

Tripartite Social Forum

on the implementation of the
Europe 2020 flagship initiative

'An Agenda for new skills and jobs'

Brussels, 10-11 March

- Workshop 3 -
Improving the quality of work and working conditions

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- Commission background note¹ -

Background

High quality of work goes hand in hand with high employment participation. This is because the working environment plays a crucial role in enhancing the potential of the workforce and is a leading competitiveness factor. In order to innovate and to deliver promptly and efficiently, EU companies depend for their survival and expansion on a committed workforce, thriving in a high-quality working environment, with safe and healthy working conditions.

During the last decade, there has been good and bad news on job quality across Europe. Job satisfaction has increased overall; accidents at work, including fatal accidents, have decreased although, at least for a minority of people, work has become more intense and stressful. On the other hand, workers in involuntary temporary and part-time work have increased from 53.7% and 18% in 2001 respectively, to 60.3% and 25.6% in 2009. Wages have tended to grow below productivity in most Member States, and in-work poverty is persistent: employed people living under the poverty threshold have remained stable at around 8% since 2005. In many countries, undeclared work continues to leave important segments of the workforce unprotected and vulnerable.

Due to the crisis, more jobs have been exposed to competitive pressures and deteriorating working conditions. In many instances, new forms of work and a higher number of job transitions have not been accompanied with appropriate working conditions, increasing psychological stress and psychosocial disorders. This has social and economic costs and may undermine Europe's capacity to compete: unsafe, unhealthy work environments result in more claims for disability benefits and earlier exits from active life.

Orientations of the Agenda

Reviewing EU legislation and promoting 'soft' instruments

Improving job quality will require an integrated policy response at EU level as well as action by Member States. The Union has a solid legislative '*acquis*' as a complement to Member

¹ Extracts from the Commission's Communication 'An Agenda for new skills and jobs: A European contribution towards full employment' COM(2010) 682 final/2

States' action in improving working and living conditions, ensuring minimum standards across the EU on working conditions, health and safety at work, information, consultation, participation rights of workers, gender equality and non-discrimination, underpinning fairer competition, high levels of productivity, and for the creation of quality jobs. The '*acquis*' must nevertheless be adapted: to clarify the implementation or interpretation of rules, and make them easier to understand and apply by citizens and businesses; to respond to the emergence of new risks for human health and safety in the workplace; and to cut red tape. More generally, the legislative '*acquis*' must be kept in tune with new working patterns and technologies, so that it helps rather than hinder workplace adaptation.

Legislation at EU level is not always enough. 'Soft' instruments such as comparative analysis, policy coordination, exchange of good practice, benchmarking, implementing guides, frameworks of action, codes of conduct and recommendations, can help significantly in shaping consensus and creating the right incentives for action at national or company level. Other initiatives should therefore be put in place, to underpin a smarter legal framework, consolidate a long-term strategic approach to improve the way national authorities and social partners implement legislation at national level, and to revise the concept and indicators of quality of work.

1. A smarter EU legal framework for employment and health and safety at work

The Commission will carry out a large-scale, step by step evaluation of the present legislative '*acquis*'. Work has already started with the evaluation of two significant pieces of legislation — on working time and on the posting of workers; it shall expand to other elements related to employment and health and safety. This comprehensive evaluation will not hinder the preparation of new legislative proposals, if a clear need arises for immediate action, and if new provisions are justified by a full-fledged assessment of their economic and social impact. Moreover, there is a need to assess in depth a number of legal provisions which may appear as ineffective or difficult to enforce, such as the rules applying to the protection of beneficiaries of supplementary occupational pensions in case of the employer's insolvency. The Commission will propose to include, after appropriate assessment, seafarers and fishermen within the scope of the EU employment legislation. In the area of occupational health and safety, priorities will include the review of the directives dealing with the protection of workers exposed to electro-magnetic fields, to carcinogens and mutagens, and to the prevention of musculoskeletal disorders. The risks from exposure to environmental tobacco smoke will deserve special attention. In addition risks associated with nano-materials and the causes of the growing incidence of mental illnesses in the work place will be investigated.

