

Opinion on the White Paper on European Social Policy — A way forward for the Union

(94/C 397/14)

On 3 August 1994 the Commission decided to consult the Economic and Social Committee, under Article 198 of the Treaty, on the White Paper on European Social Policy — A way forward for the Union.

The Section for Social, Family, Educational and Cultural Affairs, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 10 November 1994. The Rapporteur was Mr Cal.

At its 320th Plenary Session (meeting of 23 November 1994), the Economic and Social Committee adopted the following Opinion by a majority, with six dissenting votes and six abstentions.

1. Introduction

1.1. With the White Paper on European Social Policy, the Commission intends to 'set out a framework for Union action ... to consolidate and build on the achievements of the past — particularly as concerns labour law, health and safety, free movement and equal treatment between men and women ... to create a new dynamic by putting forward new proposals in these and other areas, such as social protection, equal opportunities for all and public health' ⁽¹⁾.

1.1.1. The White Paper is 'based on the principle that Europe needs a broadly-based, innovative and forward-looking social policy if it is successfully to meet the challenges ahead.' In this sense, the Commission seeks to 'stimulate a new cooperative partnership between Member States, social partners, voluntary and civic organizations, European citizens and international bodies' ⁽¹⁾. The role of the social partners is nevertheless underlined: 'From now on, it is possible for European social regulation to rest on both the legislative initiative of the Union institutions and collective bargaining between the social partners'.

1.1.2. The Commission stresses that 'jobs must continue to come top of the agenda', and that the objective must be 'to preserve and develop the European social model ... to give to the people of Europe the unique blend of economic well-being, social cohesiveness and high overall quality of life' ⁽¹⁾. 'Economic and social progress must go hand in hand. Competitiveness and solidarity have both to be taken into account in building a successful Europe for the future' ⁽²⁾.

1.2. The present White Paper on European Social Policy comes as a follow-up to the presentation and debate on the Green Paper dealing with the same subject published in November 1993.

1.2.1. The contributions collected, whether from Community institutions and Member States, or from employers' organizations, trade unions and other social institutions, all confirm that there is a series of shared values which form the basis of the European social model (see Summary of Responses — Part B of the White Paper).

1.2.2. The extensive consultation process and the large number of responses submitted are proof of the commitment to the social dimension as an essential part of the building of Europe.

1.3. For its part, the Economic and Social Committee issued an extensive Opinion tackling all the questions raised by the Green Paper, and many ESC members were involved in the debates held at both Community and Member State level.

1.3.1. In February 1989, the Committee adopted an Opinion on Basic Community Social Rights (Rapporteur: François Staedelin). In December 1989, a solemn declaration on the Community Charter of the Fundamental Social Rights of Workers was adopted by 11 Heads of State or Government, in which reference was made to the Commission Action programme for its effective implementation. In November 1993, the Green Paper on European Social Policy — Options for the Union was published, to which the Committee responded extensively in its Opinion of March 1994 ⁽³⁾.

1.4. The present Opinion looks into the foundations of European social policy and considers its development over the coming years (1995-1999). Therefore, previous ESC Opinion(s) should be consulted for the content of each of the proposals presented in the various chapters of the White Paper.

⁽¹⁾ See the Preface to the White Paper.

⁽²⁾ See the Introduction to the White Paper.

⁽³⁾ OJ No C 148/35, 30. 5. 1994.

2. General comments

2.1. The Committee endorses the move to draw up a social policy action programme, at both EU and Member State level, in order to give social policy the requisite stability and predictability.

The action programme should take account of:

2.1.1. An examination of the measures from the 1989 action programme which have already been approved, together with their transposition by the Member States and the practical steps taken to implement and enforce them (this should lead to consultation of the social partners concerned, and not simply mean the drafting of formal reports by the Member States).

2.1.2. A re-evaluation and, if necessary, adjustment of the measures already presented but not yet approved, with a view to their rapid approval at Community level. This concerns such spheres as atypical work, parental leave and leave on family grounds, modification of the burden of proof, cross-border posting of workers, workers' rights in the event of business transfers, the revision of Regulation 1612 on free movement of workers, the extension of Regulation 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, and the fourth poverty action programme.

2.1.3. The extension of 'the floor of binding and enforceable minimum standards, as the appropriate instrument for making gradual progress towards economic and social convergence in the Union, having regard to the economic strength and capacity of the different Member States'. This could lead to proposals such as the inclusion of Community legislative proposals in such areas as protection of workers' privacy with regard to the collection, processing and transmission of personal data, equal treatment in the case of part-time work and work on fixed-term contracts, prohibition of discrimination against workers who uphold their rights or refuse to perform unlawful tasks, the right to payment of wages on public holidays and during illness, and the right of workers to be consulted on internal company matters which concern them personally.

2.1.4. Further efforts to adapt and update legislation in the spheres of occupational health and safety, free movement of workers, recognition of qualifications, convergence of social security schemes including transfer of pension rights, and promotion of equal treatment for men and women, given the fact that the role of women

in decision-making is fundamental to the progress of society.

2.1.5. The need to extend the traditional ambit of European social policy in order to tackle the growing incidence of marginalization and social exclusion, by means of the proposed initiatives (poverty, the disabled, migrants, particularly vulnerable social groups such as older and younger people, public health).

