

Thursday 12 September 2013

1. Is concerned that the Commission has not to date adopted a new European strategy on health and safety at work;
2. Reiterates its call on the Commission to present the new European strategy on health and safety at work for the years between now and 2020; calls on the Commission to do so finally before the end of 2013;
3. Deplores the fact that to date the Commission has not launched a proposal for a directive on either work-related musculoskeletal disorders or the review of Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work, although these were already announced in its work programme for 2011;
4. Repeats the messages contained in its resolution of 15 December 2011 on the mid-term review of the European strategy 2007-2012 on health and safety at work;
5. Instructs its President to forward this resolution to the Council and the Commission.

P7_TA(2013)0386

Cross-border collective bargaining and transnational social dialogue

European Parliament resolution of 12 September 2013 on cross-border collective bargaining and transnational social dialogue (2012/2292(INI))

(2016/C 093/25)

The European Parliament,

- having regard to Articles 3(3) and 6(3) of the Treaty of the European Union (TEU),
- having regard to Articles 9, 151, 152, 154, 155 and 156 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Articles 12, 28, 52(3) and 53 of the Charter of Fundamental Rights of the European Union, as well as to the Preamble thereto and the relevant explanations,
- having regard to Article 11 of the European Convention on Human Rights,
- having regard to Articles 5 and 6 of the (Revised) European Social Charter,
- having regard to Commission Decision 98/500/EC of 20 May 1998 on the establishment of Sectoral Dialogue Committees promoting the Dialogue between the social partners at European level,
- having regard to Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses,
- having regard to Council Directive 2001/86/CE of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees, and to Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees,
- having regard to Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community,

Thursday 12 September 2013

- having regard to Directive 2009/38/EC of the European Parliament and of the Council of 6 May 2009 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees,
- having regard to the Council Conclusions (EPSCO) 17423/11 adopted on 1 December 2011,
- having regard to the Commission staff working document of 10 September 2012 entitled 'Transnational company agreements: realising the potential of social dialogue' (SWD(2012)0264),
- having regard to the Commission communication of 18 April 2012 entitled 'Towards a job-rich recovery' (COM(2012) 0173),
- having regard to the report of 31 January 2012 by the Commission's Expert Group on transnational company agreements,
- having regard to the Revised Working Document of 31 January 2012 of the Commission's Expert Group on transnational company agreements,
- having regard to the Commission Green Paper of 17 January 2012 entitled 'Restructuring and anticipation of change: what lessons from recent experience?' (COM(2012)0007) and its accompanying Staff Working Document of 17 January 2012 entitled 'Restructuring in Europe 2011' (SEC(2012)0059),
- having regard to the Commission communication of 27 October 2010 entitled 'An integrated industrial policy for the globalisation era — Putting competitiveness and sustainability at centre stage' (COM(2010)0614),
- having regard to the Commission survey of 2 July 2008 entitled 'Mapping of transnational texts negotiated at corporate level' (EMPL F2 EP/bp 2008 (D) 14511),
- having regard to the Commission Staff Working Document of 2008 entitled 'The role of transnational company agreements in the context of increasing international integration' (SEC(2008)2155),
- having regard to the Commission report of February 2006 entitled 'Transnational collective bargaining: Past, present and future',
- having regard to the Commission communication of 9 February 2005 on the Social Agenda (COM(2005)0033),
- having regard to the ILO conventions on labour clauses (public contracts) (No 94) and collective bargaining (No 154),
- having regard to the jurisprudence developed by the ILO supervisory bodies,
- having regard to the ILO tripartite declaration of principles concerning multinational enterprises and social policy (MNE Declaration) (1977),
- having regard to the ILO Declaration of 10 June 2008 on Social Justice for a Fair Globalisation,
- having regard to the ILO Declaration of 18 June 1998 on Fundamental Principles and Rights at Work,
- having regard to the ILO conventions establishing universal core labour standards with regard to (inter alia): freedom of association and the right to bargain collectively (No 87, 1948 and No 98, 1949); and non-discrimination in employment (No 100, 1951 and No 111, 1958),
- having regard to its study on 'Enforcement of Fundamental Workers' Rights', commissioned by the Committee on Employment and Social Affairs (September 2012),
- having regard to its study on 'Cross-border collective bargaining and transnational social dialogue', commissioned by the Committee on Employment and Social Affairs (June 2011),

