



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 24.5.2006
SEC(2006) 643

COMMISSION STAFF WORKING DOCUMENT

Annex to 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

{COM(2006) 249 final}

Annex I: Main reference documents on ‘decent work’

A. The decent work concept

The decent work concept was proposed by the ILO in 2000 aiming at formulating a universal political objective of promoting employment and improving working conditions, going beyond the respect for the fundamental social rights as defined by the eight core labour standards conventions of the ILO. The decent work concept proposes an overall objective, while at the same time remaining sufficiently open, ensuring that its implementation takes into account the specificities and the diversity of economic and social situations in the world.

Decent work consists of four pillars, namely productive and freely chosen employment; rights at work, including the core labour standards, social protection, social dialogue. It also takes into account gender mainstreaming. International standards, adopted in particular by the ILO and the UN, exist already for each of these areas establishing, where appropriate, general principles, methods of work or rights. The international organisations are currently working on the establishment of appropriate indicators based on these international standards.

The ILO decided in 2005 to establish, with its constituents, decent work country programmes aiming at fixing priorities and future actions¹. These programmes will contribute, in a broader context, to national and regional development and poverty reduction strategies².

B. Conclusions of the September 2005 United Nations Summit (§ 47)

Decent work is part of the main recommendations of the World commission on the social dimension of globalisation (WCSDG) and its importance was formally endorsed in the conclusions (§ 47) of the September 2005 United Nations Summit:

“We strongly support fair globalization and resolve to make the goal of full and productive employment and decent work for all, including for women and young people, a central objective of our relevant national and international policies as well as our national development strategies including poverty reduction strategies, as part of our efforts to achieve the Millennium Development Goals. These measures should also encompass the elimination of the worst forms of child labour, as defined in International Labour Organization Convention No.182, and forced labour. We also resolve to ensure full respect for the fundamental principles and rights at work.”

Regional organisations also endorsed the objective of decent work (cf. the conclusions of the African Union Summit of September 2004 and the Summit of the Americas of November 2005). The Asian development Bank also stressed in a report of August 2005 the importance of productive employment and decent work for the region:
http://www.adb.org/Documents/Books/Key_Indicators/2005/default.asp.

¹ http://www.ilo.org/public/english/bureau/integration/download/activiti/3_3_41_synopsis.pdf

² See, for example, the ILO manual on the promotion of decent work in the process of poverty reduction strategies and poverty reduction strategy papers (PRS and PRSP):
http://www.ilo.org/public/english/bureau/integration/download/tools/6_3_109_advocacy.pdf

C. Texts of reference

The main reference documents for the implementation of actions on decent work are:

- the relevant ILO conventions and recommendations (numbered)³;
- resolutions, plans of action and programmes adopted by the ILO and by other organizations;
- relevant UN conventions and declarations (Universal Declaration of Human Rights, 1966 Covenant on Economic, Social and Cultural Rights); for the European region, see also relevant conventions of the Council of Europe;
- texts related to the Millennium Development Goals (MDGs).

These are reference documents, some of which may be ratified (conventions), but which can also be used as a basis for programmes of action, independently of any ratification. There are also programmes of action of the United Nations and its specialised organisations and agencies, the World Bank, the regional development banks and others, contributing to the promotion of decent work for all. These programmes are another source of useful information but are not listed in detail here⁴.

1. Productive and freely chosen employment

Employment is a key tool for combating poverty and for contributing to social inclusion. The 2000 United Nations General Assembly invited the ILO to define a coherent and coordinated international strategy on productive and freely chosen employment. The ILO responded to this request with a number of initiatives such as its Global Employment Agenda, the Youth Employment Network and strengthening its actions on the informal economy, on job creation and on investment in human resources.

- Employment policy (conventions Nos 122 and 168).
- Global Employment Agenda (adopted by the ILO Governing Body, March 2003).
- Informal economy (resolution, ILC, June 2002 on decent work and the informal economy).
- Job Creation in Small and Medium-Sized Enterprises (recommendation No 189).
- Promotion of Cooperatives (recommendation No 193).
- Youth employment:

³ For the complete list of the conventions and recommendations, see <http://www.ilo.org/ilolex/english/newratframeE.htm>

⁴ For more information on ILO programmes, partnerships between ILO and other international organisations, the programmes supported by regional and national authorities and social partners, see: <http://www.ilo.org/>; see also Annex II on possible initiatives on external assistance.

