identifies a demand for improved cooperation, information and analysis in a number of areas such as [undeclared work](#) and lifelong learning, as well as interaction between labour law and social protection in order to clarify the nature of the employment relationship.

Decent work and social globalisation

In an [opinion \(92Kb MS Word doc\)](#) on 17 January 2007, EESC shared the European Commission's view that social objectives must not be used for protectionist purposes, by underlining that 'decent work' policies can only succeed with the full involvement of the social partners and broader civil society. Policy coherence and coordination at all levels are also crucial. EESC calls on the Commission to develop adequate indicators for assessing EU implementation of the decent work agenda and to promote occupational health and safety as a key factor. The opinion also emphasises the importance of gender equality and the empowerment of women to overcome poverty. Furthermore, it encourages the EU and its Member States – and the social partners in the Member States – to seek a proactive role in supporting the ILO in formulating new standards 'to deal with new realities in the world of work as they immerge'. EESC appeals to the Commission and Member States to review the present unsatisfactory situation of poor ratification of ILO conventions.

On 14 February, a [European Parliament resolution](#) in relation to the [Lisbon Strategy](#) considered the promotion of ILO core labour standards and decent work worldwide as vital to strengthening external competitiveness. The resolution also believes that avoiding environmental dumping is a crucial element of fair competition.

In a [statement](#) on 8 March 2007, ETUC outlined five basic principles of decent work:

- an end to the growth in precarious jobs, which 'undermine working conditions, health and safety, generate poverty wages and damage social cohesion';
- better work organisation 'where workers are fully informed and consulted, able to balance the demands of work and home life, and have opportunities for lifelong learning to boost skills and qualifications';
- strong [employment protection](#);
- improved social welfare systems, offering security to those changing jobs;
- social dialogue and collective bargaining, and the full involvement of the social partners in labour market reform.

ETUC believes, in a [further consideration](#) of decent work, that workplace flexibility 'must operate for the benefit of workers as well as employers [...] backed by strong social welfare provision to guarantee living standards'. Decent work is needed 'to boost productivity and encourage innovation', while the recent growth in precarious jobs has served to erode decent work in Europe.

The [European Parliament resolution](#) of 23 May 2007 on promoting decent work for all considers that such work is a centrepiece of the fight against poverty and social exclusion and of a continuous improvement in working conditions. This concept 'goes well beyond safeguarding core labour standards' and should be adapted to each society's specificities. The Parliament calls on the Member States to make decent work a priority of their economic and social policy, and to promote the application of [corporate social responsibility](#) (CSR). It is important to foster good practice encouraging the adoption of codes of conduct as voluntary initiatives at company or sectoral level, referring to and complementing national legislative and international standards.

On 24 January 2008, the European Commission announced at a [two-day conference](#) on 'Decent work for all' that it will mobilise the EU's different internal and external policies to help promote decent work for all. This initiative will encompass the external dimension of the [European strategy for growth and jobs](#) and seeks to better mobilise EU and Member State policies to

promote decent work. It will also contribute to the international agenda, in particular by cooperating with the ILO and UN. A new report covering the different dimensions of internal and external EU policies relevant for promoting decent work for all worldwide is to be published in September 2008.

Corporate social responsibility

The [European Parliament resolution](#) on 14 February 2007 pointed out that CSR ‘should not be interpreted as being imposed unilaterally by the state, through new legal burdens on business’. Rather, it should be brought into play through company initiatives, whether of a fiscal or other nature, so that companies voluntarily take on social interest functions.

On 13 March 2007, a [European Parliament resolution](#) on CSR welcomed the European Commission’s communication on this issue ([COM\(2006\) 136 final](#)), published in March 2006. The Parliament recognises the concept as the ‘voluntary integration of environmental and social considerations into business operations, over and above legal requirements and contractual obligations’. CSR can ‘tackle new areas such as lifelong learning, the organisation of work, equal opportunities, social inclusion, sustainable development and ethics, so as to operate as an additional instrument for managing industrial change and **restructuring**’. The European Parliament notes ‘a contradiction between competitive sourcing strategies by companies seeking continuous improvements in flexibility and cost on the one hand and voluntary CSR commitments seeking to avoid exploitative employment practices and promote long-term relationships with suppliers on the other’; it welcomes further dialogue on this point.

In a [statement](#) on 14 March, ETUC welcomed the adoption of the report on CSR by the European Parliament. The trade union confederation considers that the report ‘brings the debate back onto the right track, recovering elements such as multilateralism, accountability and transparency’.

A report published by CSR Europe, BusinessEurope and UEAPME, entitled [The European Alliance for CSR \(306Kb PDF\)](#), summarises the main activities carried out in 2006. Over 150 companies and 60 employer organisations expressed their support for the Alliance for CSR by raising awareness and exchanging good practice. A survey of more than 1,800 companies was conducted, and plans were put in place to mainstream CSR across all management disciplines in over 600 European business schools and universities.

In a [press briefing \(101Kb PDF\)](#) of 6 March 2007, UEAPME fully agrees with the EU concept of CSR. The business organisation is therefore against calls to introduce an obligation to report on CSR activities and feels that the European Parliament report on CSR ‘leaves a lot to be desired and creates mistrust towards enterprises’.

Action programme on lifelong learning

As part of the [lifelong learning programme 2007–2013](#), in October 2006 the European Commission published a Communication on *Adult learning: It is never too late to learn* ([COM\(2006\) 614 final \(355Kb PDF\)](#)). This document and the action plan that followed in September 2007 aim to implement five key messages: to remove barriers to participation; to increase the quality and efficiency of adult learning; to speed up the process of validation and recognition; to ensure sufficient investment; and to monitor this form of learning. During the first half of 2007, the Commission started a wide-ranging consultation process involving all Member States in four regional meetings. It then presented the Communication on an action plan on adult learning, entitled *It is always a good time to learn* ([COM\(2007\) 558 final \(56Kb PDF\)](#)), calling on the Member States to work together and support the plan ([Commission press release 27 September 2007](#)). The action plan focuses on the following aspects:

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- an analysis of the reform effects in Member States on education and training in the field of adult learning;
- the quality of provisions in the area of adult learning;
- the process of assessment of skills and social competences.

In its [position paper \(138Kb PDF\)](#) of 26 January 2007, UEAPME concurs with the European Commission on the need to create a European learning culture. The business organisation also agrees that demand-side reasons are often the most serious barriers to adult learning and firmly believes that a public-private partnership of co-financing should be the guiding principle.

E-skills

On 7 September 2007, the European Commission adopted a Communication on *E-skills for the 21st century* ([COM\(2007\) 496 final \(161Kb PDF\)](#)) proposing a long-term agenda and five action lines at EU level to address the need for skills related to information and communication technologies (ICT) – so-called e-skills. Positive steps were made at EU level and in the private sector during 2006 in terms of an increased commitment to e-skills. For example, the number of private partners in the [European Alliance on Skills for Employability](#) continues to expand, while an e-skills conference took place in Thessaloniki on 5–6 October 2006, and the [ICT taskforce](#) reported on its findings. Nevertheless, the Commission complains about the lack of a long-term policy commitment and the presence of a prevailing fragmented approach in the different Member States. This situation seems paradoxical in a contest where ICT is, in fact, operating at a global level. As a result, the Commission proposes the following five lines of intervention:

1. longer-term cooperation – strengthening cooperation between public authorities and the private sector through the promotion of multi-stakeholder partnerships and joint initiatives, including monitoring supply and demand, anticipating change and promoting ICT education;
2. human resources (HR) investment – ensuring sufficient public and private investment in HR and e-skills, as well as appropriate financial support to facilitate mobility, transparency of qualifications, recognition and credit transfer between formal, non-formal and industry ICT education and certifications;
3. attractiveness – promoting among young people, particularly girls, the opportunities arising from an ICT education and career in order to counter the significant decline in young people's interest in a science and technology career in Europe;
4. employability and e-inclusion – developing digital literacy and e-competence actions tailored to the needs of the workforce in the public and private sectors and the needs of those excluded from the labour market;
5. lifelong acquisition of e-skills – ensuring that workers can regularly update their e-skills. Government should promote good practice for the training of employees using e-learning, with a particular emphasis on SMEs, and it should publicise successful solutions and business models.

Social protection and social inclusion

The European Commission published a Communication on a *Proposal for the joint report on social protection and social inclusion 2007* ([COM\(2007\) 0013 final](#)) on 19 January 2007. Vital elements in the proposal are quality jobs, with healthy and sound working conditions, alongside reinforced active labour market policies, opportunities to upgrade skills, including in the field of ICT, and anti-discrimination measures.

In its [reply](#), ETUC points out that ‘advocating the development of flexibility means allowing for – as is currently the case – an increasing number of workers who are poor or at risk of poverty within the EU’. The trade union confederation considers that ‘where such flexibility exists, it must be accompanied by a guarantee that social rights and access to social services of general interest will be maintained’.

On 17 October 2007, the European Commission launched a second-stage consultation with a Communication on *Modernising social protection for greater social justice and economic cohesion: Taking forward the active inclusion of people furthest from the labour market* ([COM\(2007\) 620 final](#)). The basic principle of active inclusion combines income support ‘for people to have a dignified life with a link to the labour market through job opportunities or vocational training and through better access to enabling social services’. This strategy is seen as ‘fully complementary to the “flexicurity” approach, while targeting those at the margins of the labour market’. The Commission intends to issue a recommendation promoting a comprehensive policy mix combining three elements:

- a link to the labour market through job opportunities or vocational training;
- income support at a level that is sufficient for people to have a dignified life;
- better access to services that may support their re-insertion into employment.

On 15 November 2007, the [draft Council conclusions \(96Kb PDF\)](#) from EPSCO note that social inclusion ‘is both a fundamental dimension of the Lisbon Strategy and a building block of the social dimension of the sustainable development strategies for Europe’. The council welcomes the Commission initiative and acknowledges that ‘active inclusion policies should be implemented in a coordinated way through the active participation of all relevant stakeholders at national, regional and local levels’.

Undeclared work

On 24 October 2007, the European Commission presented the Communication *Stepping up the fight against undeclared work* ([COM\(2007\) 628 final \(58Kb PDF\)](#)). Undeclared work appears as a financially attractive option and tends to increase due to growing demand for household and care services as a result of sociodemographic changes. The trend towards flexible employment contracts, self-employment and on-call work can also encourage the spread of undeclared work; these employment options are sometimes misused for non-declaration of part of the wages.

Undeclared work ‘tends to be associated with poor working conditions for individuals and subsequent risks to workers’ health, low prospects for career progress and insufficient social protection coverage’. It thus represents an extreme case of labour market segmentation. The European Commission seeks to combat undeclared work by reducing its financial attractiveness, through administrative reform and by simplifying tax and benefit systems. It also plans to strengthen surveillance and sanction mechanisms with sector-specific approaches to transform undeclared work into regular work, particularly in sectors such as hotels and restaurants, agriculture and household activities. This initiative should be reinforced with transnational cooperation between Member States and awareness-raising campaigns.

The Commission calls on the social partners to agree on practical measures, while effective surveillance and enforcement are important components of a comprehensive policy approach.

The social partners addressed the issue within their joint analysis of the *Key challenges facing European labour markets*. In its [position paper \(133Kb PDF\)](#), UEAPME welcomes the Commission initiative since undeclared work is ‘a worrying phenomenon’. However, the business

organisation strongly disagrees that flexible employment contracts and self-employment can be considered as drivers of undeclared work. In its view, 'both are necessary for a good functioning of the labour markets and the increase in growth and jobs'.

3 – Policy developments: Working conditions

Health and safety at work strategy

On 21 February 2007, the European Commission published a Communication on *Improving quality and productivity at work: Community strategy 2007–2012 on health and safety at work* ([COM\(2007\) 62 \(1.8Mb PDF\)](#)). A number of challenges in the health and safety field, identified during the previous reporting period, are continuing to grow in importance, namely:

- demographic change and the ageing of the working population;
- new employment trends including the increase in self-employment, outsourcing and increased employment in SMEs;
- new and larger flows of migrants towards Europe;
- the increasing labour market participation of women, often combined with gender segregation in the workplace, thus affecting the health and safety of women at work.

The nature of occupational hazards is changing in tandem with the acceleration of innovation, the transformation of work patterns and the emergence of new risk factors – such as violence at work, including sexual and psychological harassment, and addictions. At the same time, MSD, work-related infections and illnesses associated with psychological stress are becoming more common. These changes call for a better understanding of the problem by conducting specialised research in order to identify effective risk prevention measures.

The 2007–2012 strategy aims for a 25% reduction in the total incidence rate of accidents at work in the 27 EU Member States (EU27) by 2012. This is to be achieved by means of better compliance with Community legislation, particularly in SMEs and high-risk economic sectors: a wide set of measures will be used – including dissemination, employee training, risk assessment tools, guidelines and labour inspectors – and Member States will be invited to ‘take steps to facilitate access to good quality prevention services’. The aim is to improve the health surveillance of workers while avoiding overburdening companies with formal requirements. A further objective is to improve the rehabilitation and reintegration of workers excluded from the workplace for a long period of time because of an accident at work, an occupational illness or a disability. Moreover, the strategy seeks to ensure that initiatives concerning health and safety at work are developed consistently with public health policies.

Together with the [Advisory Committee on Safety and Health at Work \(ACSH\)](#), the European Commission will explore the need for recommendations in cases where different employers may work together when several levels of subcontracting coexist at the same workplace.

The Commission encourages OSHA to review the implementation of health and safety aspects in Member State vocational and occupational training policies. The occupational safety and health agency should also enhance risk anticipation to include risks associated with new technologies, biological hazards and complex human-machine interfaces, as well as analysing the impact of demographic trends in this regard. Meanwhile, Eurofound is requested to assess the effect of these policies. Finally, the Commission will develop, in cooperation with ACSH, a common system for the collection and exchange of information on the content of national strategies, the assessment of the implementation of the objectives, and the effectiveness of national risk prevention structures and the efforts deployed.

In a [reaction statement](#), ETUC notes that accidents at work are only a limited part of the health problems caused by work and regrets that the Commission communication says nothing about

precisely how occupational diseases will be reduced. Moreover, it does not consider the role of workers' representation and labour inspectorates in risk prevention: this represents a 'backwards step' compared with the wider approach pursued up to now.

In a [position paper \(51Kb PDF\)](#) on 7 May 2007, BusinessEurope broadly welcomes the new Community strategy, especially its focus on better implementation and simplification of the legal framework. The employer organisation calls on the European Commission to ground any new specific legislation on a proper implementation analysis of the existing legal framework, a sound analysis of scientific evidence and a thorough assessment of economic and social costs, as well as benefits, in relation to the introduction of new legislation.

According to a [UEAPME press release \(182Kb PDF\)](#), the Commission document rightly focuses on tackling the obstacles to the implementation of existing health and safety rules. UEAPME agrees with its emphasis on awareness raising, education, risk prevention, practical guidance and simplification. Furthermore, it welcomes the Commission proposal to oblige Member States to transpose these simplification efforts into their own national legislation, which is essential for SMEs.

