

5.4 The EESC stresses once again the need for a common European definition of disability, which will make EU disability policy more effective. By the same token, more exhaustive data on the situation of people with disabilities in the EU would also contribute to a better informed and targeted policy-making. Therefore the EESC calls on the Commission, Eurostat and Member States to devote more resources to the elaboration of statistics analysing aspects such as the employment situation, the economic weight of disabled people, their role as consumers or the access to services of people with disabilities.

5.5 Under the Amsterdam Treaty, the European Community is committed to taking account of the needs of people with disabilities when drawing up measures relating to the single market. Regrettably, Declaration 22 has not been implemented,

and this has even resulted in further obstacles in access to goods and services.

5.6 The EESC is also keeping a close eye on the United Nations Convention on the Rights of Persons with Disabilities adopted in August 2006 and calls on EU Member States to ratify it. The Committee also calls the Commission to ensure that the principles enshrined in the UN Convention are promoted and followed at EU level.

5.7 The EESC hopes that the EU action plans to secure equal opportunities for people with disabilities will be the catalyst for more new measures in this field that will in turn produce quantifiable results.

Brussels, 17 January 2007.

The President
of the European Economic and Social Committee
Dimitris DIMITRIADIS

Opinion of the European Economic and Social Committee on the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: Promoting decent work for all — The EU contribution to the implementation of the decent work agenda in the world

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On 13 July 2006 the European Commission decided to consult the European Economic and Social Committee, under Article 262 of the Treaty establishing the European Community, on the abovementioned proposal.

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 19 December 2006. The rapporteur was Mr Etty.

At its 432nd plenary session, held on 17 and 18 January 2007 (meeting of 17 January 2007), the European Economic and Social Committee adopted the following opinion by 128 votes to 3 with 11 abstentions.

1. Conclusions and recommendations

1.1 The EESC welcomes the Commission Communication. It is confident that the Commission in close cooperation with the Member States, will make a major contribution to the realisation of Decent Work, both within the EU and in third countries.

The Committee shares the view of the Commission that the endorsement of social objectives must not be used for protectionist purposes.

1.1.1 The Committee urges the Commission to involve the EESC in the preparation of the follow-up report to the Communication to be presented by the summer of 2008.

1.1.2 It requests the Commission to develop adequate indicators for assessing the implementation of the Decent Work Agenda by the EU.

1.1.3 The Commission should give a clear indication of the financial implications of its contribution to the promotion of decent work, both within and outside the EU. This should include information on the way it intends to support the ILO in the execution of its Decent Work Agenda.

1.2 The Commission should follow the same approach as recommended in the European Economic and Social Committee's Opinion on the Social Dimension of Globalisation of March 2005: retain and reinforce the positive impact of Globalisation, while taking appropriate action so as to combat its negative repercussions. The Committee reiterates its conclusions of the March 2005 Opinion.

1.3 Decent Work policies, both within and outside the EU, can only succeed with full involvement of social partners and the broader civil society.

1.4 In pursuing the Decent Work objective, policy coherence and coordination at all levels, including national, is of crucial importance.

1.5 A key factor in the promotion of Decent Work is strengthening the ILO supervisory system.

1.6 The EESC calls upon the Commission to analyse with Member States the reasons for non-ratification by receiving countries in relation to the UN International Convention on Migrants.

1.7 The ratification and implementation in law and practice of the relevant ILO Conventions within the EU and in relation to third countries is essential.

1.8 The EESC calls upon the Commission to promote the importance of occupational health and safety as one of the key factors in achieving decent work.

1.9 The Commission should present an Action Plan on its Decent Work policies, both within and outside the EU, including budgetary data.

