

Social dialogue:

a tool to promote and defend
decent work and quality jobs
in Europe

RECOMMENDATIONS FOR NATIONAL AND EUROPEAN STAKEHOLDERS

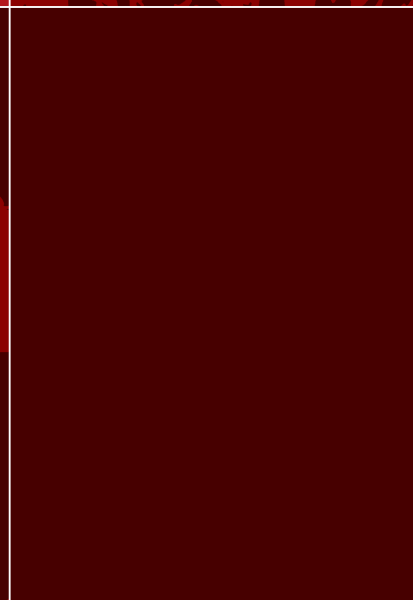
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decent work
decent life 



Contents

Foreword	03.
Introduction	04.
The “Decent Work for All” Project	05.
Challenges to Decent Work in Europe	05.
Case Studies – Illustrating the Challenges to Decent Work	07.
Social Dialogue as a Tool to Promote and Defend Decent Work	09.
Recommendations	13.



Foreword

For more than one year now we are in a deep financial and economic crisis, the social consequences of which are being felt not so much by higher skilled workers as by those vulnerable groups which are already often threatened by marginalisation from the labour market and social exclusion.

Before the crisis started there were an estimated 19 million working poor in Europe, that is to say people who have jobs but whose jobs do not give them enough income to place them above the poverty line. In addition, over the past decade we have been witnessing increasing numbers of people in precarious jobs or with atypical contracts in Europe.

The SOLIDAR project “Decent Work for All: A Key to Effective Industrial Relations” looks at the efforts that governments, employers and trade unions can do to safeguard or extend decent work around Europe (read more about the project on page 05). Through the studies carried out by our project partners (briefings available on www.solidar.org) and a series of round tables - involving social partners and representatives of governments, labour inspections, local authorities and NGOs - recommendations and best practice examples for national and European stakeholders have been produced and brought together in this booklet. Their implementation would need coordinated efforts by trade unions and employers in the framework of social dialogue, enabling legal and policy frameworks at national and European level. Putting them into place would also mean the involvement of governments and public authorities in a tripartite setting.

The concept of Decent Work is one which is predominantly applied to developing countries and not to Europe. In Europe we generally talk about “quality work and employment”, a different term for essentially the same idea: everywhere in the world, workers need a job which gives them enough salary to provide for them and their families, a job which gives them holidays and decent working hours, a job in which people can join a union to represent their rights, and a job in which they are protected by individual and collective labour law.

Finally, we would like to thank the Advisory Group and its Chair Jan Cremers from the Amsterdam Institute on Advanced Labour Studies (AIAS) for their invaluable support to the project.

Let's make this a reality for everyone, in Europe and around the world!



Conny Reuter
SOLIDAR Secretary General

Introduction

When the ILO launched the concept of **Decent Work** in 1999, it defined the primary goal as being “to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity”. Since that time, SOLIDAR has been working together with its members, partners and allies in Europe and worldwide to promote Decent Work for a Decent Life for All.

Decent Work is a strategy to achieve sustainable development that is centred on people, a key element in building fair, equitable and inclusive societies. This strategy is based on four key objectives:

- Equal access to employment for all, without discrimination, including equal treatment, equal opportunities and a living wage;
- The respect of fundamental principles and rights at work and international labour standards (including the right of workers to organise and to represent their interests collectively through trade unions);
- Social protection (protection from the reduction or loss of income) and social security;
- Social dialogue (including the right to be represented at different levels and tripartism).

At the same time as the ILO was developing its decent work agenda, the European Union launched the concept of Quality Work and Employment (QWE). At the European Commission meeting in Lisbon in spring 2000, improving job quality became an explicit objective in the EU's goal to become the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion.