In its [position paper \(89Kb MS Word doc\)](#), EuroCommerce fully agrees with the importance given to a better implementation of the existing regulation in this field. It believes that new regulations should only be introduced if really necessary, and that 'some health and safety-related issues would benefit from a more goal-orientated approach'. This could facilitate a practical application for SMEs, which are numerous in the wholesale and retail trade sector.

The [Council conclusions \(289Kb PDF\)](#) of 20 July 2007 invite Member States to rapidly implement the Community strategy 2007–2012 on health and safety at work, which 'will strengthen the overall approach to well-being at work and relaunch prevention policies and improvements for workers'.

A [European Parliament resolution](#) of 15 January 2008 on the Community strategy welcomes the European Commission's ambitious target but regrets that the communication is silent on targets for the reduction of occupational diseases. Moreover, the European Parliament warns that regulatory simplification should not undermine the level of protection offered to workers. It suggests that the Commission should transform EU [Recommendation 2003/670](#) concerning the European schedule of occupational diseases into a minimum directive. It also calls on the Commission to broaden the Community strategy's scope to cover social determinants.

Furthermore, the European Parliament urges Member States to implement existing occupational health and safety (OHS) directives in a more gender-sensitive way and to implement a gender impact assessment of these directives. It 'applauds the special focus on rehabilitation and reintegration called for in the national strategies'. The Parliament considers that governments should ensure that their health and safety strategies include the obligation of job retention for people who have experienced a physical or mental illness during their working lives. The latter could be achieved through training or reallocation of job tasks, for example. The European Parliament notes that 'opt-outs from OHS protection legislation jeopardise the health of workers and equal opportunities, and may trigger a downward trend in such protection'. Moreover, it examines the need to extend the employer's safety obligation in subcontracting relations by imposing a joint liability on the principal contractor for the subcontractors' obligations towards their workers.

Health programme 2008–2013

The White Paper *Together for health: A strategic approach for the EU 2008–2013* ([COM\(2007\) 630 final \(150Kb PDF\)](#)) highlights the importance of developing synergies with other policy

areas in order to improve the health of the European population. Measures to promote the health of older people and the workforce are among the priority concerns.

A [European Parliament resolution](#) on the health programme at proposal stage supported measures to promote and explore the impact of health on productivity and labour participation as a contribution to meeting the Lisbon goals.

The European Commission accepted all of the parliamentary amendments on 30 August 2007 ([COM\(2007\) 485 final](#)). The Council had earlier reached unanimous political agreement on the draft proposal. Therefore, on 23 October 2007, [Decision No 1350/2007/EC \(83Kb PDF\)](#) of the European Parliament and of the Council established a [second programme of Community action in the field of health \(2008–2013\)](#).

Implementation report on work-related stress

The [2007 progress report \(96Kb PDF\)](#) on the implementation of the social partners' 2004 [framework agreement on work-related stress \(78Kb PDF\)](#) summarises the activities carried out by the social partners at national and EU level. These initiatives include agreements at national, sectoral and local or company level, dissemination activities, implementation by law and other measures promoted jointly or separately by the social partners.

Gender equality

On 7 February 2007, the European Commission published a *Report on equality between women and men* in the EU ([COM\(2007\)49 final \(300Kb PDF\)](#)). The report sets the following objectives, namely to:

- eliminate gender gaps in the labour market by favouring access to high-quality paid employment as the guarantor of the economic independence of both women and men;
- combat gender stereotypes;
- tackle the gender pay gap;
- encourage a better balance of private and family responsibilities by ensuring that parental leave is targeted at both men and women, non-transferable across parents, financially attractive and no longer a barrier to return to work;
- provide affordable care services for dependants and filial leave for elderly parents.

The 2007 report [Gender equality: a step ahead – A roadmap for the future \(1.7Mb PDF\)](#) summarises the 4–5 May 2006 conference launching the European Commission's roadmap for gender equality (European Commission, 2007c).

On 13 March 2007, the [European Parliament resolution](#) on the *Roadmap for equality between women and men 2006–2010* acknowledged the dual approach to promoting equality and calls on the Commission to treat gender equality policy as an 'indispensable requirement of respect for the rights of the individual'. Moreover, in cooperation with the Member States and the social partners, the Commission should ensure that the 'cost of motherhood and fatherhood is borne by society as a whole, so as to eradicate discriminatory behaviour at work'. This could be achieved through various measures, notably: by facilitating the balanced participation of women and men in professional work and family life; by making care services more accessible and flexible; and by actively encouraging fathers and male cohabitants to make use of available flexible working time options and to take on household chores and family work by introducing paternity leave.

Framework strategy on gender equality

According to the second follow-up report on the [Framework of actions on gender equality \(487Kb PDF\)](#), published by ETUC, BusinessEurope, UEAPME and CEEP, family-friendly policies record the highest number of initiatives carried out by the social partners at national level. Such actions include the extension of care leave, the implementation of flexible working arrangements and the adoption of measures to increase the take-up of these facilities by men. Social partners have, for example, adopted tools such as training, manuals or mentoring, and have organised specific training addressed to workers who will become mothers and fathers about their leave entitlements. Some companies are using check-lists to audit the family-friendliness of their work organisation and introduce measures that do not hinder the career progression of women.

Gender pay gap

On 22 March 2007, the [Advisory Committee on Equal Opportunities for Women and Men](#) adopted an [opinion \(43Kb PDF\)](#) on the gender pay gap. It recommended that the European Commission should reintroduce a specific target and timetable for the elimination of the gender pay gap into the [European Employment Strategy \(EES\)](#); currently, this is no longer included among the EES targets. The opinion also recommended improving the availability and dissemination of information, and sought to further implement and integrate existing legislation.

The European Commission Communication *Tackling the pay gap between women and men (COM(2007) 424 final (117Kb PDF))*, published in July 2007, examines the causes of the pay gap and suggests possible ways of reducing it ([EU07080491](#)). Women are concentrated in a much smaller number of economic sectors and professions than men are. Moreover, they tend to be less valued and associated with lower pay levels than those in which men predominate; for instance, only a third of managers are women in EU companies. Furthermore, women in particular still experience greater difficulties than men in balancing work and private life. The communication identified the following four priority areas, to:

- improve the legislative framework and its implementation;
- monitor the pay gap and policies as part of the European strategy for growth and jobs;
- encourage employers to respect equal pay, which is seen as a competitive advantage for companies by allowing their staff to make full use of their productive potential;
- support the exchange of good practice.

In a [statement](#) on 18 July 2007, ETUC agrees with the European Commission that the pay gap is caused by a wide range of factors, and therefore must be addressed by all relevant stakeholders, in particular by the Member States and social partners. However, more practical action is also required at EU level and ETUC expresses deep concern ‘about growing wage inequalities around Europe, especially in areas and jobs not covered by collective bargaining’.

In July 2007, the Commission issued a [Manual for gender mainstreaming of employment policies \(189Kb PDF\)](#). The manual summarises the four steps of a gender mainstreaming strategy in designing active labour market policies, pay and career guidelines, and work–life balance and flexicurity policies. In summary, these steps include getting organised, learning about gender differences, assessing the policy impact and redesigning policy.

Equality and non-discrimination

On 9 February 2007, the European Commission presented the report [Gender inequalities in the risks of poverty and social exclusion for disadvantaged groups in thirty European countries](#)

[\(1.2Mb PDF\)](#) (European Commission, 2006a). Gender differences and inequalities are a fundamental feature of social exclusion and poverty: women are less likely to secure a decent individual income through employment because of their lower employment rate, greater exposure to low pay, greater likelihood of interrupting their employment or working reduced hours to attend to family care responsibilities, and higher unemployment. Such gaps are more pronounced for particular subgroups, such as older workers.

The Commission study on [Putting equality into practice: What role for positive action? \(2.2Mb PDF\)](#), completed in March 2007, collects both theoretical definitions and good practice in employment situations, particularly in the area of recruitment (European Commission, 2007f). Positive action can play an important role as a tool to redress the lack of substantive equality in society. This form of action can ‘confront deeply engrained structural discrimination in such a manner that positive results are achieved within a reasonable time’.

In July 2007, the European Commission launched a public consultation on [Discrimination – does it matter? \(14Kb PDF\)](#). The consultation aimed to extend the EU legal framework against discrimination outside the labour market, as stated in the Commission’s *Annual policy strategy for 2008* ([COM\(2007\) 65 final \(109Kb PDF\)](#)).

In a letter to the Commission dated 12 October 2007, BusinessEurope responds that existing regulations both at EU and Member State level offer a comprehensive framework to combat discrimination, while further action could be carried out by the dissemination of good practice. The employer organisation points out that it is sometimes extremely difficult to comply with the multiple layers of rules that may exist to ensure an environment free of discrimination.

As part of [its observations \(140Kb PDF\)](#), ETUC believes that the need arises for a comprehensive approach to non-discrimination, consistent with other areas of EU policy since ‘non-discrimination outside employment is often a precondition for equality in the workplace’. Good practice dissemination is a key tool complementing legislative action, with equality bodies playing a vital role in monitoring and promoting implementation.

The UN General Assembly adopted a [Convention on the rights of persons with disabilities](#) in December 2006, identifying disability as a human rights issue. In October 2007, the UN published a handbook for parliamentarians on the convention and its optional protocol, entitled [From exclusion to equality: Realising the rights of persons with disabilities \(2.5Mb PDF\)](#). Meanwhile, the ILO published a revised edition of its guidelines on [Achieving equal employment opportunities for people with disabilities through legislation \(611Kb PDF\)](#). These publications aim to assist policymakers and drafters of legislation in improving the effectiveness of national laws concerning the training and employment of disabled persons. As the ILO guidelines note, the ‘denial of equal employment opportunities to people with disabilities forms one of the root causes of the poverty and exclusion of many members of this group’.

On 11 December 2007, the European Parliament Committee on Employment and Social Affairs issued a [draft report \(110Kb PDF\)](#) on progress made in equal opportunities and non-discrimination in the EU, focusing on the legal perspective. Community law currently does not cover discrimination in most areas of Community competence, while at national level a lack of harmony exists in the implementation of existing directives. The draft report calls on Member States to ensure that [Council Directive 2000/78/EC](#) establishing a general framework for equal treatment in employment and occupation is fully implemented. Furthermore, the Commission should carry out a substantial review of the implementation as part of the open method of coordination. The Commission should also formulate a broad definition of disability, since the lack of such a definition in the directive has excluded some categories of disabled people from legal protection.

Demographic change and life cycle

Following the 2006 European Commission Communication on *The demographic future of Europe – from challenge to opportunity* ([COM\(2006\) 571 final \(103Kb PDF\)](#)), EESC presented its [opinion \(116Kb PDF\)](#) on the economic and budgetary impact of ageing populations with regard to the sustainability of EU welfare, healthcare and pension systems.

BusinessEurope published its [opinion paper \(119Kb MS Word doc\)](#) largely agreeing with the Commission's analysis of the impact of demographic ageing on the labour market, productivity, economic growth, social security systems and public finances. BusinessEurope suggests avoiding an increase in levies and taxes on companies and workers, which would further undermine growth and employment. Likewise, an increase in public debt would result in higher interest rates, undermining investment.

Young people

The European Commission published, on 4 September 2007, a Communication on *Promoting young people's full participation in education, employment and society* ([COM\(2007\) 498 final \(69Kb PDF\)](#)). The document aims to promote young people's education, employment, social inclusion, health and active citizenship in a life-cycle approach.

Mobility

At the beginning of 2007, the European Commission published the *Final report on the implementation of the Commission's action plan for skills and mobility (2002–2007)* ([COM\(2007\) 24 final \(142Kb PDF\)](#)). The report provided an overview of the progress and shortcomings of the action plan with a view to the adoption of the Commission's Communication on *Mobility, an instrument for more and better jobs: The European job mobility action plan (2007–2010)* ([COM\(2007\) 773 final](#)), published on 6 December 2007. The positive start-up of the 25 priority actions needs to be further advanced within a more integrated approach to mobility in areas such as lifelong learning, ICT skills, economic migration and efforts in removing legal, administrative and cultural obstacles.

ETUC has produced a booklet entitled [Mobility on the labour market and lifelong learning \(711Kb PDF\)](#), which is the report of a study conducted in 2006 – European Year of Mobility – by ETUC's working group on lifelong learning and education. According to the report, different types of mobility need different policy measures. Mobility should be seen as a way to promote social inclusion and cohesion instead of being a threat. This requires a major commitment to lifelong learning and active labour market policy measures by the social partners and political processes at all levels.

Implementation of posted workers directive

On 13 June 2007, the European Commission published a Communication on the *Posting of workers in the framework of the provision of services: Maximising its benefits and potential while guaranteeing the protection of workers* ([COM\(2007\) 304 final \(65Kb PDF\)](#)). The communication reveals the urgent need to strengthen the cooperation between the Commission, Member States and the social partners in implementing Community law enhancing the protection of posted workers' rights. The Commission proposes to reinforce the administrative cooperation within the [Internal Market Information System \(IMI\)](#) and to establish a High Committee to support and assist the Member States in identifying and exchanging good practice.

IMI is an information system designed to facilitate mutual assistance and information exchange between Member States. It provides a tool for secure and fast data exchange among European authorities, allowing them to work together effectively despite barriers due to different languages and administrative procedures and structures. The first applications developed will support the revised [Council Directive 2005/36/EC](#) on the recognition of professional qualifications and the services directive.

In [UEAPME's reply \(140Kb PDF\)](#) to a questionnaire concerning the posting of workers and the provision of services, the business organisation considers that the posted workers directive is a central piece of legislation. However, the accumulation of control measures and administrative burdens introduced by the directive actually dissuades small businesses from providing services through the posting of workers. Thus, a better coordination of national systems is necessary.

In [reaction](#) to the Commission communication, ETUC believes that it endangers the sensitive balance between the freedom to provide cross-border services and the need to ensure effective instruments to monitor and enforce labour standards in the host country. The trade union confederation warns against the risk of undermining the requirements imposed by Member States through simplified steps towards administrative transparency. Furthermore, on 26 February 2008, ETUC presented its [position](#) on the [Laval case \(C-341/05\)](#) and [Viking case \(C-438/05\)](#) ([EU0706029I](#), [EU0801019I](#)), and complained about the risk of '[social dumping](#)'. ETUC calls for:

- a 'social progress clause' firmly establishing that the Treaty and in particular its fundamental freedoms shall be interpreted as respecting fundamental rights and especially collective action;
- the revision of the posted workers directive in the direction of workers' protection;
- the urgent implementation of a temporary agency workers directive, which is highly relevant to mobility and migration. Its principle of equal treatment would reassure trade unions that the EU was not to be a vehicle for social dumping.

On 11 July 2007, a [European Parliament resolution](#) considered that the implementation of the posted workers directive was problematic due to a lack of proper implementation in the Member States and coordination among their competent authorities. The Parliament agrees with the European Commission that the host Member State should be able to require a prior declaration by the service provider to enable it to verify compliance with the employment conditions stipulated in the directive.