- Youth Employment Network (YEN): initiative of the WB, United Nations and the ILO;
 - Resolution and plan of action for youth employment, ILC, June 2005;
 - MDG 8, objectives 16: promotion of productive employment and work for young people.
- Occupational guidance and training (convention No 142, Human Resources Development Convention and recommendation No 195).
 - Employment services (conventions Nos 88 and 181).
 - Job security (convention No 158, recommendation No 166).

2. Rights at work and social protection linked to the employment relationship

The 1995 Copenhagen World social Summit and the 1998 ILO Declaration on the fundamental rights and principles to work prepared the ground for the intensification of efforts towards ratification and application of the eight conventions on core labour standards. By the end of 2005, two thirds of the ILO Member States had ratified the eight CLS conventions. This represents clear progress, as in 1996 only half of ILO member states had ratified them. Moreover, all the ILO member states have to respect the principles and rights enshrined in the eight CLS, through its 1998 Declaration. Recently, the ILO also reinforced its activities on promoting strategies on health and safety at work, improving management of migration in the context of globalisation and improving the quality of work, including in the informal economy and in specific occupational sectors.

Core labour standards (CLS)⁵

The eight ILO conventions on CLS and the ILO Declaration of 1998 on fundamental rights and principles at work concern:

- Freedom of association of employers and workers organisations (convention No 87, Constitution of the ILO, Declaration of 1998);
- Promotion of collective bargaining (convention No 98, Constitution of the ILO, Declaration of 1998);
- Elimination of child labour (conventions Nos 138 and 182, Declaration of 1998, UN convention on children's rights, MDG 2);
- Elimination of forced labour (conventions Nos 29 and 105, Declaration of 1998);
- Equal remuneration for men and women for work of equal value and non-discrimination in employment (conventions Nos 100 and 111, Declaration 1998, MDG 3).

⁵ By January 2006, all EU Member States had ratified the eight conventions on CLS or are in the process of ratifying a final convention. EU Member States are also bound to respect the EC directives on protecting young people at work, non-discrimination in employment and equal pay for men and women.

Other elements

- Health and safety at work (framework convention No 155; occupational health services, convention No 161; conventions concerning specific risks; resolution on the strategy for the prevention of occupational health and safety risks, ILC, June 2003; preparation of a convention for a promotional framework on health and safety at work, ILC, June 2005) .
- Labour inspection and administration (conventions Nos 81 and 150).
- Minimum wage fixing and protection of wages (conventions Nos 26, 95 and 131, recommendation No 135).
- Maternity protection (convention No 183, MDG 3).
- Migrant workers (FSR; conventions Nos 97 and 143; resolution and plan of action on labour migration in the context of globalisation, ILC, June 2004; ILO multilateral framework on labour migration, March 2006).
- Equal opportunities:
 - Reconciling working life and family life (convention No 156),
 - Vocational Rehabilitation and Employment (Persons with disabilities) (convention No 159),
 - Protection of indigenous and tribal peoples (convention No 169).
- Working time, night work, rest and leave (several conventions and recommendations).
- Specific sectors: maritime (consolidated maritime convention 2006), conventions on labour in agriculture, construction, hotels/restaurants, mines, fishing and healthcare.

3. Social protection

Half of the world's population lacks any type of social protection. Existing social protection systems often do not cover a very substantial part of the population. This is in particular due to the informal economy and to weaknesses in funding and governance of social protection systems. 2001 was the starting point for the launch of the global campaign for the extension of social protection coverage and for intensifying initiatives on social inclusion with the adoption of a resolution by the International Labour Conference. The United Nations, the UNDP, the World Bank and the regional development banks also reinforced or reconsidered their activities regarding social protection, recognising the importance of social protection for poverty reduction and for better anticipating and managing change.

- ILO resolution, plan of action and campaign on social security and coverage for all (ILC Resolution, June 2001).