2. General observations

2.1 The Committee welcomes the Communication. The Decent Work Agenda is an important response to globalisation and it can make a major contribution to realising the Millennium Development Goals as acknowledged by the United Nations. The European Union, as an important member of the world community, can bring significant added value by implementing it — both 'at home' and in promoting it in its diverse relations with third countries, groups of countries, and international institutions. Decent work has a direct relevance for the implementation of the Lisbon Agenda by contributing significantly to shaping working life in the EU in a sustainable way. Playing an active role in promoting decent work for all not only forms an integral part of the European Social Agenda and of the EU efforts to promote its values; it is also in the interest of the EU in order to ensure that globalisation does not undermine the European Social Model.

2.2 'Decent work' is a concept, introduced by the International Labour Organisation (ILO) in 1999⁽¹⁾. It has been defined as 'the converging focus' of all the ILO's four strategic objectives:

— the promotion of rights at work,

- employment,
- social protection, and
- social dialogue.

The concept is a central part of the EU Social Model which focuses on the right to productive and freely chosen work in which rights are protected, which generates an adequate income, with adequate social protection and in which there is an emphasis on equal opportunities. Tripartism and social dialogue guarantee participation and democratic process.

Gender and development are considered to be cross cutting themes.

2.2.1 In line with the ILO Decent Work Agenda, the Commission should stress the importance of gender equality and the empowerment of women to overcome poverty in greater detail; in particular as regards equality of opportunities and equality of treatment.

2.3 In its opinion on the Social Dimension of Globalisation⁽²⁾ the EESC has identified decent work as a key objective, and as a priority issue for the EU and its Member States, both at home and in external relations and in development assistance.

2.4 The Committee subscribes to the statement in the Introduction of the Communication which characterises the Decent Work Agenda as a number of universal strategies which are not tied to a specific developmental model, and as an instrument tailoring development to values and principles of action and governance which combine economic competitiveness with social justice. Underlying Decent Work is the understanding that every country, at whatever level of development, sets its own goals to reduce the gap between the objective and the absence of sufficient employment opportunities, the denial of rights at work, inadequate social protection and shortcomings in social dialogue.

2.5 The Committee further welcomes the emphasis in the Communication on the need to establish an effective commitment to Decent Work across the full range of multilateral institutions and by all governments, as endorsed by the UN ECOSOC Declaration of July 2006.

2.6 The Committee notes with interest that several recommendations, made in the EESC opinion on the Social Dimension of Globalisation, have been taken on board in this Communication.

2.7 It regrets that the element of policy coordination and coherence in and between the International Financial Institutions (IFI's), the World Trade Organization (WTO) and the International Labour Organization (ILO), in particular at the level of the Member States, has not been pursued in the way the EESC would have hoped. The Committee had requested the Commission as well as the Council of Ministers to take certain action in order to promote more coordination and coherence at the level of the Member States, with full involvement of civil society.

⁽¹⁾ Decent work, Report of the Director General of the ILO to the 87th Session of the International Labour Conference, ILO, Geneva, 1999.

⁽²⁾ EESC opinion of 9.3.2005 on 'The Social Dimension of Globalisation — the EU's policy contribution on extending the benefits to all'. Rapporteurs: Mr Tom Etty and Ms Renate Hornung Draus (OJ C 234 of 22.9.2005).

The Committee reiterates this request with a view to the promotion of Decent Work by the Commission and the Member States in these institutions.

The Commission should promote a more united approach in the IFI's by the Member States, in particular with regard to their policy advice, development assistance programmes with Governments, and their loans to private companies.

2.8 The Committee is of the opinion that, generally speaking, the proposals for action made by the Commission in the Communication are well taken and constructive.

2.8.1 A major aspect missing is an acknowledgement that strengthening the supervisory system of the ILO is a key factor in the promotion of Decent Work. Ratification of Conventions is important, but not sufficient. The reality on the ground, i.e. full implementation in law as well as in practice, must also be a point of permanent concern. The Committee encourages the Commission to stimulate and coordinate joint action by the Member States, in close cooperation with the ILO, to this effect.