On 18 December 2007, the ECJ issued its ruling on the Laval case in favour of the cross-border services provider. Although it emphasised the right of trade unions to intervene in cases where the public interest of protecting workers prevailed, the ECJ stated that this was not the situation in the particular case under question. In a [statement](#), ETUC expressed its disappointment about this decision, which will have negative implications for trade unions' ability to promote equal treatment and the protection of workers regardless of nationality.

Seafaring jobs

On 10 October 2007, the European Commission launched a [first-phase consultation \(191Kb PDF\)](#) on reassessing the regulatory social framework for more and better seafaring jobs in the EU, following a remark in the [European Parliament resolution](#) on modernising labour law. The consultation document notes that increasing economic globalisation and internationalisation of the workforce have 'eroded the effectiveness of the existing international standards and affected

maritime safety at global level, contributing to a strong increase in inequalities in the living and working conditions of maritime workers’.

This situation has emerged despite EU efforts which resulted in the successful adoption of the [ILO Maritime Labour Convention, 2006](#) and the [ILO Convention concerning work in the fishing sector, 2007 \(181Kb PDF\)](#) according to decent work and labour standard principles. In particular, small vessels are excluded from the scope of sector-specific health and safety directives because of their economic impact, although the fishing sector is relatively accident prone. The [EESC opinion \(128Kb MS Word doc\)](#) on the Green Paper *Towards a future maritime policy for the Union* ([COM\(2006\) 275 final \(596KB PDF\)](#)) notes the exclusion of fishermen and seafarers from European social legislation on collective redundancies, the transfer of undertakings, information and consultation, and the posting of workers in the framework of the provision of services.

On 16 October, the European Commission issued a codified version of the *Directive on the minimum level of training for seafarers* ([COM\(2007\) 610 final \(276Kb PDF\)](#)). Some months earlier, in May 2007, the social partners finalised their European handbook for the [Prevention of accidents at sea and the safety of fishermen \(5.2Mb PDF\)](#).

Migration

On 16 May 2007, the European Commission published a draft directive ([COM\(2007\) 0249 final](#)) providing for sanctions against employers of illegally staying **third-country nationals** and a Communication on *Circular migration and mobility partnerships between the European Union and third countries* ([COM\(2007\) 248 final](#)). On 23 October 2007, the Commission presented two further draft directives on the issue of migration. The first proposal was on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State, and on a common set of rights for third-country workers legally residing in a Member State ([COM\(2007\) 638 final \(200Kb PDF\)](#)). The second proposal concerned the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment ([COM\(2007\) 637 final \(218Kb PDF\)](#)); this is the so-called EU ‘Blue Card’ proposal addressed to high-qualified foreign workers from outside the EU.

UEAPME’s [position paper \(53Kb PDF\)](#) on the second proposal endorsed the European Commission’s strategy and urged it to pursue a ‘step-by-step’ harmonisation of criteria and procedures, taking a sector-by-sector approach. Regarding pay criteria, however, UEAPME disagrees with the Commission’s decision to set a minimum wage for third-country workers because any wage threshold should ultimately be defined at national level.

In December 2007, ETUC outlined its [position](#) that the piecemeal approach chosen by the European Commission may lead to a ‘two-tier’ migration policy, with less or no rights for lower skilled migrants. The trade union confederation also expresses strong concerns about the draft directive providing for sanctions against employers hiring illegal migrants. Due to the limited legal channels for migration that exist for low-skilled and low-paid workers, the directive may be largely ineffective in this regard and could make the situation more difficult for these workers. On the other hand, ETUC welcomes the draft directive establishing a common set of rights offering equal treatment to migrant workers and approves of the ‘Blue Card directive’ as the first in a series of announced proposals that should harmonise conditions for admission to the EU.

[BusinessEurope](#) agrees with the purpose of the European Commission’s proposal – that is, combating illegal immigration – but criticises the emphasis on sanctions. In fact, most Member States already have sanctions for illegal employment in place. The employer organisation invited the Commission to improve the enforcement of existing legislation, including with respect to the broader problem of undeclared work. Furthermore, the draft directive fails to respect the

proportionality principle, as it imposes overly burdensome and costly administrative requirements on EU companies.

In December 2007, the European Council identified the close link between the Lisbon Strategy for growth and jobs and the good management of legal migration. Thus, the [Presidency conclusions \(189Kb PDF\)](#) invited the Council to further proceed on the proposed directives. The conclusions also called for better coordination between migration and integration policies, and welcomed the forthcoming [European Year of Intercultural Dialogue](#) in 2008.

4 – Official statistics and trends in working conditions

European Working Conditions Survey

On 21 February 2007, Eurofound published the [full descriptive report](#) of the [Fourth EWCS](#) (Parent-Thirion et al, 2007). Working conditions show high variability across the NMS and the 15 ‘older’ Member States before EU enlargement in 2004 and 2007 (EU15), depending on sector, sex and employment status, thus exposing the risk of labour market segmentation. Temporary and part-time workers have fewer opportunities to receive training and learn new things at the workplace.

The number of people working more than 41 hours a week has decreased considerably since 2001: those working such hours report a poorer work–life balance and are more dissatisfied with their working conditions. Furthermore, they are twice as likely as other workers to consider that their health and safety is at risk because of their work. However, they report higher flexibility in managing their working time and higher remuneration.

Exposure to external agents, such as chemicals and radiation, and to tiring positions is declining, while repetitive movements and exposure to noise are on the increase. Exposure to psychosocial factors appears stable over time; in general, men are more exposed than women are. The tasks of lifting people and handling infectious materials are exceptions in this respect, as women report these duties more often than men do.

A total of 26% of the survey respondents work with computers, compared with 13% in 1990: their use tends to increase with the worker’s educational level, with a clear-cut separation between white and blue-collar workers. While workers using ICT devices report higher stress levels, those using machinery are more likely to report a higher risk for their health and particularly backache.

Workers’ autonomy remains high overall, increasing with occupational status and when ICT devices are used. However, one in two respondents report that they carry out monotonous tasks at least half of their working time. Use of ICT – including in combination with machinery – and education have a stronger influence on the level of cognitive demands than age and sex do.

Work intensification is on the increase, with more people working at high speed and to tight deadlines. Self-employed persons report a higher risk for their health but take less health-related leave than employees do.

Overall, job satisfaction shows a steady positive trend among European workers, although lower levels of satisfaction are reported in the NMS. Job satisfaction is positively related with employment security, a positive working atmosphere and good opportunities to learn. Satisfaction with working conditions is lower among less educated workers, blue-collar workers, temporary workers, workers in the private sector and young workers. These groups of workers are more likely to believe that their health is at risk and they report lower cognitive demands. Satisfaction with work–life balance is higher for those working full time than for persons working unsocial or long hours, doing shift work, or working irregular working days and work schedules.

Women have increased their participation in the workforce and in supervisory roles but gender segregation and the pay gap still persist. These factors have a considerable impact on their quality of work. Occupation, sex and employment status – notably, part-time or full-time employment – are the most important determinants of pay differences.

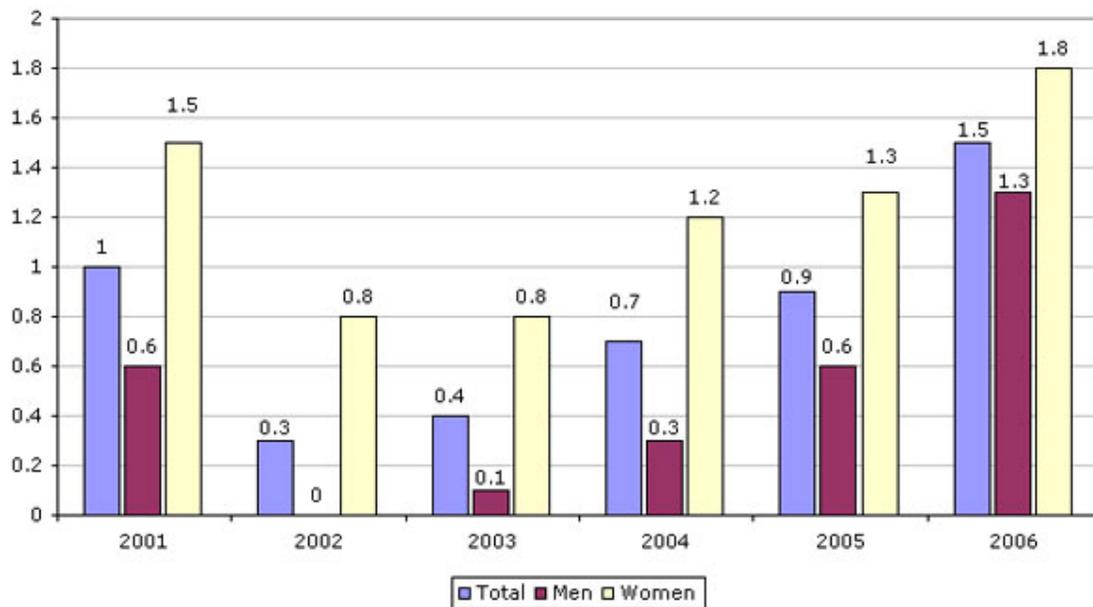
EU Labour Force Survey

On 30 November 2007, the European Commission presented the [Employment in Europe 2007](#) report, which summarises the main trends in relation to labour market developments, working hours and **atypical work** arrangements. All indicators show a strong economic growth, with a positive impact on employment (see also [EU0712039I](#)).

Employment performance

Figure 1 highlights a positive trend in employment levels after the weak performance in 2002–2003: 2006 shows the best performance of the decade so far. In all years, employment growth is considerably higher for women than for men: after the 2002 net decrease, employment growth for women has increased more than for men.

Figure 1: Employment growth, by sex, EU27, 2001–2006 (%)

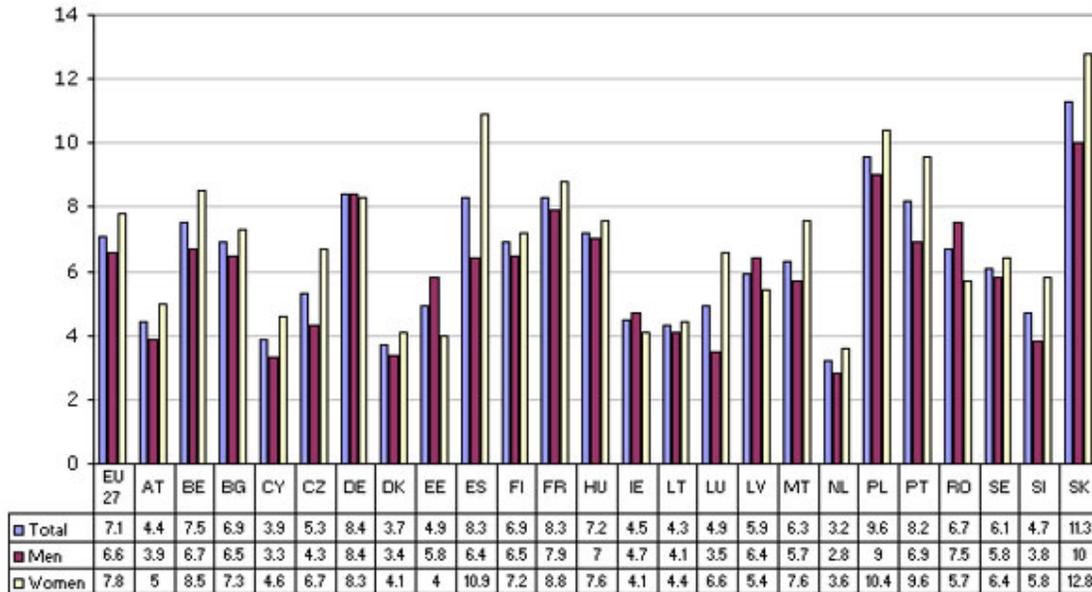


Employment growth, by sex, EU27, 2001–2006 (%)

Source: Eurostat, Labour Force Survey (LFS) main indicators, 2007

In 2007, the unemployment rate was 7.1% in the EU27 (Figure 2). Countries with the highest unemployment rates are Slovakia (11.3%), Poland (9.6%) and Germany (8.4%), while those showing the lowest unemployment rates are the Netherlands (3.2%), Denmark (3.7%) and Cyprus (3.9%). The unemployment rate of women is above the rate of men in most of the EU27, except Estonia, Ireland, Germany, Latvia and Romania. Spain (4.5 percentage points), Luxembourg (3.1) and Slovakia (2.8) report considerable differences in terms of unemployment rates between the sexes. See also the Eurostat news release [‘Euro area unemployment stable at 7.2%’ \(190Kb PDF\)](#).

Figure 2: Unemployment rates, by sex, 2007 (%)



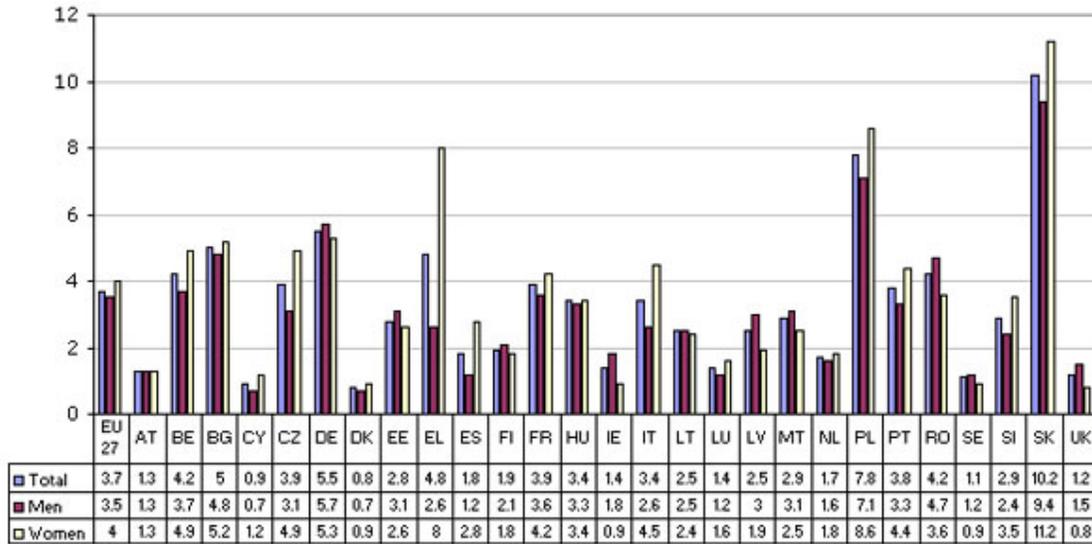
Unemployment rates, by sex, 2007 (%)

Notes: No data for Greece, Italy and the UK. See Annex for list of country codes.