In 2001, QWE was introduced as a general horizontal objective in the European Employment Strategy (EES), and later taken up in the Employment Guidelines¹. The 10 dimensions of QWE were defined as 1) intrinsic job quality; 2) skills, lifelong learning, and career development; 3) gender equality; 4) health and safety at work; 5) flexibility and security 6) inclusion and access to labour market; 7) work organisation and work-life balance; 8) social dialogue and worker involvement; 9) diversity and non-discrimination; 10) overall work performance. The conceptual approach was further developed by the European Foundation for the Improvement of Working and Living Conditions in 2002 by identifying four broad dimensions of job and employment quality: 1) career and employment security²; 2) health and well being; 3) skills; 4) reconciliation of working and non-working life³.

Furthermore in 2007 the European Council stressed the importance of “good work”, meaning fair wages, safety and health protection at work, workers' rights to assert their interests, family-friendly organisation of work and a sufficient number of jobs⁴.

For SOLIDAR and our project partners decent work and quality work and employment are two complementary concepts, aiming at safeguarding decent working conditions for all in Europe.

¹ Guideline 17 of the Integrated Guidelines 2008-2010 mentions the objective for Member State's policies of implementing employment policies aiming at achieving full employment, improving quality and productivity at work, and strengthening social and territorial cohesion, twice making reference to “quality of jobs”: <http://register.consilium.europa.eu/pdf/en/08/st10/st10614-re02.en08.pdf>

² This dimension covers two core objectives for promoting decent work: social protection and workers rights

³ See European Foundation for the Improvement of Working and Living Conditions in Europe (2002): Quality of Work and Employment in Europe: Issues and Challenges. Foundation Paper No. 1. Dublin: Eurofound and Peña Casas, Ramón (2009): More and Better Jobs: Conceptual Framework and Monitoring Indicators of Quality of Work and Employment in the EU Policy Arena. RECOWOWE WP 06/2009, http://www.ose.be/files/publication/rpenacasas/PeñaCasas_0609_RECOWOWE_WP.pdf

⁴ Cf. <http://www.publications.parliament.uk/pa/cm200708/cmselect/cmeuleg/86/86.pdf>, p.71. It is underpinned by a system of indicators on 15 dimensions developed by the German Federal Trade Union Confederation (DGB) used at enterprise level since 2007, see <http://www.dgb-index-gute-arbeit.de/> and <http://www.verdi-gute-arbeit.de/>

The “Decent Work for All” Project

The SOLIDAR project “Decent Work for All: A Key for Effective Industrial Relations” aims to create a better understanding of the link between decent work for all in Europe and effective social dialogue, with a view to reinforcing the European Social Model and highlighting the need to place decent work at the centre of EU and Member States’ policies, and to counteract the current financial and economic crisis.

Looking in particular at sectors with higher incidences of precarious labour (e.g. construction, health and long-term care, cleaning) and more vulnerable groups (e.g. young people, undocumented migrants) in six European countries (Estonia, Germany, Lithuania, Romania, Italy, Sweden), SOLIDAR and its project partners ABF, ADO SAH ROM, DGB Bildungswerk, IRES, ISCOS and ANOLF, JMK and LLES compared the challenges that risk weakening decent work and social dialogue, like precarious working conditions and temporary agency work, at the European, national, sectoral and enterprise level⁵. The project also looked into the role of social partners and the benefits of collective agreements in fighting precarious labour and promoting decent work and quality jobs and employment.

As a result, good practice examples and recommendations, notably in the form of social dialogue, to address the challenges at both national and European level have been produced and brought together in this booklet.

Training and communication tools from the project:

- Case studies
- Summary briefings
- Training manual
- Photo exhibition

Materials are available on www.solidar.org

Challenges to Decent Work in Europe

Over the last decade we have witnessed a rise in the number of atypical contracts and precarious working conditions across Europe, with about 19 million working poor in Europe in 2008. Major trends which have contributed to shaping European labour markets over the last decade have included the implementation of labour law reforms seeking to increase the internal and external flexibility of enterprises and administrations as well as a clear increase in labour migration within Europe - with the accession of 12 countries to the EU - and from non-EU countries. In addition, the deepening of European economic integration has brought about new opportunities, but also generated new risks in view of the quality of work and employment, in particular for vulnerable and already marginalised groups on the labour market and in society.

⁵ For the results of these investigations, please see SOLIDAR Decent Work and Quality Jobs Briefings http://www.solidar.org/Page_Generale.asp?DocID=21774&la=1&langue=EN





© BOGDAN CROITORU
BRICKMOULDERS ARE GYPSIES WHO ARE VERY PROUD OF THE
CRAFT THAT THEY'VE INHERITED FROM THEIR FOREFATHERS.
THIS WOMAN IS MAKING TIGHT THE WALLS OF THE KILN.