2.8.2 Another element which the Committee wishes to highlight is that globalisation not only necessitates the ILO to bring and keep its Conventions and Recommendations up to date, but that it will inevitably also require the Organisation to formulate new standards in order to deal with new realities in the world of work as they immerge. It is necessary to ensure that the new instruments are the subject of relevant topics and these contain provisions that are rooted in reality. The EU and its Member States (and the social partners in the Member States) must be encouraged to seek a pro-active role, as far as this is concerned.

3. Specific observations

3.1 *Re: A factor in development, governance and performance*

3.1.1 In the Communication, the Commission speaks of bipartite and tripartite social dialogue, as well as of 'the involvement of the social partners and civil society'/'the involvement of the social partners and other social society stakeholders'. The Commission should make clear that 'social dialogue' takes place between social partners with or without Government representatives, whereas 'civil dialogue' also involves NGOs and other stakeholder groups. In the context of the Communication, it must be understood that genuine social dialogue is something which can only be achieved by free and independent, democratic organisations.

3.1.2 All the elements of the Decent Work concept are being touched upon in this section. What is striking is the fact that occupational safety and health is only slightly dealt with (the brief mentioning of 'the quality of employment'). It seems that this is not by chance as occupational safety and health does not feature prominently in the text of the Communication as a whole. This may have to do with the problematic position of the Commission and the Member States vis-à-vis the ILO's Conventions in this area. They have been very poorly ratified by EU Member States, although the level of protection to workers offered by the relevant EU legislation is — understandably — usually higher than the corresponding ILO instruments. This

poor ratification record is not a recommendation to other countries to ratify the ILO occupational safety and health Conventions. Thereby, the EU is not promoting the Decent Work Agenda in this respect. The Committee calls on the Commission and on the Member States to review the present unsatisfactory situation with a view to improving it significantly in the near future. The Committee also considers that the Member States should denounce an ILO health and safety convention only when they have decided to ratify an up-to-date convention covering a similar area.

3.1.3 The Committee shares the view of the Commission that the endorsement of social objectives must not be used for protectionist purposes. At the same time it wishes to observe that a 'social clause' in multilateral trade agreements, as discussed in earlier EESC Opinions, could not possibly be used for protectionist purposes, as it consists exclusively of the eight fundamental human rights standards of the ILO (on the right to organise/collective bargaining, forced labour, discrimination in labour and occupation, and child labour) which have all been ratified by an overwhelming majority of ILO Member States. If these Member States have lived up to their constitutional obligations, they have made them part and parcel of their own national legislation or other relevant regulations, as required and supervised by the ILO.

3.1.4 In its development policy, the EU must fully integrate Decent Work and back up its policy statements with adequate budgetary support.

3.2 *Re: Commitments and strategies for EU policies*

3.2.1 The EU should promote Decent Work 'at home' by ratification and implementation of all the relevant ILO Conventions, including those concerning the non-discrimination and integration of vulnerable groups, by the Member States.

3.2.2 In the sub-section 'Harnessing the EU's external policies more effectively', under the heading 'Enlargement', ILO Conventions 87 and 98 on Freedom of Association and on Collective Bargaining, and the rights protected therein appear to be conceived by the Commission as dealing with trade union rights only. That is incorrect: they are explicitly also employers' rights. Both these fundamental trade union and employer's rights must be promoted by the Commission.

3.2.3 The Committee agrees with the Commission views on 'Neighbourhood'. However, it thinks that due attention should also be paid to social dialogue/ratification of ILO Convention 144 on Tripartite Consultation in this area.

3.2.4 With regard to the sub-section on 'Bilateral and regional relations' the Committee observes that China poses a special problem which should be discussed and also addressed by the Commission. China openly opposes freedom of association and the right to bargain collectively by independent trade unions and employers' organisations. Given the importance of China in the world this cannot be ignored if one aspires for progress by means of the Decent Work Agenda.