Source: Eurostat, Structural indicators, 2007

Figure 3 shows long-term unemployment rates in the EU27 for 2006. Long-term unemployment is defined as unemployment of 12 months or more. For the EU27 average, the rate is 3.7%, increasing to 4% among women. Countries with the highest rates are Slovakia (10.2%), Poland (7.8%) and Germany (5.5%), while those with the lowest rates are Denmark (0.8%), Cyprus (0.9%) and Sweden (1.1%). Gender differences are notable in Greece (5.4 percentage points) Italy (1.9 percentage points) and the Czech Republic (1.8 percentage points), where women report higher long-term unemployment rates than men. Conversely, in Estonia, Finland, Germany, Malta, Romania, Sweden and the UK, women report lower rates of long-term unemployment than men.

Figure 3: Long-term unemployment rates, by sex, 2006 (%)

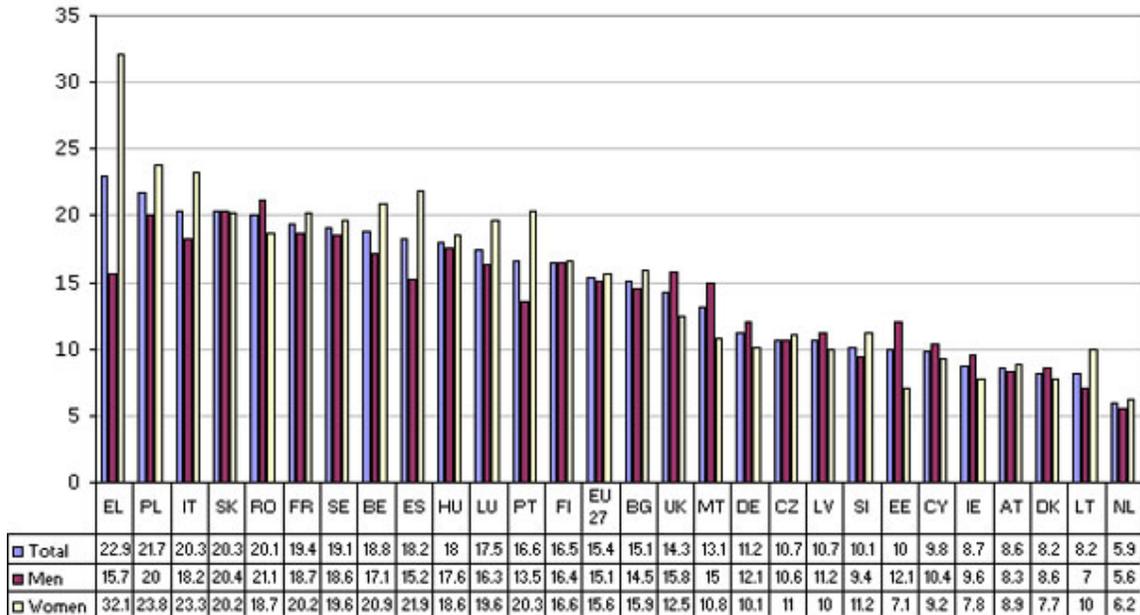


Long-term unemployment rates, by sex, 2006 (%)

Source: Eurostat, LFS main indicators, 2007

According to Figure 4, the average unemployment rate for young people aged 15–24 years across the EU27 in 2007 is 15.4%. Greece (22.9%), Poland (21.7%), Italy and Slovakia (both 20.3%) show the highest youth unemployment rates, while the Netherlands (5.9%), Denmark and Lithuania (both 8.2%) report the lowest rates. The Eurostat news release [‘Young Europeans through statistics’ \(125Kb PDF\)](#) summarises the main indicators about the employment conditions for this population group.

Figure 4: Youth unemployment rates, by sex, 2007 (%)

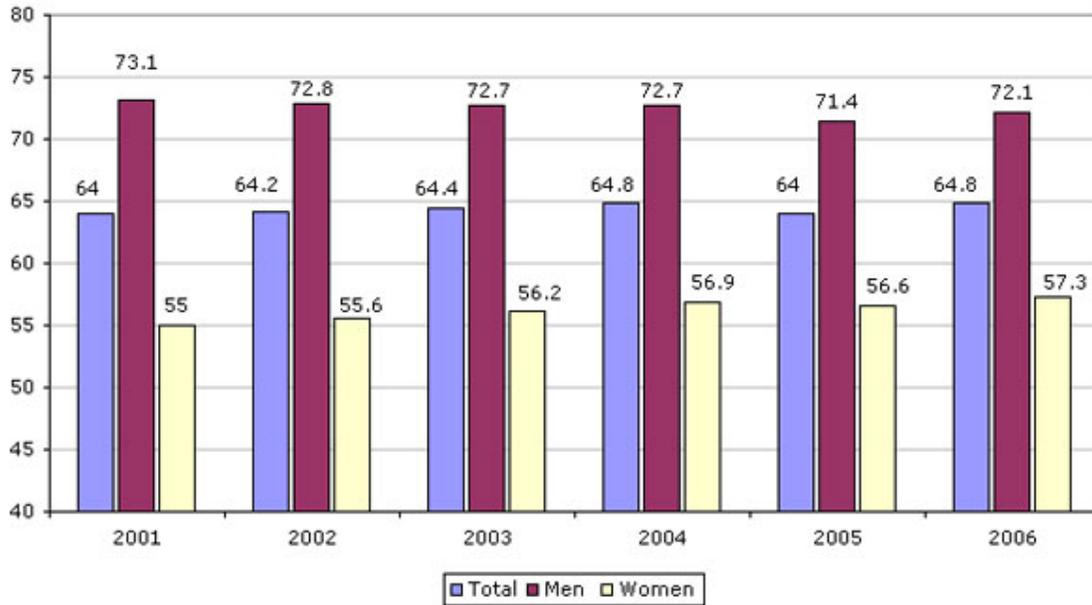


Youth unemployment rates, by sex, 2007 (%)

Source: Eurostat, LFS main indicators, 2007

Figure 5 shows EU27 employment rates by sex between 2001 and 2006. The total rate increases by 0.8 percentage points over the five-year period. Men experienced a decline of 1.7 percentage points from 2001 to 2005, then recovered by 0.7 percentage points in 2006, while female employment rates show a constant increase amounting to 2.3 percentage points up to 57.3% in 2006.

Figure 5: Employment rates, by sex, EU27, 2001–2006 (%)



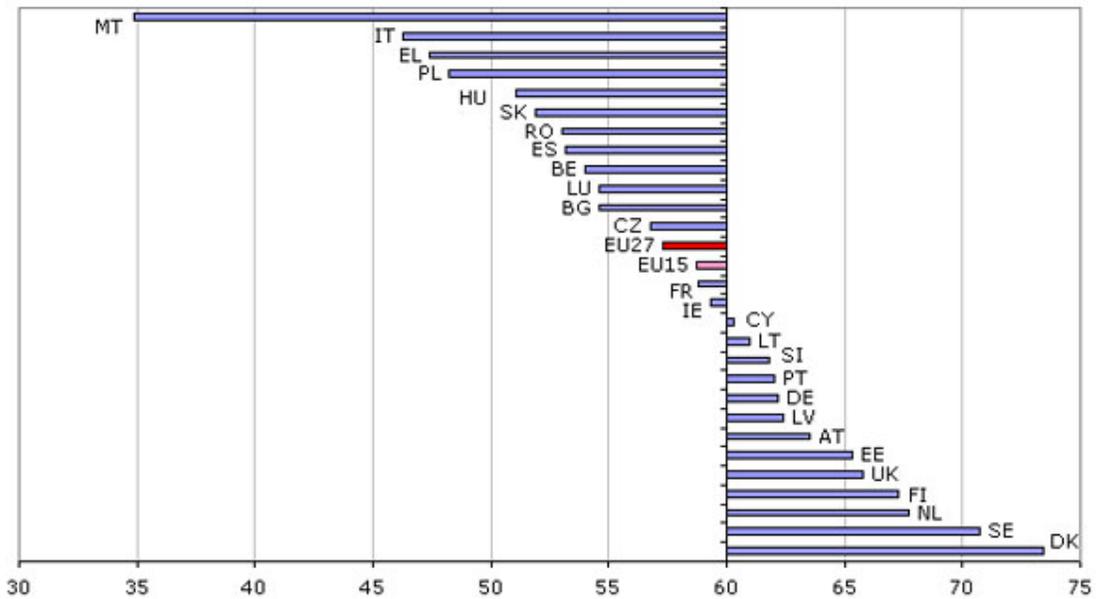
Employment rates, by sex, EU27, 2001–2006 (%)

Source: Eurostat, LFS main indicators, 2007

Female labour market participation

At EU27 level, the 2010 Lisbon target of 60% of women in employment has not yet been reached; in 2006, this proportion stood at 57.3%. Some 13 countries – of which five are NMS – have already reached the target (Figure 6). Female employment rates are above 70% in Denmark and Sweden, and above 65% in Estonia, Finland, the Netherlands and the UK. Nonetheless, female employment rates remain below 50% in Malta, Italy, Greece and Poland.

Figure 6: Employment rates for women, by country, 2006 (%)

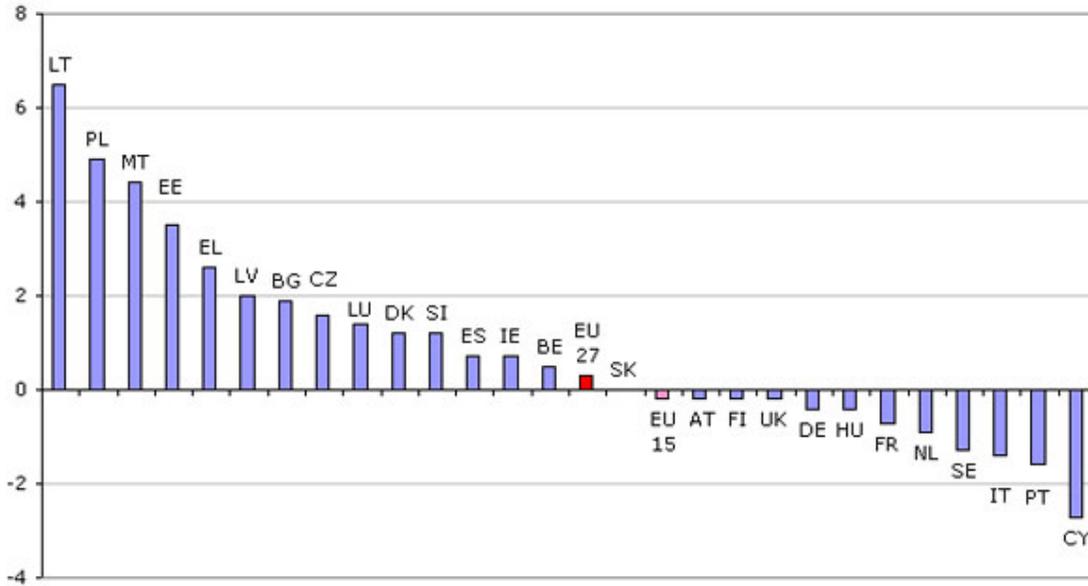


Employment rates for women, by country, 2006 (%)

Source: Eurostat, LFS main indicators, 2007

Figure 7 shows the changes in women’s employment growth rates between 2001 and 2006. For the EU27 average, the increase in female employment is 0.3 percentage points over the five-year period. Some countries have experienced a considerable increase in this regard, such as Lithuania (6.5 percentage points), Poland (4.9) and Malta (4.4), while Cyprus, Italy, Portugal and Sweden were among the countries which saw a decline in their female employment growth rates.

Figure 7: Changes in female employment growth rates, 2001–2006 (percentage points)



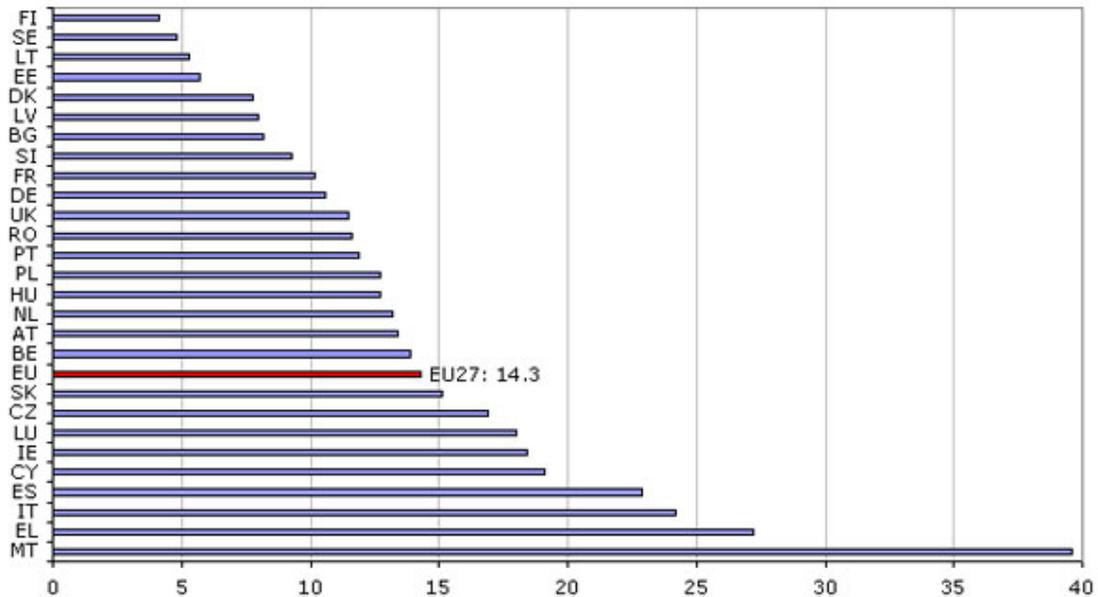
Changes in female employment growth rates, 2001–2006 (percentage points)

Note: No 2001 data for Romania.

Source: Eurostat, LFS main indicators, 2007

The average gender gap in employment across the EU27 is 14.3 percentage points (Figure 8). This gap is less than five percentage points in Finland (4.1) and Sweden (4.8). However, it is significant in Malta (39.6 percentage points), Greece (27.1), Italy (24.2) and Spain (22.9).