2. A strategic approach based on 'soft' instruments

The Commission can play a role and mobilise resources from Member States, social partners and EU agencies. Through European social dialogue, cross-industry and sectoral social partners have also developed an important body of 'soft' instruments, including autonomous agreements; these contribute to improve working standards and have a direct, concrete impact on the working conditions of millions of workers in the EU. While respecting the autonomy of social partners, the Commission will continue to support and facilitate this activity and, where justified, evaluate the impact of such agreements.

The lessons learned from the EU Strategy on Health and Safety at Work 2007-2012 should serve to launch a debate about the renewal of that Strategy, as well as its possible extension to other policy areas.

Undeclared work, including misclassification by employers of employees as independent contractors, continues to expand and increasingly gains a cross-border dimension: further efforts are needed to strengthen cooperation at EU level between labour inspectorates and other bodies whose mission is to control the application of employment law.

Efforts are also needed to review the EU definition and common indicators of quality of work, and make them more operational for the evaluation and benchmarking of Member State policies in this area. In particular, the approach to job quality should be re-examined in the light of recent policy developments such as flexicurity and 'making transitions pay', and the development of new working patterns.

Concrete actions put forward by the Agenda

Key Actions

The Commission will:

- 9) In 2011, review **the Working Time Directive**, and make a legislative proposal aiming at improving the implementation of the **posting of workers directive**. Wherever appropriate, the Commission will initiate action to **amend, clarify or simplify existing employment-related legislation**, if justified by an impact assessment, and after consulting EU social partners.
- 10) In 2011, undertake **the final evaluation of the EU Strategy 2007-2012 on Health and Safety at Work**, and on this basis propose in 2012 **a follow-up Strategy for the period 2013-2020**.
- 11) In 2012, **review the effectiveness of EU legislation in the area of information and consultation of workers, as well as EU directives on part-time work and fixed-term contracts and their impact on female participation in employment and the equal pay**; working with social partners and respecting the autonomy of the social dialogue.
- 12) By 2014, conduct **a comprehensive review of health and safety legislation** in partnership with Member States and the European social partners, in the framework of the Advisory Committee on Safety and Health at Work.

Accompanying and preparatory measures:

The Commission, in cooperation with Member States and social partners, will:

- In 2011, examine **the feasibility of an initiative to reinforce cooperation among labour inspectorates and other enforcement bodies**, with the aim of preventing and fighting undeclared work.
- In 2011, **review and streamline the policy concept of quality of work**, in cooperation with Member States and social partners.
- In 2012 **examine the impact of employment-relevant non-discrimination directives**, namely 2000/78/EC² and 2000/43/EC³.

² Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation

³ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin

Questions for discussion

- *What is your opinion of the diagnostic made in the Agenda, according to which the trends of job quality in the EU show mixed results during the last decade? In your view, in which aspects has Europe performed better and worst, and what are the causes? Do you think EU-level analysis and policy action has given sufficient attention to the improvement of job quality and working conditions? Do you believe that, under the continuously difficult conditions for employment and growth, there are favourable conditions for a new political impetus in favour of improving job quality and working conditions in the framework of the EU 2020 Strategy?*

- The Union has built up a solid legislative 'acquis' that complements Member States action in order to ensure minimum conditions across the EU as regards information, consultation and participation rights, working conditions and occupational health and safety.

How do you assess the resilience of this 'acquis' against the background of new working patterns and technologies, emerging new risks for health and safety, changing composition of the work force? On top of the revision processes already going on (working time, electro-magnetic radiations, musculo-skeletal disorders, seafarers) what priority actions would you consider in order to update such legislative 'acquis'?

- 'Soft law' instruments, such as the exchange of good practice, codes of good conduct, guidelines, recommendations, partnerships, some of which are negotiated by social partners at EU level, already play a positive role in supporting the implementation and enforcement of the legislative 'acquis', or in extending EU policy influence beyond the domain covered by legislation.

What would you suggest as further ways to improve this participation of the social partners? Are social partners negotiating or planning to negotiate further contributions to the implementation of the 'New skills and jobs' agenda in what concerns the improvement of job quality? Would you be ready to support a strategic initiative in the field of Employment Quality, aiming at promoting evidence-based diagnostics, a reasoned choice of indicators, the setting of benchmarks and regular exchange of good practice? What relation do you see between such an initiative and the current Community Strategy on Health and safety?