2.1.6. The need to enshrine citizens' rights in the Treaty by including 'a Treaty provision banning discrimination on grounds of sex, colour, race, opinions and beliefs'. [ESC Citizens' Europe Opinion (OJ No C 313 of 30 November 1992 — Rapporteur: Beatrice Rangoni Machiavelli)].

2.1.7. An examination of the experience gained over recent years, including the results of the last Intergovernmental Conference, in order to prepare carefully for the next revision of the Treaties in the social sphere, in liaison with not only the European Parliament but also the ESC, so that social legislation is applied uniformly and without discrimination throughout the Union.

2.2. The Committee recognizes that the White Paper on European Social Policy offers a broader, more systematic and coordinated insight into the Commission proposals for this important sector over the next few years.

2.2.1. Proposals on European social policy should be consistent with the initiatives being undertaken pursuant to the White Paper on Growth, Competitiveness and Employment, and particularly with the action plan which is to be presented to the European Summit in Essen in December.

2.2.2. Economic efficiency and social performance capacity are mutually interdependent. The further development of the social dimension should, therefore, be an essential condition for linking economic market freedom to social fairness. This fairness can also stimulate the competitiveness of the Community. The Brussels European Summit in December 1993 established a framework for the action to be taken by the Member States. There is evidence that a number of measures have already been taken in the areas of employment, education and training, and social protection policy, and that these measures draw heavily on the suggestions made in the Commission's White Paper. However, they are still being implemented on an ad hoc basis rather than through a comprehensive programme of structural changes which should involve the social partners.

2.2.3. It is therefore important to strengthen coordination between the different tiers of action and that the

measures should be coherent with the objectives, as an integral part of a process of structural reforms.

2.3. The Committee recognizes that European Social Policy should contribute to the creation of stable, high quality jobs, as a prime source of financial security and a key element of social integration.

2.3.1. However, the attempted structural reforms of the labour market may prove fruitless if the broad guidelines of economic policy (Article 103 of the Treaty) do not single out economic growth, job creation and greater competitiveness as the macroeconomic priorities of the Union.

2.3.2. In this context, the suggestion ⁽¹⁾ that the Social Affairs Council should link with the ECOFIN Council is a step forward but does not go far enough. What is needed is greater consistency in the policies and objectives announced at EU level in furtherance of the approach set out in the White Paper on Growth, Competitiveness and Employment, where it is stated that economic and social progress must go hand in hand.

2.3.3. The credibility of the European model as a whole depends on the extent to which employment potential is successfully utilized and genuine prospects can be offered to the unemployed. It is essential to boost the confidence of economic operators, so that the incipient signs of recovery can be converted into sustainable and permanent economic revitalization.

⁽¹⁾ Point 23 of Chapter I of the White Paper on European Social Policy.

2.4. The Committee agrees that social policy measures should be subject to the subsidiarity principle. This principle should apply not only in a vertical way (EU, Member States, regions, etc.), but also in a horizontal way (the social partners).

2.4.1. Social policy instruments at Community level should therefore concentrate as far as possible on determining the results to be achieved, with the national authorities being left with the task of deciding how this is to be done. The principle of subsidiarity should not, however, be taken as an excuse for inaction or even regression in social matters.

2.4.2. The Committee also considers that, alongside the vertical subsidiarity mentioned above, conditions need to be created for effective horizontal subsidiarity. Full use should be made of the possibilities open to the social partners, particularly by agreements concluded at Community level. The social partners have a special role not only in helping to formulate social policy and employment policy, but also by participating in their implementation at national and sectoral levels.

2.5. The Committee supports the Commission's efforts to bring Member States' social policies closer together through convergence rather than through harmonization of individual state systems. Minimum social standards in particular will make it possible to move step by step towards economic and social convergence.

2.6. Given the present conditions on international markets, cooperation with the relevant international bodies (notably the ILO and the WTO) is vital to ensure respect for decent living and working conditions in all countries. The Committee has already mentioned the need for a 'social clause' in international trade agreements. It trusts that the Community institutions will take firm action on this.

Done at Brussels, 23 November 1994.

*The President
of the Economic and Social Committee*
Carlos FERRER

APPENDIX

to the Opinion of the Economic and Social Committee

The following amendment, which received at least one quarter of the votes cast, was defeated during the discussion:

'2.1. 1996 will be a decisive year for the development of the European Union, when further strides will probably be taken towards closer economic cooperation and the consolidation and expansion of the Single Market.

2.1.1. A key factor in convincing the citizens of Europe of the legitimacy of European Union will be Treaty amendments striking a balance between the social and economic spheres. It is therefore vital that top priority in future discussion about EU labour-market regulation be given to the Commission's reflections in the White Paper regarding: a) the guarantee of minimum standards in social and labour-market policy and b) regulation involving a combination of legislation and collective bargaining agreements.

2.1.2. The success of the regulation model proposed by the Commission, which consists of both legislation and collective bargaining agreements, will depend absolutely on determining the foundations for such a model by enshrining basic rights in Treaty provisions once and for all. This will have the advantage of clarifying the framework for EU regulation for the future; it will then be for the Commission and the social partners to adopt legislation and/or agreements building on these basic rights.' (2.1 then becomes 2.2, and so on.)

Reasons self-explanatory.

Voting

For: 30; Against: 68; Abstentions: 9.