Figure 8: Gender gap in employment, by country (percentage points)



Gender gap in employment, by country (percentage points)

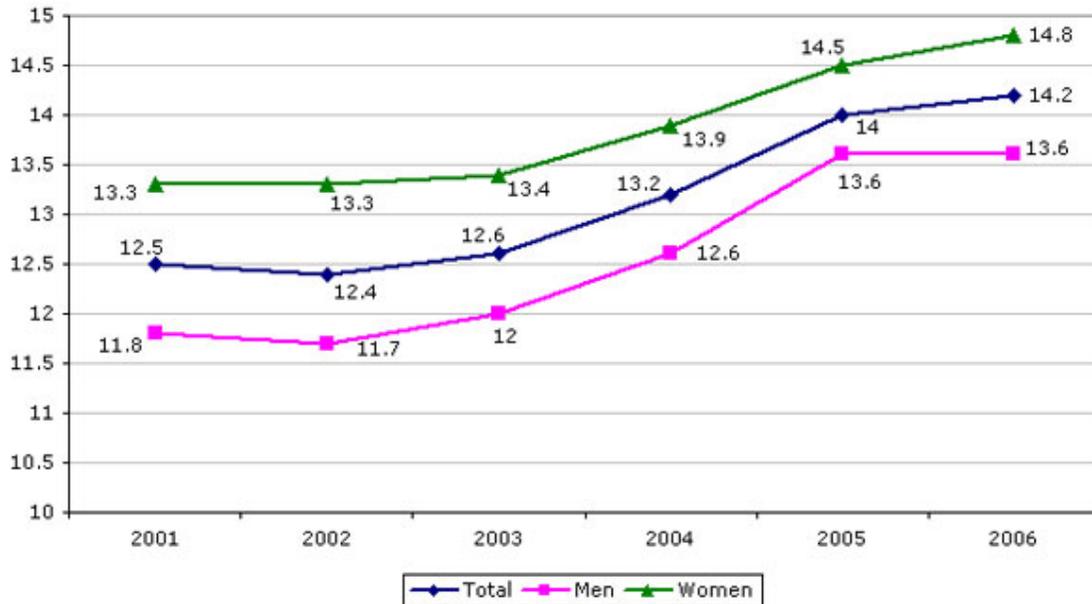
Source: Eurostat, LFS main indicators, 2007

Temporary employment

In November 2007, Eurostat published the study [Men and women employed on fixed-term contracts involuntarily \(110Kb PDF\)](#). The study findings revealed that 7.5% of all female employees and 6.7% of male workers in 2005 were involuntarily employed in fixed-term jobs and that these proportions had increased between 2000 and 2005. Some 43% of women and 48% of men who are involuntarily employed in fixed-term jobs hold employment contracts of a duration of less than six months. Fixed-term workers are concentrated in the agricultural and household activities sectors and among employees in elementary occupations. Furthermore, almost a third of female and male employees aged less than 30 years had fixed-term employment contracts in 2005 and about 40% of these were employed in fixed-term jobs involuntarily.

According to Figure 9, the proportion of workers in the EU27 with a temporary employment contract increased by 1.7 percentage points between 2001 and 2006. Women still show a higher proportion than men do, although the gender gap has declined from 1.5 to 1.2 percentage points.

Figure 9: Employees with temporary contracts, by sex, EU27, 2001–2006 (% of total employment)

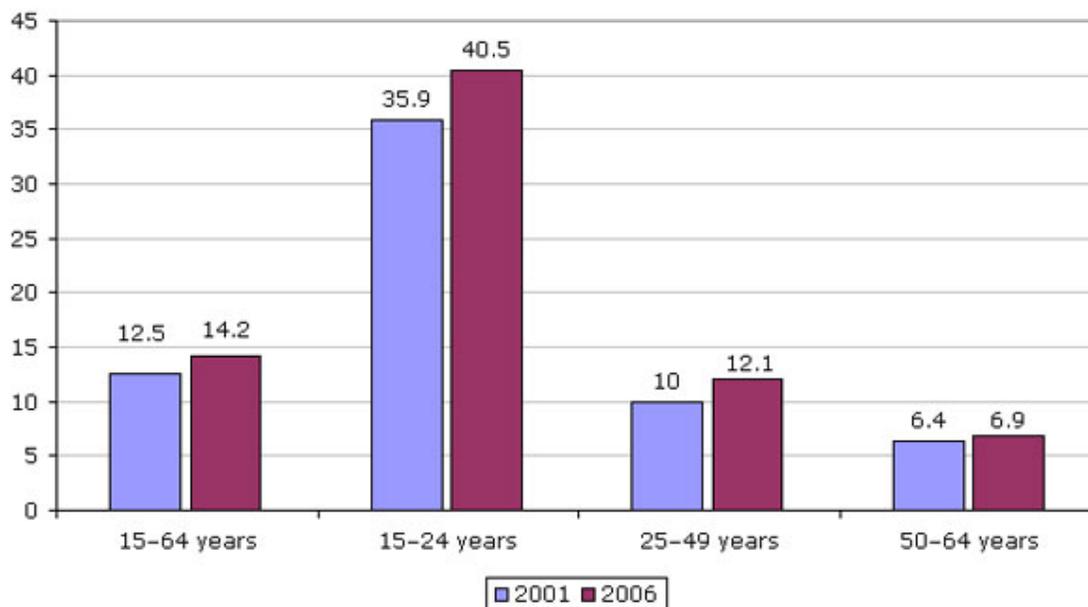


Employees with temporary contracts, by sex, EU27, 2001–2006 (% of total employment)

Source: Eurostat, LFS main indicators, 2007

As noted, the proportion of temporary employment contracts – that is, fixed-term and temporary agency contracts – increased across all age groups by 1.7 percentage points from 2001 to 2006. However, this proportion declines with the increasing age of workers: 40.5% of young workers aged 15–24 years had a temporary employment contract in 2006, with an increase of 4.6 percentage points in five years, while workers aged over 50 years experienced an increase of just 0.5 percentage points over the same time span (Figure 10).

Figure 10: Employees with temporary contracts, by age, EU27, 2001–2006 (% of total employment)



Employees with temporary contracts, by age, EU27, 2001–2006 (% of total employment)

Source: Eurostat, LFS main indicators, 2007

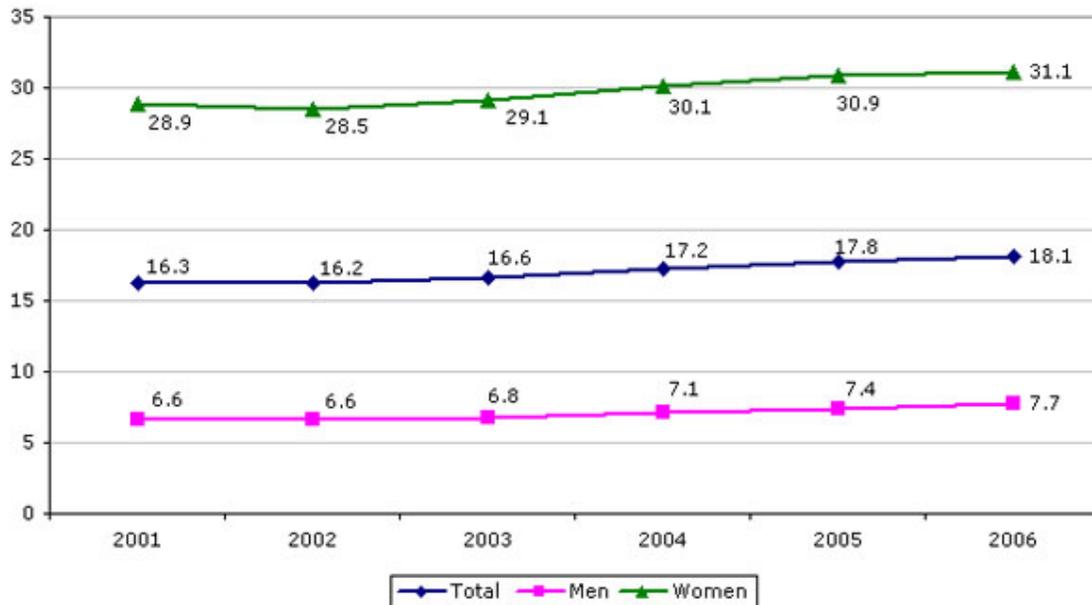
Part-time work

The Eurofound report [Part-time work in European companies](#) (Anxo et al, 2007a), published in April 2007, is based on the [Establishment survey on working time \(ESWT\)](#), conducted in 2004–2005. The survey, which examined working time and work–life balance policies in establishments in 21 EU Member States, investigated the extent of part-time work within European companies. A strong country effect was identified, while companies operating in the services sector, in large establishments and in the public sector are more likely to have part-time workers and a higher proportion of women in their workforce.

Companies with a greater share of part-time workers show a higher proportion of employees involved in weekend or night work. Moreover, these companies are more likely to require changes in working hours due to the nature of the job and to operate working time accounts. However, they record a low incidence of overtime work and offer reconciliation measures for employed parents. Overall, part-time employees are concentrated in lower-level occupations and face disadvantages compared with their full-time counterparts, such as lower career prospects.

Figure 11 shows the proportion of part-time employees compared with the total employee population between 2001 and 2006, using LFS data. The proportion of employees working part time grew from 16.3% in 2001 to 18.1% in 2006, representing an increase of 1.8 percentage points. After a slight decline in 2002, from 28.9% to 28.5%, women reported a stronger increase in part-time work of 2.6 percentage points from 2002 to 2006.

Figure 11: Employees working part time, by sex, 2001–2006 (%)



Employees working part time, by sex, 2001–2006 (%)

Source: Eurostat, LFS main indicators, 2007

Flexicurity

The Eurofound contribution to the consultation on the Green Paper on modernising labour law, [Varieties of flexicurity: Reflections on key elements of flexibility and security](#), summarises the debate and main statistics concerning this issue. It emphasises the role of social institutions in safeguarding employment security.

The Eurofound study on [Flexibility and security over the life course](#), published in March 2007, conducts at macro level an inventory of national regulations in respect of employment contracts and working time flexibilisation policies (Muffels et al, 2007). At micro level, the report examines the impact of non-standard employment contracts on the future employment position, future wage level and the occupational career. It also discusses success factors of innovative best practices in HR management in establishing working time arrangements over the life course for the workers.

Another Eurofound report, entitled [Approaches to flexicurity: EU models](#) and published in November 2007, describes and analyses the present situation in relation to the implementation of flexicurity policies in EU Member States. The study scrutinises social protection, labour market adaptability or flexibility and social inclusion (Philips and Eamets, 2007).

According to the *Foundation Findings* on [‘Flexicurity: Issues and challenges’](#), also published in November 2007, figures from the fourth EWCS show that functional flexibility has an important impact on learning, problem solving and innovation at organisation level, with a close connection between the way people work and learn in a company and the way the company can innovate. This enhances employment security by preparing and equipping workers to deal with necessary changes and possible transitions over their working careers. However, social protection systems are still an important instrument to deal with social risks in the short and long term.

The European Commission's report *Employment in Europe 2007* investigates organisational flexicurity by integrating the typology proposed in its [Employment in Europe 2006](#) report (European Commission, 2006). This typology refers to the external components of flexibility and security – namely, the Employment Protection Legislation indicator proposed by the [Organisation for Economic Co-operation and Development \(OECD\)](#) – integrated with the percentage of participants in education or training programmes and expenditure on labour market policies. The typology also refers to four indicators drawn from the fourth EWCS, two of which measure internal flexibility – overall and related to atypical workers only – while the remaining two indicators measure functional flexibility – autonomy and task complexity, and teamworking and task rotation. Models characterised by discretion at work combined with complex problem-solving activities are the best performing with regard to the development of in-house innovation. At the same time, the so-called 'lean' model, characterised by a low degree of autonomy and a large emphasis on task rotation and teamwork, tends to be associated with the adoption and/or modification of existing technologies (see also [EU0712039I](#)).

Earnings

The report [Labour market and wage developments in 2006, with special focus on relative unit labour cost developments in the euro area \(1.5Mb PDF\)](#) emphasises that favourable economic conditions in 2006 produced the highest employment growth since 2001. In recent years, rising employment growth had resulted in only moderate economic growth, meaning that productivity was playing a reduced role. However, in 2006, the 'job-intensity' of growth reverted back to a more normal relationship between employment and production output.

The positive economic climate did not translate into accelerating wages. Wage moderation, sectoral composition effect and a change in the relative weight of self-employed persons in total employment – that is, the employment composition effect – are the main determinants of declining labour share patterns across EU Member States.

Minimum wages

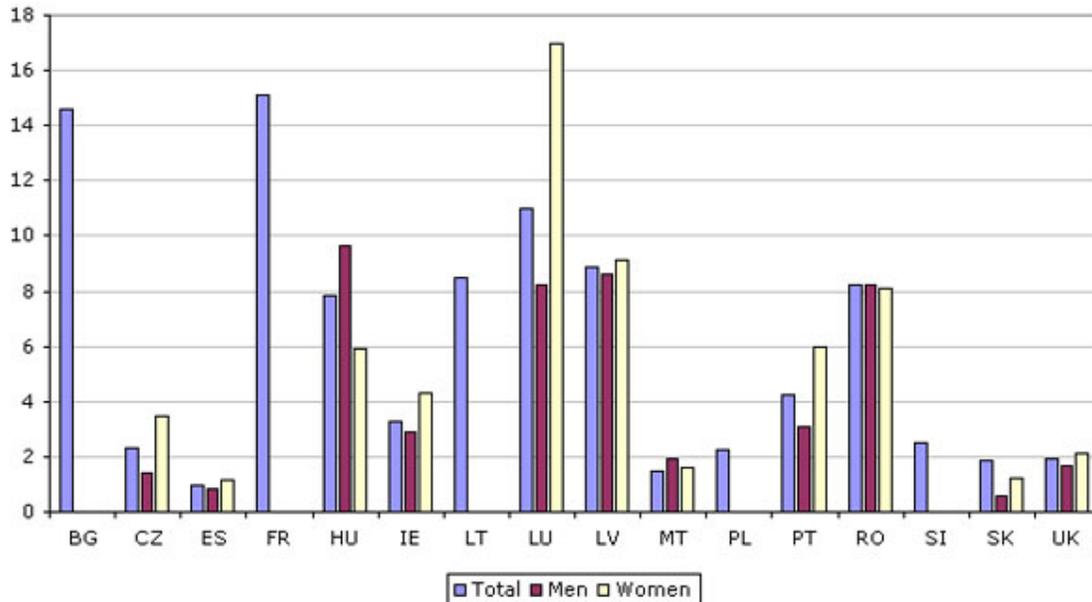
In June 2007, the Eurostat *Statistics in focus* publication on '[Minimum wages 2007 – Variations from 92 to 1,570 euro gross per month' \(111Kb PDF\)](#) noted that, in 20 EU Member States and one candidate country (Turkey), collective wage bargaining is subject to a statutory national minimum wage (Eurostat, 2007a). Countries are divided into three groups according to minimum wage rates. When minimum wages are expressed in purchasing power standards, the ratio between the highest and the lowest levels is reduced from 1:17 to 1:7. The proportion of full-time employees earning the minimum wage greatly varies across countries and is generally higher among women. Finally, the minimum wage level is between 33% and 52% of average gross monthly earnings in the industry and services sectors.

The OECD working paper on [Minimum wages, minimum labour costs and the tax treatment of low-wage employment \(273Kb PDF\)](#) points out that international comparisons of minimum wage levels have largely ignored the effects of taxation on both labour costs and the net income of employees. Policies to 'make work pay' thus target low-wage workers with the aim of increasing their real take-home pay.

As the Eurofound background paper '[Minimum wages in Europe](#)', published on 7 September 2007, highlights, 'minimum wages alone are only a partial remedy for common social policy concerns such as poverty'. The study found that setting a minimum wage generated a negative employment effect at only insignificant levels if at all; employer organisations facing a high proportion of low-paid workers, for example, had expressed concerns about the possible impact.