Different features of current European labour markets can prevent or undermine decent work⁶, including:

- Strong increase of atypical contracts (part time; temporary agency work; “mini jobs”)
- Precariousness of employment (low pay; fixed-term contracts; posted work; internships; freelance work; on-call contracts; irregular periods of work)
- Low pay, in particular in the services sectors, including health and care, and in sectors not/insufficiently covered by collective agreements
- Dead-end jobs with no or low prospects of progression/career paths
- Poor working conditions (e.g. in view of occupational health and safety)
- Discrimination(s) or disadvantage(s) in access to employment and life-long learning
- Lack of effective social dialogue, lacking or insufficient coverage by collective agreements or representation of workers and employees at enterprise level
- Inadequate entitlements to social protection (both currently, for example in view of unemployment benefits, vocational training measures or health care, and for the future, for example in view of old-age pensions)
- Degradation of status/contractual arrangements (after job change)
- False/bogus self-employment, a shift from the status of worker to the status of service provider (in the internal market)
- Sub-contracting, with increasing amounts of cost-driven outsourcing to replace the formerly dominating rationale of improved division of labour according to key competencies
- Labour market segmentation
- Increased amounts of undeclared work or of people active in the informal economy

For an increasing number of workers, employees and self-employed, these features have led to a partial or complete denial of social rights, non access or non-discrimination free access to services, and thereby have contributed to fostering poverty and social exclusion. Social partners have to deal with this issue, in particular at enterprise and sectoral level, given the interplay of work organisation (i.e. organisation of the workplace, health and safety at the workplace), working conditions and social protection⁷.

The above-mentioned trends can also endanger the capacity of trade unions and employers at enterprise, sectoral and intersectoral level to address the numerous challenges related to atypical or precarious labour and thereby have a negative impact on the functioning of institutionalised collective bargaining and mechanisms of collective solidarity around labour rights and social benefits.

⁶ Building on a paper on non-standard working relations by Dr. Jan Cremers, Amsterdam Institute on Advanced Labour Studies (AIAS)

⁷ The recent Eurofound publication “Opening doors – the role of social partners in fostering social inclusion” contains examples on social partner initiatives targeted at easing social exclusion: <http://www.eurofound.europa.eu/publications/htmlfiles/ef0944.htm>

Case Studies

Illustrating the Challenges to Decent Work

"It's the employer who makes the rules and he does whatever he wants."

Chinese construction worker hired in China to work in Romania

⁸ Emergency Ordinance no. 56/2007 on the employment and posting of foreign workers in Romania

"Our employers do not want to, do not know how and lack the tradition to negotiate."

Harri Taliga, Head of the Estonian Trade Union Confederation (EAKL)

⁹ See European Commission (2007) "Towards Common Principles of Flexicurity: More and better jobs through flexibility and security" [COM(2007)359] of 27 June 2007, p. 10, http://ec.europa.eu/employment_social/publications/2007/ke7807284_en.pdf

¹⁰ As highlighted by the 2010 Eurofound publication "Opening doors – the role of social partners in fostering social inclusion", social dialogue has a key role to play when instituting flexicurity strategies, given that workers in non permanent contracts or with interrupted career paths, are at greater risk of in-work poverty and to prevent from further segmentation of the work force and labour markets

Romania:

Non-EU posted workers in the construction sector: uninformed, unprotected and at the mercy of employer

Since Romania joined the EU and adopted legislation on the employment of foreign workers⁸, there has been a rapid increase in the number of workers from non-EU countries, amounting to more than 40% of total foreign workers with individual employment contracts in 2008. Third country nationals posted by non-EU employers do not enjoy the same levels of protection as other workers however, and abuses occur. Workers feel uninformed, unprotected and at the mercy of the employer. Labour inspection is weak, and the existing system means that inspectors are not able to fully monitor the conditions under which third country nationals are hired. In some cases employers take advantage of weaknesses in the law, or simply break the law in order to gain competitive advantage.

Estonia:

Introducing flexicurity without social dialogue

In Estonia, the basic principles of social dialogue were pushed aside when the government adopted the new Employment Contracts Act (ECA) in 2009 with changes it had introduced unilaterally, ignoring an earlier tripartite agreement. The ECA was supposed to introduce the notion of "flexicurity", a strategy to enhance both, flexibility and security on the labour market. In reality however the model provides flexibility, making it cheaper and easier for employers to lay off workers, without the security, reducing compensation while failing to support workers in the form of life-long learning or retraining.