3.2.5 In the list of measures envisaged under the heading 'Development cooperation' the Commission should include actions to be taken, in cooperation with the ILO, to help to integrate the informal economy into the formal economy. Decent Work is as important for the informal as for the formal economy. The Commission should cooperate with the ILO to explore new ways to help existing actors to develop forms of action to defend the rights and strengthen the capabilities of those earning their living in the informal economy, and to enable new actors to enter the field of interest representation.

3.2.6 Also, under this heading, the Committee would propose to include the promotion of social economy organisations such as cooperatives. This is one of the priority issues, identified in the EESC's Opinion on the Social Dimension of Globalisation.

3.2.7 The Commission should also consider policies to strengthen, in close operation with the ILO, the role of small and medium sized enterprises in promoting Decent Work.

3.2.8 As regards the heading 'Trade: a factor in sustainable development' the Committee refers to the suggestions made in the Opinion on the Social Dimension of Globalisation with regard to Joint bilateral observatories and Export Processing Zones.

3.2.9 The Committee welcomes the support of the Commission for the wide ratification and genuine application of ILO Conventions, but notes that in the area of international trade, this commitment could be made more concrete. First at the multilateral level, the Commission needs to make the promotion of Decent Work one of the objectives of the EU at the WTO. The creation of a Committee on 'Trade and Decent Work' within the WTO structure, similar to the 'Trade and Environment' Committee needs to be considered; Decent Work should be taken up a component of 'sustainable development' under the trade policy reviews of the WTO; and a WTO work programme, together with the ILO, is required. The Commission and Member States should engage in active efforts with other WTO members in order to convince them of the benefits of such attention to Decent Work within the WTO structures.

3.2.10 Second, in its bilateral trade relationships, as in Economic Partnership Agreements (EPAs), the Commission should put the ratification and implementation of the ILO core labour standards high on the agenda of the negotiations. In all

these negotiations, sustainability impact assessments (SIAs) that include decent work indicators should be undertaken, and their recommendations addressed.

3.2.11 With regards to the GSP plus system of trade incentives, strong accompanying measures are required if it is to be effective, notably by mid-term reviews of the GSP plus countries to be conducted in early 2007 in order to ensure the governments recognise they must actually implement the Conventions concerned and start to take appropriate action.

3.2.12 Under 'Better management of economic migration' the Committee wishes to raise, once more, the issue of the UN International Convention on Migrants. This is a difficult and complicated issue. Not one single important 'receiving country' has so far ratified this Convention. The Committee has taken a favourable attitude towards the Convention in its June 2004 Opinion⁽³⁾. It is striking that the Commission ignores the instrument totally in its Communication. The Committee requests the Commission to analyse, with the Member States, the reasons for non-ratification and to define a clear policy, based on that analysis. It also encourages the Commission to explore, together with the Member States which have so far not ratified the ILO Conventions 97 and 143 on Migrant Workers, possibilities for ratification in the near future.

3.2.13 The Commission intends to support efforts to conclude transnational collective agreements and global framework agreements (heading 'Working with civil society and the business sector'). The Committee insists that this should be explored in close cooperation with the relevant employers' and trade union federations.

3.2.14 The Commission should also discuss with these organisations and other relevant civil society organisations the promotion of corporate social responsibility policies in countries where the gap between legislation and implementation of the law in practice is particularly high. The Committee underlines that corporate social responsibility is complementary to legislation and cannot replace it.

The Committee recommends the Commission to encourage companies to include, in their voluntary codes of conduct, explicit references to the OECD Guidelines for Multinational Enterprises and the ILO Tripartite Declaration on Multinational Enterprises and Social Policy.

Brussels, 17 January 2007.

The President
of the European Economic and Social Committee
Dimitris DIMITRIADIS

⁽³⁾ EESC opinion of 30.6.2004 on 'International Convention on Migrants'. Rapporteur: Mr Pariza Castaños (OJ C 302 of 7.12.2004).