Figure 12 shows that the proportion of women earning the minimum wage is higher than for men in most countries, except in Hungary and Malta. Figures are not broken down by sex in some countries, namely Bulgaria, France, Lithuania, Poland and Slovenia.

Figure 12: Full-time workers on minimum wages, by sex, 2006 (%)



Full-time workers on minimum wages, by sex, 2006 (%)

Note: Of the 20 EU Member States with a minimum wage, no data for Belgium, Estonia, Greece and the Netherlands.

Source: Eurostat, LFS main indicators, 2007

Undeclared work

According to the Eurobarometer report [Undeclared work in the European Union \(1.1Mb PDF\)](#), published in October 2007, almost a quarter of the population is thought to be involved in some form of irregular work. In continental and Nordic countries, undeclared work tends to be more of a side activity, while in southern European and eastern or central European countries it tends to be of a more substantial nature. Results and further methodological issues were presented on 13 December 2007 at the seminar '[Measurement of undeclared work](#)' in Brussels, and further national contributions were included in the [spring 2007 issue \(622Kb PDF\)](#) of the [European Employment Observatory \(EEO\)](#) Review.

Working poverty

The EWCO survey data report [Income poverty in the European Union](#) (Trinczek, 2007) summarises the main results of the 2005 Eurostat report on [In-work poverty \(362Kb PDF\)](#).

According to the Eurobarometer report [Poverty and exclusion \(983Kb PDF\)](#), published in September 2007, 45% of survey respondents consider that a good job is a prerequisite of a good life. This view is particularly found in those countries where the proportion of those living below the poverty threshold is higher than average. At the same time, 34% of respondents believe that low pay is the main cause of poverty.

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Quality of life and time use surveys

The Eurofound report [First European Quality of Life Survey: Time use and work–life options over the life course](#), published in April 2007, provides a systematic comparative analysis of time arrangements, lifelong learning, actual and preferred time use patterns, and preferred and available working time options for a more favourable work–life balance. It also analyses the extent of satisfaction from an employee perspective across the EU, according to a life-course approach (Torres et al, 2007).

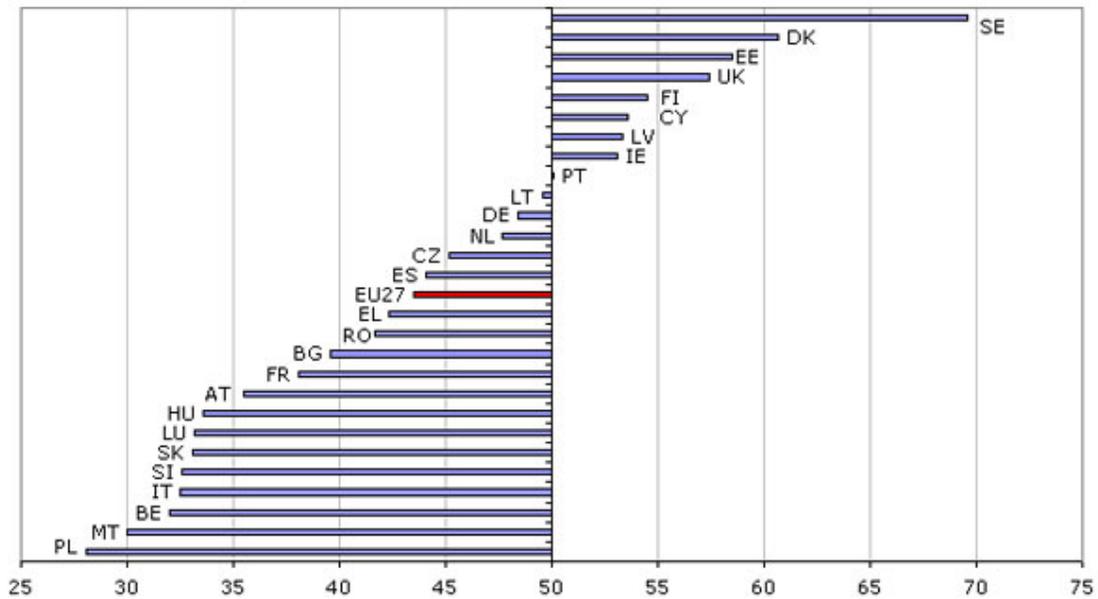
Ageing

Published on 21 September 2007, the Eurostat report [The social situation in the European Union 2005–2006: The balance between generations in an ageing Europe \(1.5Mb PDF\)](#) summarises the main socioeconomic indicators from a demographic perspective (Eurostat, 2007f).

Employment in Europe 2007 emphasises the contribution of older workers to the increase in overall employment rates between 2000 and 2006. The report also highlights that 7% of the economically inactive population aged 55–64 years in the EU27 would have liked to work. Older workers show a higher skills profile in employment, with a shift away from the more manual occupations towards non-manual and more knowledge-intensive occupations, thus benefiting from the trend to a more knowledge-based economy (see also [EU0712039I](#)).

The 2001 European Council in Stockholm set a target employment rate of 50% for older workers, defined as the 55–64 year age group. Figure 13 compares the current employment rates across the EU27 in relation to this target level. In 2006, the employment rate of older workers in the EU27 was 43.5%; while the average rate for men stood at 52.7% – slightly above the target – and the average rate for women was 34.9% – well below the desired level. A third of the Member States reached or exceeded the overall target, while another three countries are close to it and the rest are still far below. From a gender perspective, older women exceeded the 50% employment rate in only four countries: Denmark, Estonia, Finland and Sweden.

Figure 13: Employment rates of older workers, by country, 2006 (%)

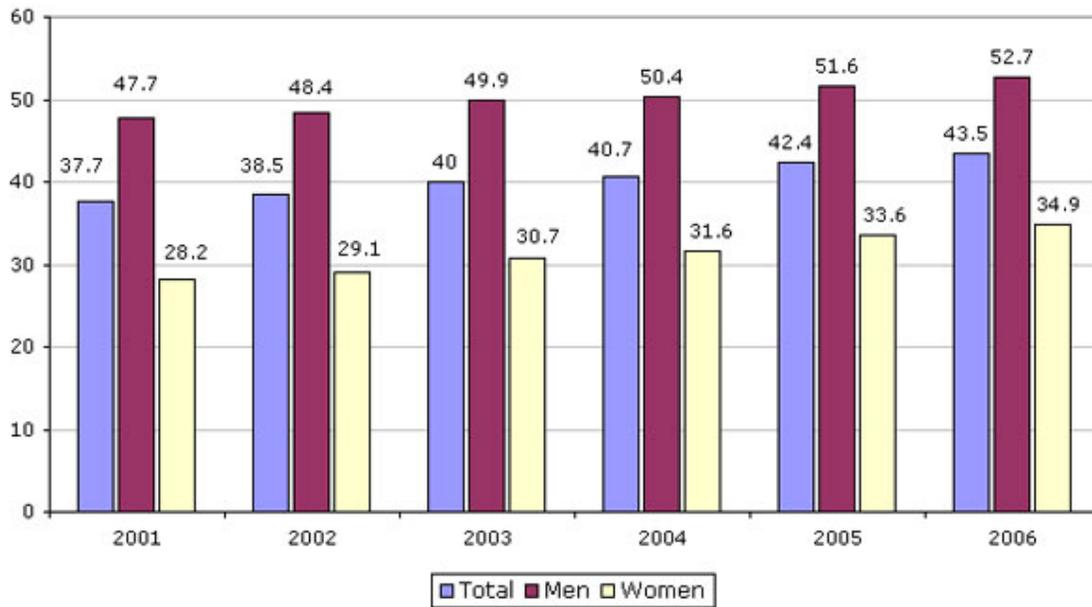


Employment rates of older workers, by country, 2006 (%)

Source: Eurostat, LFS main indicators, 2007

Figure 14 shows the trend between 2001 and 2006 in the employment rates of older workers across the EU27. It finds a general increase of 5.8 percentage points, with a slight reduction in the gender gap: the employment rate for older men grew from 47.7% to 52.7%, while the employment rate for older women increased from 28.2% to 34.9%. Thus, the gender gap declined from 19.5 percentage points in 2001 to 17.8 percentage points in 2006.

Figure 14: Employment rates of older workers, by sex, EU27, 2001–2006 (%)

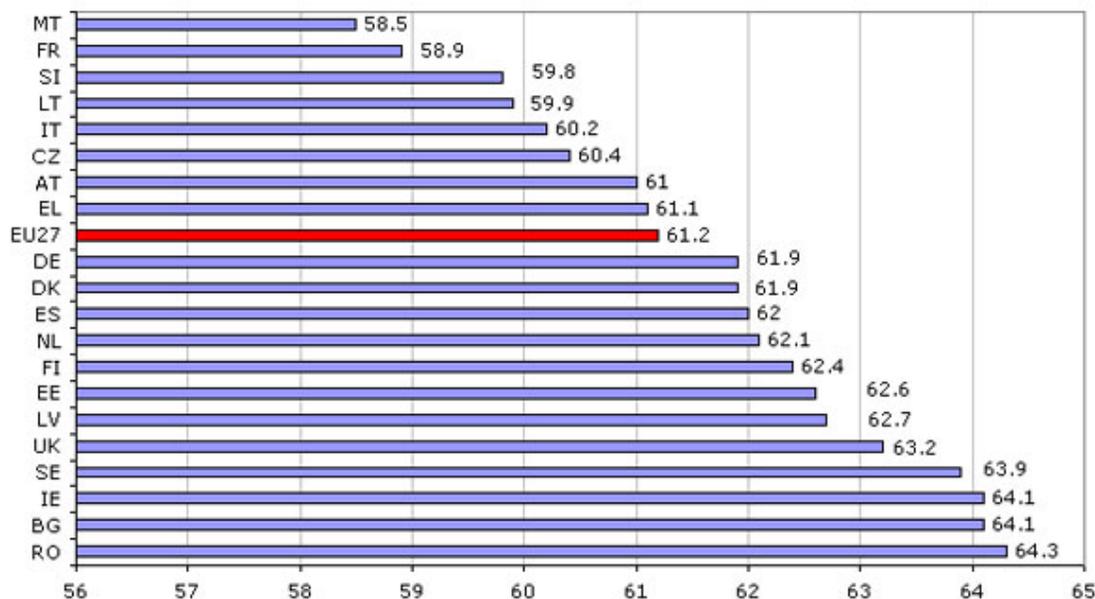


Employment rates of older workers, by sex, EU27, 2001–2006 (%)

Source: Eurostat, Structural indicators, 2007

Alongside the proportion of older people at work, a second structural indicator is the average exit age from the labour force, that is, the age at which people leave work. The 2002 European Council in Barcelona set the target of increasing the average exit age by five years by 2010. According to Figure 15, the average exit age from the labour force in 2006 in the EU27 is 61.2 years, with significant differences between the Member States. Romania (64.3 years), Ireland and Bulgaria (both 64.1) record the highest average exit age, while Malta (58.5) and France (58.8) report the lowest.

Figure 15: Average exit age from the labour force, 2006 (years)



Average exit age from the labour force, 2006 (years)

Note: No data for Belgium, Cyprus, Hungary, Luxembourg, Poland, Portugal and Slovakia.

Source: Eurostat, *Structural indicators*, 2007

The Eurostat *Statistics in focus* publication on [‘The transition of women and men from work to retirement’ \(102Kb PDF\)](#) points out that the median age of retirement for women in the EU in 2005 was 59.4 years, some 16 months earlier than for men (Eurostat, 2007g). In both cases, the median age was lower than the average age of retirement. The median age is calculated in each Member State as the age at which the proportion who are economically active is half that of the proportion who are economically active at the age of 50 years. Furthermore, in most countries the median age of retirement for both sexes is less than the official age.

Interestingly, the proportion of those working part time who are aged over 55 years is only 2%–6% higher than for those aged 50–54 years. Therefore, relatively few women and men reduce their working hours as they approach retirement, thus bringing into question the opportunities for part-time retirement offered by most countries in order to delay the exit age from the labour force.

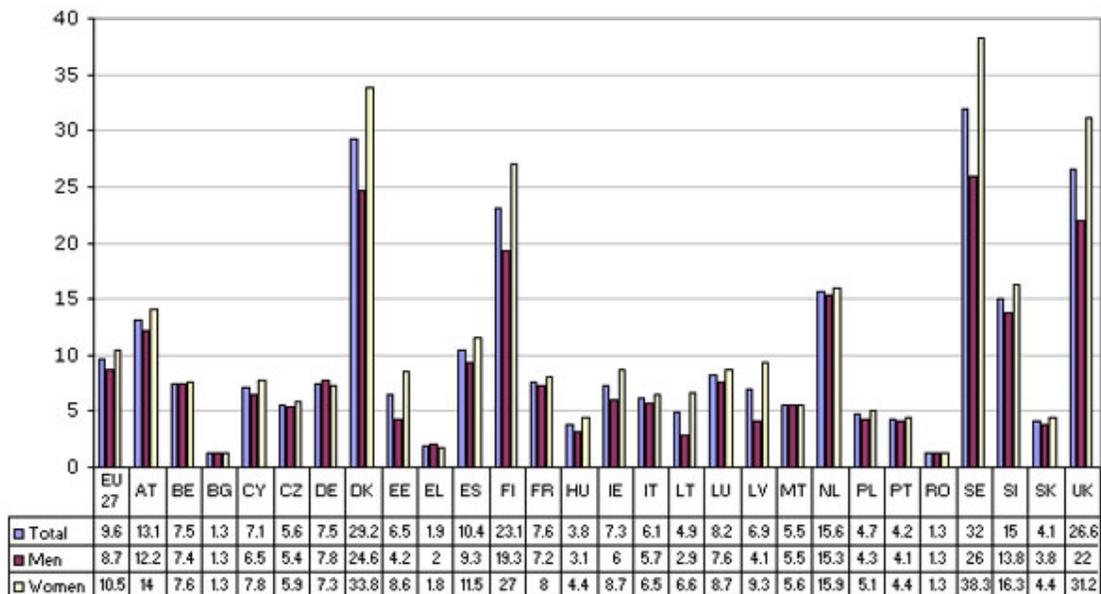
Lifelong learning

Eurofound and the [European Centre for the Development of Vocational Training \(Cedefop\)](#) jointly published the report [Fostering mobility through competence development](#) on 12 April 2007 (Vandenbrande, 2007). The report summarises the joint seminar in Thessaloniki on 9–10 November 2006 – organised as part of the European Year of Mobility – and explores the implementation and role of company training programmes, as well as the type of skills and competences that employees gain as a result of these initiatives. It also analyses the link between corporate training schemes and mobility policies at company level in order to investigate their impact on the mobility of workers.