Flexicurity is an integrated strategy to enhance both flexibility and security on the labour market. This working definition by the European Commission⁹ reflects a political approach aimed at combining and simultaneously improving the flexibility of labour markets, work organisation and labour relations, and security (employment security and social security). Its main components are: 1) flexible and reliable contractual arrangements, 2) effective active labour market policies, 2) comprehensive life-long learning and 4) modern social security systems.

It is important to highlight that the flexicurity concept was developed during phases of economic and employment growth in the large majority of EU member states. There is a growing consensus that it was not designed to address a number of recent structural challenges for labour markets stemming from the current financial, economic and social crises, as also stated by László Andor, Commissioner for Employment and Social Affairs during a hearing at the European Parliament on 14 April 2010.

Experience from across the EU shows that there are important preconditions for policies inspired by flexicurity to function, most importantly effective social dialogue and strong, representative social partners - in particular trade unions at enterprise, sectoral and national level - that generally no longer exist in most European countries¹⁰.

"I had to pay by all social contributions myself, although they were supposed to be paid by the employer. I was also blackmailed, humiliated and threatened, like a beast. Now I pray to God to be lucky, find a permanent job and regularise my position once and for all."

Migrant care worker

"All my life I have worked, but the employer doesn't recognise this and hires me in another pay grade. Every day I lose money; the engineer says I don't care, I'm not interested. He gave me a grade 2 contract, even though I am qualified as a grade 7."

Romanian crane operator

"I found out, that in order to receive the benefits, I had to work for at least 18 months. If I had known that, I might have stuck it out a little longer at work. I was left without a job or benefits. The Employment Office has not suggested another job in ticket sales."

Lina, 28, who was asked to leave "voluntarily" when the tourist office she worked in was closed down

Italy:

Undeclared and unprotected migrant workers in the private welfare market

Many Italian families are turning to foreign family assistants to care for their elderly relatives (caregivers, or 'badanti') and provide domestic help (maids) because of the limited supply of home care services. The carers are usually women and most left their home countries to escape a difficult situation, often working in Italy without a legal permit. They are highly vulnerable to exploitation in a sector where they are seen as a cheap and flexible solution. The profession is now officially recognised and protected by a national collective agreement, but a significant minority of workers remain in an illegal situation. Employers resist formally registering their employees because of both the initial costs and ongoing social security costs.

Italy:

Discrimination against foreign workers in the construction sector

Foreign workers are an essential part of Italy's construction industry, making up about 17% of the workforce. They have been exposed to discrimination, exploitation, and poor health and safety standards, as well as difficulties in their social and cultural inclusion. Where trade unions have been involved they have successfully negotiated specific measures to protect foreign workers in collective agreements. It is a difficult task however because many foreign workers distrust the trade unions. Those most exposed to discrimination in working conditions are workers without a residence permit, workers who are not aware of their rights or who are willing to ignore them in exchange for an immediate economic return. The most common problems they face are downgrading, lack of retirement benefits and lack of severance pay. Foreign workers are also frequently confined to the lower grades, perform the hardest tasks and are far more vulnerable to blackmail compared to Italian workers.

Lithuania:

Young people faced with high unemployment, low protection and little training

Youth unemployment in Lithuania is the second highest in the EU according to Eurostat, reaching 31.2% in August 2009, and continues to rise rapidly. The prospects of young people finding a job via the labour exchange are minimal in the current economic climate, and the system has been found to be unwieldy and ineffective. Only 10% of young workers are entitled to and receive unemployment benefit owing to the requirement to have worked 18 months out of the previous 36. State institutions have been slow to respond to the crisis in youth unemployment, and have done little in terms of support or training.

Social Dialogue as a Tool to Promote and Defend Decent Work

In each of the cases outlined above, good practices have been identified and implemented to help address these situations, and meet the criteria for decent work. Social dialogue has played an essential role in strengthening the rules and regulations, and enforcement of those rules, to protect workers' rights.