Thursday 12 September 2013

- having regard to its resolution of 15 January 2013 with recommendations to the Commission on information and consultation of workers and anticipation and management of restructuring ⁽¹⁾,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs and the opinion of the Committee on Women's Rights and Gender Equality (A7-0258/2013),
- A. whereas according to the Commission ⁽²⁾ there were 244 European transnational company agreements (TCAs) in 2012; whereas this indicates that labour relations in transnational companies in Europe are becoming increasingly integrated;
- B. whereas more and more new TCAs contain agreements on dispute resolution procedures, as recommended by both employees' and employers' organisations;
- C. whereas there is no legal framework for these agreements either at international or at European level; whereas consideration should be given to whether this is a reason for fewer of these agreements being concluded;
- D. whereas each EU Member State has its own system of industrial relations, based on different historical developments and traditions, which has to be respected and does not require harmonisation;
- E. whereas cross-border partnerships between social partners have proven to be good practices for promoting the free movement of workers and workers' rights across borders; whereas EU support for such cross-border partnerships is vital;
- F. whereas European dialogue promotes the preservation and growth of employment, improvements in working conditions and thus greater prosperity for employees of transnational undertakings by innovative means while preserving autonomy in collective bargaining;
- G. whereas the EU recognises freedom of association and the right to collective bargaining as fundamental rights;
- H. whereas businesses increasingly operate on a European level while the representation of workers is predominantly organised along national lines;
1. Notes that this resolution is concerned with TCAs; notes that TCAs are concluded between European trade union federations, on the one hand, and, on the other hand, individual companies and/or employers' federations, generally at sectoral level, and that the resolution does not concern international framework agreements (IFAs) signed by international trade union federations with undertakings; highlights the need to strengthen European and transnational social dialogue and cross-border collective bargaining;
2. Proposes that the Commission might consider whether an optional European legal framework for these European TCAs would be necessary and useful in order to provide greater legal security, greater transparency, and foreseeable and enforceable legal effects for agreements following the framework provisions; proposes that practices relating to European TCAs should be promoted which recognise the contractual autonomy of the contracting parties, and recommends that provisions be incorporated in the agreements concerning dispute resolution;

Optional legal framework for European TCAs

3. Stresses the autonomy of the social partners, as a result of which they enter into negotiations and can conclude agreements at all levels;

⁽¹⁾ Texts adopted, P7_TA(2013)0005.

⁽²⁾ Transnational company agreements: realising the potential of social dialogue, Commission Staff Working Document of 10.9.2012 (SWD(2012)0264 final, p. 2).