Employment in Europe 2007 includes a [chapter \(300Kb PDF\)](#) devoted to continuing **vocational training** (CVT). Access to CVT is unequal because workers with low levels of schooling and income are less likely to participate in CVT at the initiative of the enterprise. Consequently, they are unable to increase their employability. Older workers are less likely than younger workers to participate in CVT at the initiative of the enterprise, thus increasing their probability of exiting the labour force early. The likelihood of participating in CVT remains low in micro and small enterprises. According to data from the fourth EWCS, the probability of participating in CVT increases with the skill content of the occupation, while it declines when jobs involve monotonous tasks. Workers with less than two years of tenure in the same company receive less training paid by employers than employees with more years of job tenure, probably due to the risk of poaching, which employers view as a significant problem not least in terms of training costs.

According to Figure 16, the 2006 total participation rate in lifelong learning was 9.6% in the EU27. In general and in most Member States, a higher proportion of women (10.5%) participated in lifelong learning than men (8.7%). Sweden (32%), Denmark (29.2%) and the UK (26.6%) show the highest CVT participation rates, while Bulgaria, Romania (both 1.3%) and Greece (1.9%) report the lowest levels of lifelong learning.

Figure 16: Participation in lifelong learning, 2006 (%)



Participation in lifelong learning, 2006 (%)

Source: Eurostat, LFS main indicators, 2007

Gender gap and reconciling work and family life

According to the European Commission report [The gender pay gap – Origins and policy responses. A comparative review of 30 European countries \(1.5Mb PDF\)](#), published in February 2007, estimates of the gender pay gap differ widely, depending on the data available, the specific sample and the method used (European Commission, 2007j). Despite such variations, the gender pay gap tends to widen with age, is smaller in the public sector, and is wider for married

employees and significantly smaller for single persons. The analysis is based on the [Structure of Earnings Survey 2002](#) (SES), which covers only employees in the private sector. In the EU25, the gender pay gap is almost 25%; data for Malta are missing. The largest gap is found in the UK (30%) and the smallest in Slovenia (11%). Overall, the gender pay gap has remained fairly stable over the past decade.

In August 2007, Eurostat published the final report to the LFS ad hoc module on [Reconciliation between work and family life \(3.7Mb PDF\)](#). It assesses the implementation of the module, characterises the datasets, describes the quality of the data and gives a first impression about the results (Eurostat, 2007c).

According to the Eurostat *Statistics in focus* publication '[People outside the labour force: the downward trend continues](#)' (93Kb PDF), issued in December 2007, 7.8% of men aged 25–54 years were economically inactive in 2006 in the EU25, compared with 23.5% of women. Family responsibilities are the main cause of inactivity for women in this age group: 10.1% are inactive because of personal or family reasons, compared with 0.3% among men (Eurostat, 2007b).

The structural indicator 'gender pay gap in an unadjusted form' indicates the persistence of the pay differential by sex across the EU27 between 2001 and 2006. Table 1 shows that the pay gap appears stable over time, while Figure 17 illustrates the differences in the gender pay gap across countries.

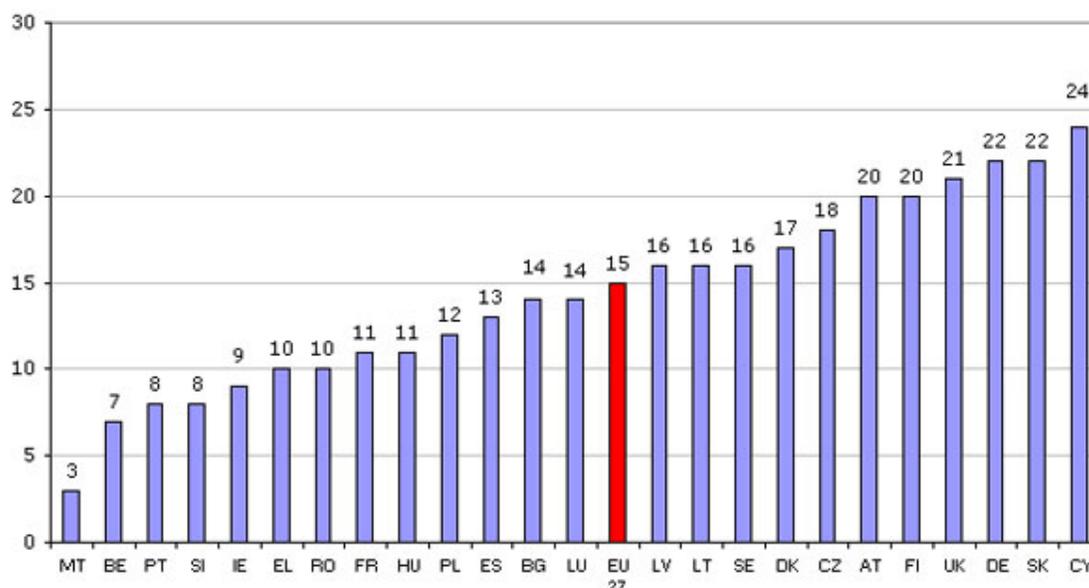
Table 1: Gender pay gap in unadjusted form, EU27 (as a % of men's pay)

2001	2002	2003	2004	2005	2006
16	16	15	15	15	15

Note: The gender pay gap is measured as the difference between men's and women's average gross hourly earnings, as a percentage of men's average gross hourly earnings (for employees working 15 hours or more a week in paid employment).

Source: Eurostat, Structural indicators, 2007

Figure 17: Unadjusted gender pay gap, as a % of men's gross hourly earnings (%)



Unadjusted gender pay gap, as a % of men's gross hourly earnings (%)

Note: No data for Estonia, Italy and the Netherlands.

Source: Eurostat, Structural indicators, 2007

Gender segregation: Wages and working time

The report [Equal pay – Exchange of good practices \(531Kb PDF\)](#) (European Commission, 2007a) summarises the outcomes of transnational projects on equal pay for men and women under the [fifth Community action programme on equal opportunities \(2001–2006\)](#). The ‘pay gap generally reflects the inequalities that tradition and social norms bring to bear on women in choosing their education and occupation and in participating in the labour market, as well as on the prestige of female employment’ (see also [EU0802019D](#)). As a result, these projects adopted a variety of approaches focusing on diverse equal pay issues.

In April 2007, the Eurostat *Statistics in focus* publication [‘The concentration of men and women in sectors of activity’ \(127Kb PDF\)](#) revealed that women remain more concentrated in a few sectors of economic activity than men do, and that this concentration seems to be increasing rather than declining (Eurostat, 2007d). Likewise, the degree of employment concentration in a limited number of occupations is much higher among women than among men.

In May 2007, the [European Industrial Relations Observatory \(EIRO\)](#) comparative report [Gender and career development](#) explored the extent to which career patterns are changing in response to the restructuring of work and organisations in European countries, and how this impacts on women’s career experiences. The change represents ‘a gradual erosion of traditional work patterns, rather than a transformation which is likely to improve opportunities for women’. The report also examines the attitudes of the social partners regarding gender and career development.

The Eurofound report on [Parental leave in European companies](#) (Anxo et al, 2007), published in February 2007 and based on the ESWT 2004–2005, aims to identify the national, sectoral and workplace characteristics of companies which have employees on parental leave. Moreover, it seeks to analyse enterprise policies and any problems related to managing parental leave absences and reintegration patterns. Few fathers take parental leave, but fathers' take-up rates are higher in Sweden and the Netherlands. Half of the establishments surveyed have recent experience of employees taking parental leave, while only 11% report problems with the management of such leave. Companies have tried to provide reconciliation measures for staff: about one in three offers provision for other forms of long-term leave to manage care responsibilities, as well as education and training leave, while 7% provide childcare or other domestic services.

Equality and non-discrimination

In April 2007, the European Commission published a [Study on mainstreaming of Community policies and legislation in the field of non-discrimination \(433Kb PDF\)](#). This study assesses the extent of a 'systematic incorporation from the outset of non-discrimination and equality of opportunity concerns into all public policies, legislation and programmes'. The study also includes several case studies, some of which are related to employment policies.

Also in April 2007, the Commission presented the [European handbook on equality data \(914Kb PDF\)](#) (European Commission, 2007b), which comprises an overview of statistical sources monitoring equality. The handbook summarises the outcomes of the main research on equality and discrimination grouped according to different methodologies, drawing several recommendations. The report includes diversity monitoring – both qualitative and quantitative – in employment and service delivery, recommending all Member States to urgently enter into a dialogue with the social partners, representatives of equality groups and other stakeholders. This dialogue should focus on the need to introduce requirements for workplace and service delivery monitoring, and to arrange training on how such monitoring can be carried out in practice.

Foundation Focus No. 3, published in May 2007, '[Equal opportunities – the catch-up game](#)', summarises the main findings from Eurofound research, good practice and policy developments on the issue.

In June 2007, the European Commission presented the report [Beyond formal equality \(1Mb PDF\)](#), highlighting Member State practices in terms of positive action, grouped according to different target categories, such as race and ethnicity, disability, and religion. The report outlines benchmarks relating to international human rights and comparative law including from some non-EU countries such as the US and Canada.

Mobility

The Eurofound report [Job satisfaction and labour market mobility](#), published in July 2007, analyses the relationship between job satisfaction and different indicators of labour market mobility, by taking the former as a measure for the quality of jobs (Fasang et al, 2007). Periods of unemployment and the number of employment changes negatively influence satisfaction with objective work arrangements, the quality of position – meaning training opportunities, career prospects and job content – and work–life balance. However, a previous voluntary job change increases satisfaction with objective work arrangements and quality of position rather than with work–life balance. Labour market mobility can lead to greater satisfaction when individuals prefer changing their job voluntarily, report a low number of unemployment spells and apply the same or more skills in the current job. Job tenure has only a positive significant impact on job satisfaction in relation to work–life balance.

Migration

On 13 September 2007, the [Joint EC/OECD project ‘Gaining from migration’](#) was presented in Lisbon at the [EU High Level Conference on legal immigration](#). The report makes detailed proposals in four general domains: policies for European labour markets; policies for the social integration of immigrants in Europe; development cooperation policies in relation to migrants’ countries of origin; and initiatives for encouraging and mobilising diaspora networks. These measures envisage a system of international labour mobility rather than an update of the existing immigration system.

The Eurofound report [Local integration policies for migrants in Europe](#) (Borkert et al, 2007), published in February 2007, investigates the historical and institutional factors which shaped migration policy in 12 EU Member States and analyses local integration policies in 14 European cities.

In May 2007, the EWCO comparative analytical report [Employment and working conditions of migrant workers](#) presented an overview of the employment and working conditions of migrant workers in the EU, based on national reports submitted by the observatory’s correspondents (EWCO, 2007a). In most countries, migrant workers have higher unemployment rates and, when in employment, they tend to be segregated in unskilled occupations. Such workers are more likely to be overqualified for the job. They experience considerable job insecurity, and the sectors and occupations where they are employed show less advantageous working conditions. Furthermore, women and young migrants are particularly vulnerable.

In June 2007, Eurofound published the report [International and regional migration intentions in Europe](#), based on a special module on mobility in the September 2005 Eurobarometer survey (Fouarge et al, 2007). Intentional cross-border migration is not widespread in Europe: it is at a higher level in the NMS than in the EU15, although significant variations arise within the NMS. The extent of labour migration from the NMS will depend on both the economic and demographic development in those countries. Since birth rates have been declining over the past decade and mortality rates have been increasing, the younger cohorts will benefit from better chances in the labour market, which in turn might reduce their readiness to migrate. Young workers and highly educated and highly qualified workers are more likely to cross regional or national borders within Europe. This is also true for students, implying potential brain-drain risks for some regions.

Employment and social integration of people with disabilities

In April 2007, the European Commission presented the report [Study of compilation of disability statistical data from the administrative registers of the Member States \(784Kb PDF\)](#), which shows some increase in the labour market participation of people with disabilities (European Commission, 2007h). The issue is extensively explored in the study on [Men and women with disabilities in the EU: Statistical analysis of the LFS ad hoc module and the EU-SILC \(1.3Mb PDF\)](#) (European Commission, 2007e). This report is based on the special ad hoc module of the EU LFS on people with disabilities and long-term health problems, which was conducted in 2002, and the first data collection of the EU Statistics on Income and Living Conditions ([EU-SILC](#)), carried out in 2004.

Some 16% of men and women aged 16–64 years in the EU report having a long-standing health problem or disability. One third of them indicate that they are not restricted in the kind or amount of work they can do or in their mobility to and from work. Those who are restricted in work or mobility are much less likely to be in employment than those who are not.

Educational attainment levels have a major effect on the relative employment rates. Among persons with higher (third-level) education in the EU, 48% of those who are considerably restricted were in employment compared with 85% of those not restricted. Among people with only basic schooling, only 20% of those who are considerably restricted were in employment compared with 62% of those not restricted.

The earnings of those who are ‘strongly limited’ in their ability to work are about 22% below the earnings of those who are not limited in this respect, while the earnings of those who are less severely limited are about 15% below. From a gender perspective, the wages of men who are strongly limited in their ability to work are 12% lower than for the total (including men and women) who are not limited in this regard. For women who are strongly limited in terms of work ability, the wage difference compared with all those who are not limited reaches as high as 28%. However, differences in earnings vary significantly across Member States.

Social inclusion

In February 2007, the European Commission published a [Study on poverty and social exclusion among lone-parent households \(739Kb PDF\)](#). The report highlights that ‘single lone mothers find it difficult to place themselves satisfactorily in the labour market, being often unemployed or, when employed, being segregated and marginalised in low paid and unstable jobs’ (European Commission, 2007i). Taking even a poor quality job means giving up welfare benefits – in countries where such benefits are provided. The study finds that single mothers are compelled to accept jobs that are far from optimal in terms of working time, for example, and are low paid.

According to the [Joint report on social protection and social inclusion 2007 \(2.8Mb PDF\)](#) (European Commission, 2007d), published in March 2007, active inclusion emerges as a powerful means of promoting the social and labour market integration of those most disadvantaged. The majority of Member States foster a balanced approach combining personalised labour market support, including skills training, for those who have the potential to work, and accessible, high-quality social services. Nevertheless, more attention needs to be given to ensuring adequate levels of minimum resources for all, balanced with making work pay.

Work organisation and quality of work and employment

The EWCO comparative analytical report [Place of work and working conditions](#), published in April 2007, examines the working conditions of EU workers who may have more than one place of work (EWCO, 2007c). The study considers various issues such as health and safety risks, autonomy and supervision issues, as well as potential problems stemming from isolation, working time and work–life balance. In this respect, the analysis also includes aspects such as flexibility in the organisation of work, the impact on working time and the potential for the blurring of boundaries between private life and working life in the case of those who work at home.