Romania:

The role of social dialogue in building decent jobs for third country posted workers

Romania's construction sector has some well-developed social dialogue mechanisms. The ARACO Employers' Confederation and the FAMILIA 'Anghel Saligiu' General Federation of Trade Unions, the representative organisations in the sector, are signatories to the 2008-2009 collective agreement in construction. The two organisations also concluded a sectoral social agreement for 2007-2009, which set up a System of Sectoral Self-regulation in Construction (SASEC). This system consists of:

- A Builders' Social Fund (providing compensation for periods of inactivity due to bad weather).
- A Builders' Vocational House and Sectoral Committee on Vocational Training (whose tasks include linking the Romanian vocational training system to similar systems in Europe and developing a system of occupational standards for life-long learning).
- A Builders' Fund for Safety and Health at Work to build a system of training and auditing aimed at developing a package of services that should lead to the awarding of a certificate of good health and safety practices to construction sites that meet the legal standards.
- A Builders' Holiday Fund to help reduce the cost for workers, particularly in the low-earning winter season.
- A Builders' Pension Fund that collects and invests part of individual contributions to the social insurance fund.

Despite this support system, however, many non-EU posted workers are still unprotected and open to abuse. To help tackle these problems the social partners have set up bargaining committees. The SASEC has a bargaining committee for combating undeclared work and another on the relationship between transnational trusts and domestic entrepreneurs. Finally, it has a bargaining committee for migrant workers, which cooperates with the relevant public institutions, develops partnerships and concludes bilateral agreements between trade unions/employers' organisations and similar organisations in the countries of origin, helps foreign workers join trade unions and ensures the observance of foreign workers' rights and obligations while employed in Romania.

The structures developed under the sectoral social agreement are operational, have their own staff, and implement projects funded by EU's PHARE and Leonardo Da Vinci programmes, the European Social Fund, and the International Labour Organisation (ILO), and cooperate with similar foreign institutions. They are particularly important in terms of their potential with regard to the representation and protection of migrant workers.

Lobbying in partnership

Trade unions and NGOs have worked together to lobby to change legislation. Three trade union confederations, the National Trade Union Confederation Cartel ALFA, the National Free Trade Union Confederation in Romania FRATIA and the National Trade Union Block BNS, together with three NGOs, ARCA the Romanian Forum for Refugees and Migrants, the Group for Dialogue Initiative and the Association for Organisation Development – SAH ROM, submitted a report to the Romanian government to urge active involvement in the verification of the implementation of legislation to protect non-EU workers to tackle the weaknesses in both law, notably the lack of clear provisions on the legal terms and conditions of employment of non-EU workers and practice, such as the failure to observe the initial agreement with the worker and the lack of information in a language they can understand.

¹¹ For reference to the Danish model and for further reading see SOLIDAR report on flexicurity and labour market inclusion services, <http://cms.horus.be/files/99931/MediaArchive/FIC-SOLIDAR-Seminar-Flexicurity-Report.pdf>

¹² <http://www.ekspress.ee/2008/01/28/arvamus/812-muinajutt-euroopalikust-eelnoust>

“The European principle of flexicurity must be taken into account, evenly balancing the rights and obligations of employees, employers and the Government.”

Social Democratic Party of Estonia

“Estonian labour legislation can be transformed towards flexicurity only if the legislator shows more trust in the agreements between employees and employer federations.”

Social Democratic Party of Estonia

¹³ Domestic workers in Italy are represented by a number of trade union groups, namely: the Italian Federation of Commercial, Tourism and Service Workers (FILCAMS-CGIL), the Italian Federation of Service, Commerce and Tourism Workers (FISASCAT-CISL), the Italian Tourism, Commerce and Services Workers' Union (UILTuCS-UIL), and FEDERCOLF – Domestic Employees' Federation. Their counterparts on the employers' side are: FIDALDO – the Italian Federation of Domestic Employers and DOMINA – the National Association of Domestic Employers

Estonia:

Employment Contracts Act – the essential role of social dialogue in ensuring Flexicurity

Estonia's revised Employment Contracts Act (ECA) is an illustration of how ignoring social dialogue can lead to serious failings. The ECA, which introduced the notion of flexicurity into employment relationships, was initially based on the successful Danish model¹¹. Although Estonia's draft legislation was drawn up on the basis of tri-partite negotiation, the final version ignored the views of the social partners, particularly the trade unions, and failed to provide workers with any real security. The Danish model provides an income of up to 90% of previous earnings for the unemployed and includes, vitally, a high level of investment in the workforce through education and life-long learning. Strong social dialogue is a key element of the system in Denmark, where 80% of employees are trade union members, and social partners were consulted at each step of the reform. It was thanks to strong social cooperation that the reduction in unemployment brought about by these measures did not lead to a drop in wages. The Danish system provides both a sense of security for the employee and for the economy's competitiveness. The system has not worked so well when transferred to Estonia however, largely because some elements are missing, due principally to a failure to respect social dialogue.