Thursday 12 September 2013

4. Stresses that TCAs differ from one another, for example as regards extent of applicability, scope and signatories, in accordance with the purposes, points of departure, needs and objectives of those parties, that businesses and corporate cultures differ substantially from one another and that contracting parties' autonomy with regard to creating different kinds of TCA must be respected;
5. Proposes that the social partners exchange experiences in the field of transnational company agreements;
6. Stresses that the Commission should base its consideration of an optional legal framework on voluntary use, which should be optional for the social partners and companies and group of companies involved as well as based on flexibility and referral at national level in order to give the transnational company agreement legal effect; explicitly stresses the autonomy of the social partners and of the parties to collective agreements;
7. Considers that European works councils should be fully involved in the negotiations with European trade union federations where applicable, notably since they are able to detect the need/opportunity for a TCA, initiate the process and pave the way for negotiations, and help in ensuring the transparency and dissemination of information concerning the agreements to the workers involved; welcomes the fact that some European trade union federations have designed procedural rules for involving European works councils;
8. Is convinced that the inclusion of the most favourable clause and the non-regression clause is necessary to avert the danger that a European transnational company agreement might result in evasion of national collective agreements and national company agreements, or impair them;
9. Recommends introducing alternative dispute settlement procedures; considers that a first ad hoc joint mechanism at undertaking level should be agreed, for instance encouraging the signatory parties on a voluntary basis to agree on dispute resolution clauses in order to bring about solutions to conflicts between the contracting parties; suggests that these clauses may be based on alternative dispute resolution templates agreed and provided by the EU social partners at sectoral level; recognises that many of the transnational company agreements already concluded at European level already contain working procedures for extrajudicial dispute settlement, and encourages the social partners to exchange views more intensively on the matter and identify methods for further developing and/or optimising them;
10. Proposes to the Commission that it recommend the social partners to take account of the following criteria in relation to European TCAs: the mandating procedure, i.e. clarification of the legitimacy and representativeness of the negotiating parties between whom agreements are concluded; the place and date of conclusion of the agreement; its substantive and geographical scope; the most favourable clause and the non-regression clause; the period of validity; the preconditions for denouncing the agreement and the dispute settlement procedures; the subjects covered by the agreement; and further formal requirements;
11. Welcomes the activities which the Commission is making available for exchanges of experience for social partners and experts in order to support them, for example collecting examples, establishing databases and undertaking studies;
12. Recalls in this context the positive experiences of cross-border partnerships between social partners, and calls on the Commission and the Member States to ensure EU support for such partnerships in the future;
13. Encourages the European social partners to make full use of the possibility of EU agreements as provided by Article 155 TFEU, on a basis of full respect for their autonomy;
14. Calls for an enhanced role for the European social partners in shaping European policies; in particular, calls for the social partners to participate in drawing up the Annual Growth Survey and to play a stronger role in monitoring the progress achieved by Member States;
15. Stresses the need to encourage, support and increase the representation and participation of women at the different levels of social dialogue and collective bargaining structures and to have the gender dimension mainstreamed in the relevant forums, in order to solicit the views of women and integrate gender equality issues into collective bargaining; points out that social dialogue and collective bargaining have undoubtedly great potential as vehicles for promoting gender equality in the workplace;

Thursday 12 September 2013

16. Instructs its President to forward this resolution to the Council, the Commission, the European Economic and Social Committee, the EU social partners and the national parliaments.

P7_TA(2013)0387

The situation of unaccompanied minors in the EU

European Parliament resolution of 12 September 2013 on the situation of unaccompanied minors in the EU (2012/2263(INI))

(2016/C 093/26)

The European Parliament,

- having regard to the Treaty on European Union and in particular Article 3 thereof,
- having regard to the Treaty on the Functioning of the European Union, and in particular Article 67 and 79 thereof,
- having regard to the provisions of the Charter of Fundamental Rights of the European Union, particularly Article 24 thereof,
- having regard to the European Convention on Human Rights and the protocols thereto,
- having regard to the decisions and case law of the Court of Justice of the European Union and of the European Court of Human Rights,
- having regard to the Commission Communication to the European Parliament of 6 May 2010 on the 'Action Plan on Unaccompanied Minors (2010-2014)' (COM(2010)0213),
- having regard to the report of 28 September 2012 from the Commission to the European Parliament and the Council entitled 'Mid-term report on the implementation of the Action Plan on Unaccompanied Minors' (COM(2012)0554),
- having regard to the Commission Communication of 20 April 2010 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the 'Action Plan implementing the Stockholm Programme' (COM(2010)0171),
- having regard to its resolution of 25 November 2009 on the Commission communication to the European Parliament and the Council entitled 'An area of freedom, security and justice serving the citizen — Stockholm programme' ⁽¹⁾,
- having regard to the EU guidelines on violence against women and girls and combating all forms of discrimination against them,
- having regard to the conclusions of the Justice and Home Affairs Council of 3 June 2010 on unaccompanied minors, adopted at its 3018th session,
- having regard to Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA ⁽²⁾,

⁽¹⁾ OJ C 285 E, 21.10.2010, p. 12.

⁽²⁾ OJ L 315, 14.11.2012, p. 57.