Working hours and working time arrangements

The Eurostat *Statistics in focus* publication on [‘The flexibility of working time arrangements for women and men’ \(110Kb PDF\)](#) summarises the main results of the EU LFS ad hoc module on work organisation and working time arrangements, conducted in 2004 (Eurostat, 2007e). The focus is on persons aged 25–49 years – the age group most likely to have to reconcile work with having children. Only about a quarter of the survey respondents had some flexibility in the hours they worked: they could ‘bank’ working time in order to take time off later (12% cited this option) or could vary their working time schedule (10%–12%). Negligible gender differences emerged; however, flexibility in working time arrangements increases with skills level. Although

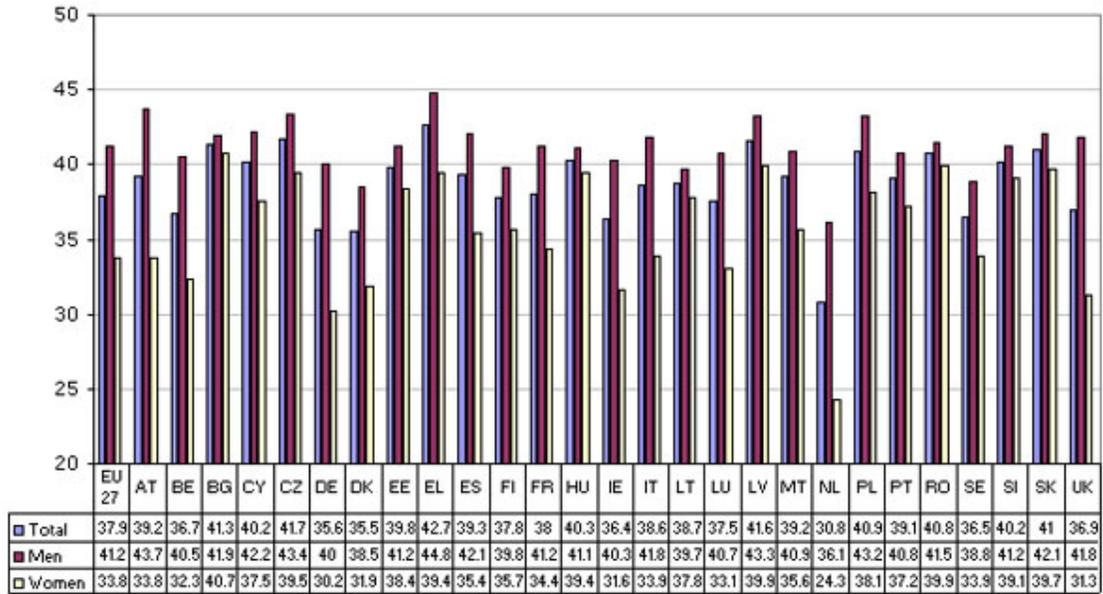
some of those affected are reluctant to work unsocial hours, a substantial proportion find it convenient for their personal life to do so.

The Eurofound report [Working time flexibility in European companies](#) (Chung et al, 2007), published in April 2007 and based on the ESWT 2004–2005 findings, identifies six types of flexibility profiles for establishments in Europe according to the amount of flexibility, as well as the characteristics of the options used. No flexibility profile seems to dominate among companies, which signifies that enterprises in Europe do not tend to favour one form of flexibility in particular. The results of this research also indicate that increasing flexibility is not necessarily a conflictual issue: the high-flexibility profiles, although labelled ‘worker oriented’ and ‘company oriented’, share a range of flexible practices that serve both the employees’ and the companies’ needs.

Published in May 2007, the Eurofound report [Extended and unusual working hours in European companies](#), also based on the ESWT 2004–2005 findings, explores all aspects of ‘non-standard working hours’ by identifying several groups of countries and economic sectors in which establishments are most likely to operate at non-standard hours (Kümmerling and Lehndorff, 2007). Two areas within the services sector record a remarkably high incidence of unusual working hours, namely the hotels and restaurants sector, and the health and social work sector. In fact, sector characteristics rather than those of the country prove to be of prime importance in this regard. Early retirement is a feature of many establishments operating at unusual and changing hours; however, proportions of early retirement take-up vary greatly across countries.

According to the LFS, the average working time in the EU27 in 2006 was 37.9 hours a week: 41.2 for men and 33.9 for women (Figure 18). Across the EU Member States, average weekly working hours range from 42.7 hours in Greece to 30.8 hours in the Netherlands. In all countries, the number of hours usually worked is higher for men than for women.

Figure 18: Usual hours worked per week, by sex, 2nd quarter 2006

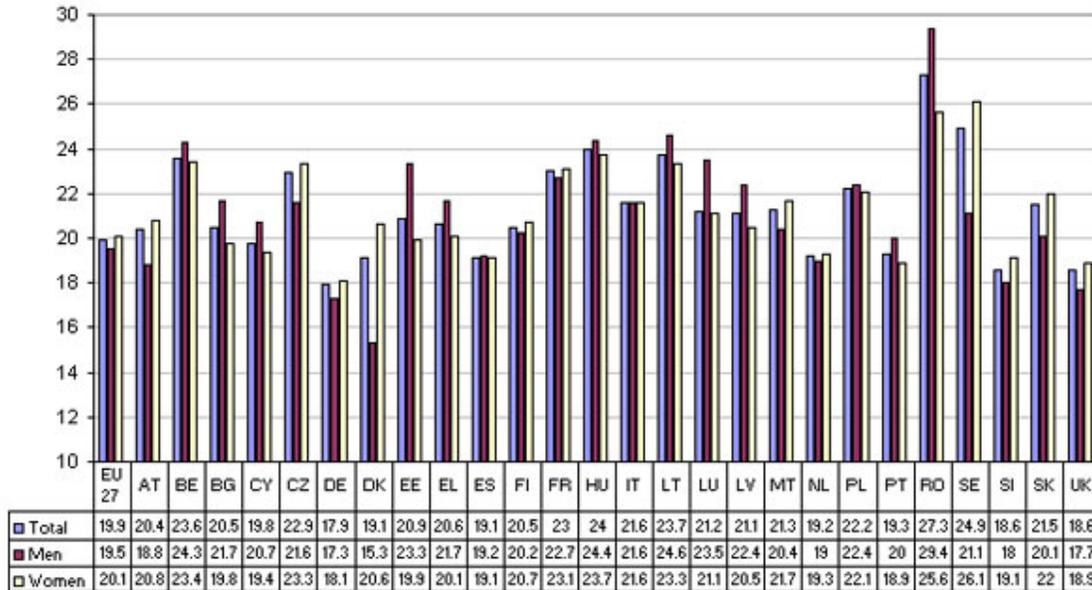


Usual hours worked per week, by sex, 2nd quarter 2006

Source: Eurostat, LFS main indicators, 2007

Figure 19 summarises usual working hours for part-time workers. At EU27 level, the usual working hours are 20 a week, ranging from 18 hours in Germany to 27.3 hours in Romania. In relation to part-time work, women generally have longer working time (20.1 hours) than men (19.5 hours) in the EU27, but no clear-cut dominance emerges across countries.

Figure 19: Usual working hours of part-time workers, by sex



Usual working hours of part-time workers, by sex

Note: No data for Ireland.

Source: Eurostat, 2007 LFS main indicators

Work-related health monitoring

The OSHA report [A safe start for young workers in practice \(2Mb PDF\)](#), published in March 2007, outlines good practices from across the EU. The examples were entries in OSHA’s annual competition which aims to foster the dissemination of information on the issue and promote practical solutions in the workplace. Enterprises and organisations sought to prevent risks to young workers and to educate students regarding health and safety matters.

According to the report [Expert forecast on emerging biological risks related to occupational safety and health](#), published by OSHA in September 2007, occupational risks related to global epidemics are the biggest emerging issue in terms of biological risks. This is followed by risks resulting from poor risk assessment and lack of information on biological risks in the workplace, which makes such assessment difficult. Combined exposure to biological agents and chemicals is even more challenging to assess and is actually closer to the reality of workplaces. Knowledge of biohazards is still relatively scarce and biological risks are not yet adequately managed in the workplace.

In October 2007, EWCO published the comparative analytical report [Managing musculoskeletal disorders](#), compiled on the basis of individual national reports submitted by the observatory’s correspondents (EWCO, 2007b). Despite the fact that MSD is the most widespread occupational-related illness in the EU, its extent tends to be underestimated; data on the issue generally fail to take the national situation and changing work context into account. Moreover, little effort has been made to estimate the overall costs of the illness. While MSD that are directly linked to strenuous working conditions are declining, those related to stress and work overload are increasing. Organisational problems can be at the root of MSD, and a participatory approach to

prevention policies has been found to be effective. The report was launched in Lisbon on 10–11 October in cooperation with the Portuguese EU Presidency.

[Work-related musculoskeletal disorders: Back to work](#), published by OSHA in October 2007, summarises scientific literature concerning work-related interventions aiming to rehabilitate, reintegrate and retain workers with MSD. The study examines national-level legislation, guidelines, recommendations, action plans, initiatives and programmes. Legislation and policies on return-to-work still vary from one Member State to another. In some countries, rehabilitation is limited, while in others it includes medical, occupational and social rehabilitation.

The OSHA report [Expert forecast on emerging psychosocial risks related to occupational safety and health](#), published in October 2007, identifies the top 10 emerging psychosocial risks. These are related to the following five main topics: new forms of employment contracts and job insecurity; the ageing workforce; work intensification; high emotional demands at work; and poor work–life balance.

The study [OSH in figures: Young workers – Facts and figures](#), published by OSHA in December 2007, highlights the higher rates of temporary employment contracts among young workers, and their concentration in the activities of hairdressing and call centres. Young workers are more exposed to several health and safety risks and to accidents at work. The report proposes areas for future research and recommends risk prevention strategies.

Both serious and fatal accidents at work have declined significantly since 2001, taking 1998 as the reference year with a value of 100 (Table 2). The decrease in serious accidents is greater than for fatal accidents, and the decline is stronger for men than for women.

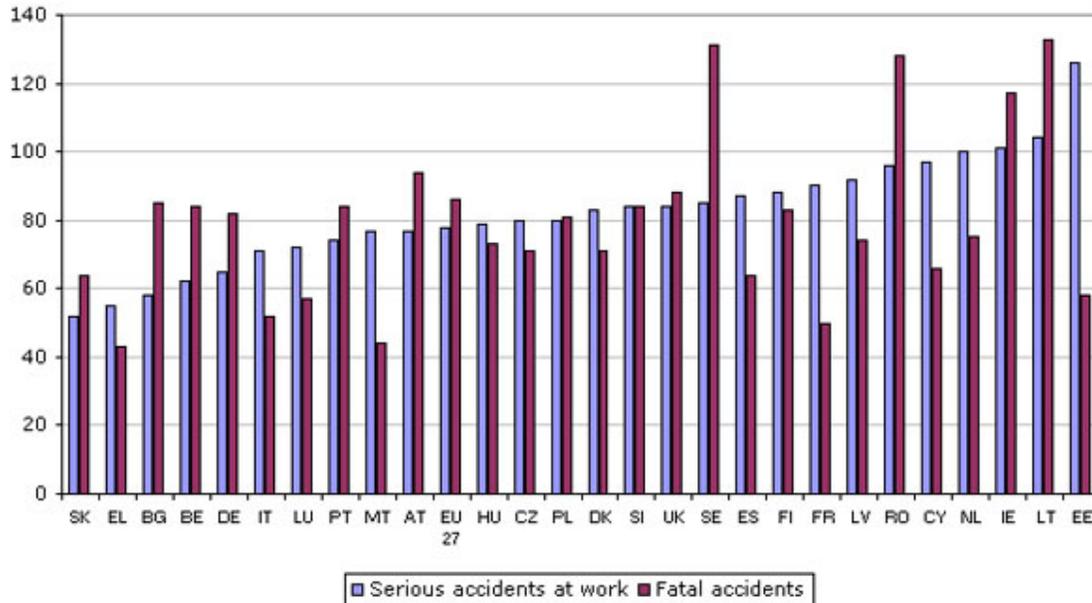
Table 2: Serious and fatal accidents at work, EU27, 2001–2006 (1998 = 100)

	2001	2002	2003	2004	2005
Serious accidents – total	96	88	84	80	78
Serious accidents – women	98	94	90	86	85
Serious accidents – men	96	90	86	82	81
Fatal accidents – total	97	91	90	88	86

Source: Eurostat, LFS main indicators, 2007

Figure 20 shows that some countries still report an increasing trend in serious work accidents: this is the case in Estonia and Lithuania, while Greece and Slovakia experienced the most significant reduction. On the other hand, fatal accidents show an increase in Sweden, Romania and Lithuania, while Greece, Malta and France show the strongest decline in 2006.

Figure 20: Serious and fatal accidents at work, 2006 (1998 = 100)



Serious and fatal accidents at work, 2006

Note: A break occurred in the serious accidents series for the Netherlands.

Source: Eurostat, LFS main indicators, 2007

EWCO survey data reports

The European Working Conditions Observatory ([EWCO](#)) continues to produce a series of survey data reports. In 2007, the following reports were published in this regard.

Bulgaria: *Current trends in lifelong learning* ([BG0704019D](#))

Cyprus: *Overall increase in wages but women still earn less than men* ([CY0608019D](#))

Denmark: *Survey highlights rise in psychosocial demands at work* ([DK0701019D](#))

EU level: *Income poverty in the European Union* ([EU0703019D](#))

Greece: *Health and safety at work in Greece* ([GR0611019D](#))

Latvia: *Time use survey highlights changing working conditions* ([LV0701019D](#))

Poland: *Decrease in health risks and accidents at the workplace* ([PL0612019D](#))

5 – Conclusion

While some issues continue to linger on the EU policy agenda, several relatively new policy items generated a wide EU-level debate during 2007, such as flexicurity, the Community strategy 2007–2012 on health and safety at work and the implementation of the roadmap for gender equality. The May 2007 Council conclusions launching the European Alliance for Families and the December 2007 Council conclusions outlining the common principles of flexicurity make an important contribution to revising the European social model and enhance the Lisbon goal of increasing European competitiveness. These measures will play a prominent role in the new cycle of the Lisbon Strategy 2008–2010.

Further issues, such as the European Commission communication on undeclared work and the launch of the ‘Blue Card’ for migrant workers, are part of the inclusive strategy for workers at high risk of exclusion. The most significant outcomes of the social dialogue are the framework agreement on violence and harassment at work and the joint analysis of the key challenges facing European labour markets on the occasion of the October 2007 [Tripartite Social Summit](#).

Finally, harmonisation on health and safety statistics, the proposed institution of a new family observatory by Eurofound and several reports based on the fourth EWCS and ESWT, in addition to the *Employment in Europe* report, establish a sound ground for a better understanding of EU challenges in relation to working conditions.

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Annex: Country codes

EU15 – 15 EU Member States before May 2004 (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the UK)

NMS – 12 new Member States which joined the EU in May 2004 (Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia) and in January 2007 (Bulgaria and Romania)

EU27 – 27 EU Member States, comprising the EU15 and the 12 new Member States

Country codes

Country code	Country name
AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France
HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	Netherlands
PL	Poland
PT	Portugal
RO	Romania

SE	Sweden
SI	Slovenia
SK	Slovakia
UK	United Kingdom

Mario Giaccone and Giulia Bucalossi, Fondazione Seveso