Katrin Saks, one of the leaders of the Estonian Social Democratic Party, notes for example that Estonia does not invest so heavily in adult education and life-long learning as Denmark does. Estonian statistics show that only 6-7% take part in adult continuing education, which is one of the lowest figures in the European Union¹². The key roles of social dialogue and social partnership must therefore be recognised as necessary preconditions to provide workers with security and enable the flexicurity model to work. Issues related to labour law and employment policy reforms should be resolved through tripartite negotiations.

Italy:

Social dialogue – a national collective agreement to protect care workers

In 2007 the social partners in the domestic and service sector - four trade union groups and two employers' groups¹³ - came together to negotiate a national collective agreement for all domestic workers and family assistants, regardless of their union membership, giving them a legally recognised professional status. The minimum wage for family assistants increased by an average of 30% after the introduction of the collective agreement.

The collective agreement that came into force on 1 March 2007 makes a clear distinction between domestic workers and family assistants/carers. The agreement divides the jobs into eight categories, specifying duties, qualifications etc. for each level, beginning at the basic level A for domestic workers with no experience. A salary level is assigned to each category which the parties cannot go below, which is effectively a minimum wage set by the social partners for a specific professional group.

The collective agreement also sets out maximum working hours. Any time worked above those hours must be paid as overtime. The employment contract must also foresee paid time off for vocational training, rules for job sharing and severance pay. Employment contracts must indicate working hours, vacations, the weekly day off and half-day off. They must also specify many other details such as whether night assistance is required, the trial period, overtime pay, and board and accommodation. Workers are also entitled to social security benefits including unemployment benefit, sickness insurance, occupational accident or illness insurance, and maternity and family leave.

There is still a significant minority of undeclared workers, however, who remain outside the system and therefore do not enjoy protection¹⁴. Some initiatives have been introduced to further encourage regularisation, including “Window Offices” for matching demand (families) and supply (migrant workers). They offer counselling on regularisation procedures and contracts, a service that is lacking on the black market. There is also a system of care-vouchers for people hiring a regularised family assistant. Some regions grant financial support in the form of a care-voucher for the elderly who hire a family assistant. The voucher is tied to the hiring of a family assistant who must be regularised. Success so far has been limited however, as the financial incentive is not yet high enough compared to the cost of social security contributions that regularisation entails.

¹⁴ A government regulation called the Sanatoria (regularisation procedure) was implemented for one month in September 2009 to allow family assistants and domestic workers to apply for a permanent residence permit, but not all employers were prepared to pay the 500 euro lump sum and subsequent social security charges. Fewer than 300,000 applications were received out of an expected 700,000

Italy:

Building decent jobs for migrant workers based on collective agreements

Through a series of initiatives, including organising and membership drives, information campaigns, services such as specialised counselling and offices, the protection of workers in the event of industrial disputes, the establishment of a migrant workers’ delegate and Italian language courses, foreign workers are beginning to join the trade unions in increasing numbers, with 20,000 new members joining in 2008 alone.

At the local level, the trade unions have in recent years successfully negotiated to include specific measures into collective agreements aimed at integrating and protecting foreign workers, including vocational, literacy and health and safety training¹⁵. Some examples of such agreements at the local level are:

- Training to improve workplace safety, beginning with signs at the workplace in the workers’ languages.
- Training to improve social and working conditions.
- Training for new workers entering the sector, literacy training, vocational training and safety at work.
- A regional round table to find resources for tackling the problems of foreign workers.
- Organising holidays to take into account the need of foreign workers to return to their country of origin, including longer holiday periods; action with the public administration to meet the housing needs of workers.
- Specific courses designed for foreign workers in the Italian language, health and safety etc.
- Courses for the recognition of professional skills, distribution of multilingual information to ease the social integration of foreign worker.

¹⁵ The 2010 Eurofound publication “Opening doors – the role of social partners in fostering social inclusion” elaborates on the specific challenges as to working conditions for migrants, especially third-country migrants, and the role social partners can play in addressing them, confirming many findings under this project. It states that “that migrant workers employed in unskilled jobs in traditional sectors (such as agriculture and construction) or in the informal economy as a rule are excluded from training, counseling and support initiatives that are targeted at skilled migrants or at unskilled workers in large, more heavily unionised companies who already benefit from social protection” (p. 15)

“Knowing one’s rights is the most effective tool to fight or at least limit the problems faced by foreign workers in the construction sector.”

Italian trade union official

The 2008 national collective agreement for the construction industry also contains specific measures to protect foreign workers, including:

- Vocational training.
- Training courses to improve linguistic and intercultural comprehension between workers of different nationalities.
- Training in the organisation and management of the construction site.
- Training to prevent injuries.

“We often work together with other national trade union youth organisations, for example on organising the Decent Work Campaign, taking part together in demonstrations and in joint training activities. Our role is to promote youth activities within the national trade union centres and to get the youth voice heard in trade union structures.”

Edita Zitkevic,
coordinator for LPSK Youth

Lithuania:

Organising young people

Until recently, there were very few young people in trade unions in Lithuania. Young workers have traditionally worked in service sector jobs where there has been little or no trade union representation. Furthermore, with many elderly leaders from the old soviet era, the unions were perceived as being too old fashioned and failing to defend the interests of youth. Yet they clearly needed an organised force to protect their interests in the wake of the financial crisis, mounting levels of youth unemployment, and the failure of national institutions to address the issue.

Three national trade union centres decided to establish national youth organisations: Lithuanian Trade Union Confederation (LPSK) Youth, Lithuanian Labour Federation (LDF) Youth Organisation and Lithuanian Trade Union ‘Solidarumas’ Youth. They bring together members from 14 to 35 years of age, representing young workers’ professional, labour, economic and social rights and interests. Their main goals are:

- To represent the interests of members in relations with employers and state institutions.
- To make proposals to social partners when discussing youth-related legislation.
- To explain Lithuanian laws to their members and train them in how to use legislation.
- To promote youth civil activeness.
- To cooperate with other youth organisations in Lithuania and abroad.

The Lithuanian Service Sector Workers’ Union (LPSDPS), a member of the LPSK, stands out as a dynamic example of youth organising. Over 60% of its members are under 30. The LPSDPS team has achieved rapid membership growth. The branch union started its activities in the UAB Lithuania Statoil workers’ trade union, with 400 members. It now represents 5,000 workers from a wide range of sectors including transport, security, the gaming industry, catering, etc. Aleksandras Posochovas, chairman of LPSDPS, outlines the strategies used to ensure this membership growth. They include active grassroots organising, the targeting of young individuals and legal representation to protect union members against reprisals. The union also benefitted from international training, drawing a lot of inspiration from the Nordic model.

Recommendations

The following recommendations on how to improve working conditions in the framework of social dialogue and beyond are made to national and European stakeholders to address the challenges of precarious labour and to promote decent work across Europe.

To national governments

- Strengthen the role of collective bargaining as a instrument to 1) guarantee equal treatment for workers in terms of career development, wages, security; 2) overcome discrimination; 3) attain inclusion and full participation in society for all citizens; 4) promote intercultural education.
- Strengthen the capacities of trade unions as a social partner to allow them for effective preparation/information gathering, joint trade union positions, information to members, and training members in how to fight for their rights.
- Intensify and improve the workers' voice in our economies, not least by the extension of information, consultation and co-decision rights at all levels (company, national, European, global)
- Establish a legal system of social responsibility and liability in production and subcontracting chains
- Enforce and strengthen sanctions against employers who fail to respect workers' rights.
- Foster a multi-stakeholder approach that also involves social NGOs that represent the most vulnerable sectors of society to promote the full inclusion and participation in society of people on the fringes of or outside the labour market.
- Reform social law, extending social benefits and improving professional training.
- Put more resources into measures to keep people in work and provide life-long learning.
- Fully respect and implement international agreements on the rights of migrant workers, in particular ILO Convention 97 on Migration for Employment, ILO Convention 143 on Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers and UN Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.
- Fully respect ILO Conventions 87 and 98 on the right to organise and collective bargaining, including the right to strike.
- Ratify ILO Convention 181 on Private Employment Agencies; establish stricter rules for and improve control of recruitment agencies.

To public authorities/labour inspectors

- Introduce the compulsory licensing of recruitment agencies with clear requirements; implement strict monitoring of compliance with the rules and impose effective sanctions on employers who break the rules.
- Increase the accountability of temporary employment agencies.
- Ensure a more effective monitoring of the activity of private recruitment companies outside the receiving countries.
- Put an end to the practice of charging potential employees with a consultancy fee.
- Make labour inspections more effective, and give inspectors the right to assess whether an enterprises financial situation genuinely requires staff cuts, salary cuts or shorter working hours.
- Give the labour inspectorate greater authority to prevent unfair dismissals and other breaches of employment contracts and assess whether decisions on expenditure or for other motives have impaired health and safety conditions.
- Enforce and strengthen sanctions against employers who fail to respect workers' rights.

To social partners

- Strengthen the role of collective bargaining as an instrument to 1) guarantee equal treatment for workers in terms of career development, wages, security; 2) overcome discrimination; 3) improve equal inclusion and full participation in society; 4) promote intercultural education.
- Negotiate more vocational training for migrant family assistants.
- Aim at extending - in a mid-term perspective - collective agreement initiatives seeking to foster workplace integration to all migrants.
- Better inclusion of migrant workers employed in unskilled jobs in traditional sectors (such as agriculture and construction) in the informal economy or in less unionised enterprises by training, counselling and support initiatives and with policies and programmes particularly targeted at their needs and taking account of their specific working and employment conditions.
- Negotiate retraining/reskilling at the cost of the employer.
- Negotiate vocational training for employers too, in workplace health and safety and quality employment, particularly in the construction sector.
- Fight for the interests of and work towards the social inclusion of employees in vulnerable positions, even in cases of low trade union membership

To European institutions

- Expand EU posting of workers' rules to workers from third countries posted by non-EU undertakings.
- Adopt a single procedure for the issue of a single permit to reside and work in Member States for posted workers from Member States and third countries, accompanied by a common set of rights for all migrant workers.
- Ensure enhanced cooperation with third countries in order to set up an effective system for matching employment supply and demand.
- Promote the adoption of ILO Convention 181 Private Employment Agencies and Convention 97 on Migration for Employment among the Member States.
- Consider the introduction, at European level, of a licensing system for the providers of recruitment and placement services.
- Intensify the fight against the cross-border exploitation of workers by bogus gang masters and agencies.
- Work out a system of mutually recognised joint and several liability in subcontracting chains, entailing that contracting agencies shall be liable for obligations of contractors further down in the chain of sub-contracts to pay wages pursuant to collective agreements that have been declared generally applicable in order to prevent the abuse of employees' rights, the erosion of the rules and to combat undeclared work.
- Include into the Commission Guide on Socially-responsible Public Procurement expected for the first half of 2010 should include a recommendation to extend all provisions related to socially-responsible public procurement to subcontractors too. They should be included in the tenderers' offer and presented in all documents related to labour law legislation in the offer (especially those related to health and safety at work) during the award procedure.
- End the uncritical application of the concept of flexicurity and the common principles on flexicurity in EU Member States where the guarantees for the security part of this concept in view of creating quality jobs backed up effective social dialogue and strong welfare systems are absent.

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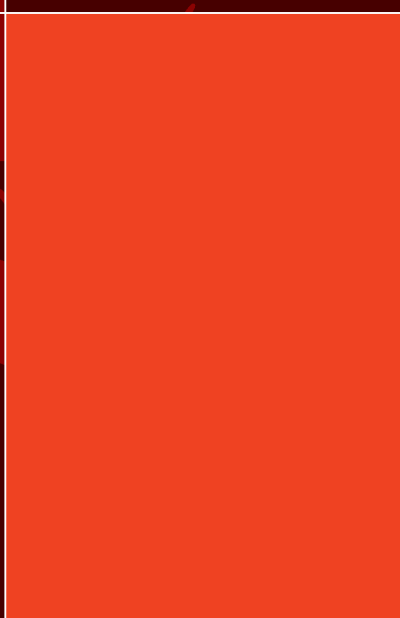
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About the project

“Decent Work for All: A Key for Effective Industrial Relations” is a one-year project which aims to produce recommendations on how to improve working conditions around Europe in sectors with higher incidences of precarious working conditions (ie construction, health and long-term care) and more vulnerable groups (ie youth, undocumented migrants) through coordinated efforts by governments, employers and trade unions in the framework of social dialogue. It also looks into the role of social partners in fighting precarious labour and promoting decent work and quality jobs.

All “Decent Work for All: A key for Effective Industrial relations” briefings are available on www.solidar.org

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SOLIDAR is a European network of NGOs working to advance social justice in Europe and worldwide. **SOLIDAR** voices the concerns of its member organisations to the EU and international institutions across the policy sectors social affairs, international cooperation and lifelong learning.

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