- Social Security (minimum standards) (convention No 102, conventions and protocols of the Council of Europe for the European region).
- Equality of treatment and maintenance of social security rights in case of mobility (conventions Nos 118 and 157).
- Specific sectors: medical care and sickness benefits, pensions, occupational accident and occupational illness benefits, unemployment benefits (various conventions).
- Specific sectors: in particular the 2006 ILO consolidated maritime convention.
- MDGs 4, 5, 6 on health.

4. Social dialogue

The World commission on the social dimension of globalisation highlighted the importance of tripartite and bipartite social dialogue in order to for strengthen governance in the context of globalisation, in particular in relation to global supply chains, transitions on the labour market and the growing share of the informal sector. The promotion of tripartite social dialogue and of bipartite collective bargaining are part of the constitutional principles of the ILO. The European Treaty (Article 138- 139, EC) stipulates that the Commission has to promote social dialogue at European level.

- Effective promotion of collective bargaining (conventions Nos 98, 151 and 154, recommendations Nos 91, 92 and 163, Declaration of 1998; ILO resolutions on collective labour relations and social dialogue).
- Tripartite consultation (conventions Nos 144 and 122).
- Information of workers representatives within the enterprise (convention No 135 and recommendations Nos 94 and 129).

5. Other relevant elements

- Mainstreaming of equal opportunities between men and women:

- Supplement specific initiatives such as equal treatment in remuneration and employment (conventions Nos 100 and 111).
- Beijing Platform of Action (1995) and its follow-up.
- MDG 3.

- Corporate social responsibility (CSR)

- Tripartite ILO declaration on multinational enterprises and social policy.
- OECD Guidelines of the OECD on multinational enterprises.
- Global compact (initiative of the Secretary-General of the United Nations).

- Statistics and indicators

Analytical work has been carried out or has been launched in order to establish a knowledge base on decent work and its key components. However additional efforts will be required including on indicators to assess and follow up efforts undertaken at national, regional and world level.

Labour Statistics (convention 160 and recommendations):

<http://www.ilo.org/public/english/bureau/stat/portal/index.htm>

- Key indicators of the labour market (KILM of ILO), including indicators on employment of young people (KILM n° 9) and on poverty (KILM n° 20): <http://www.ilo.org/public/english/employment/strat/kilm/>
- Indicators and data on socio-economic security: http://www.ilo.org/dyn/dwresources/dwbrowse.home?p_lang=fr
- UNDP: <http://www.undp.org/>
- MDG follow-up indicators: http://unstats.un.org/unsd/mi/mi_goals.asp

Annexes II: Examples of actions on promoting decent work that can be developed in the context of external assistance programmes

The actions included in this annex illustrate the interventions that could be developed, taking into account the context and specific needs of the countries concerned. In accordance with the European consensus, the Community and the Member States will aim at improving coordination and complementarity of actions while respecting partner countries' priorities. This commitment is to be applied at decision level as well as on the ground.

Analyses of the situation and dialogue with countries, regions and international and regional organisations, in consultation with the social partners and other stakeholders, should result in priorities and suitable approaches to be determined. The decent work country programmes and the integration of decent work in poverty reduction strategies (PRSs) and poverty reduction strategy papers (PRSPs) can facilitate this process.

The international and regional organisations, the EC and the EU Member States, as well as organisations of employers and workers⁶ have already developed or supported specific initiatives on productive employment and decent work.

1. Productive and freely chosen employment

This objective calls for a global, coherent approach mobilising a set of social and economic policies, as well as methods, measures and concrete initiatives, such as :

- Promoting youth employment⁷
 - with particular focus on disadvantaged young people;
 - adapting specific measures with the need to ensure an inter-generational approach which takes into account the life cycle.
- Highly labour-intensive investment programmes.
- Investment in human resources development.
- Improving productivity.
- Supporting employment, occupational guidance and training services.
- Facilitating the formalisation of the informal economy :

⁶ See, for example, the activities of employer organisations and enterprises:
http://www.valuebasedmanagement.net/organizations_csr.html
<http://www.ilo.org/public/english/dialogue/actemp/index.htm>
http://www.ioe-emp.org/ioe-emp_french/a_propos_OIE/index.htm
See, for example, the activities of worker organisations:
<http://www.ilo.org/public/english/dialogue/actrav/index.htm>
<http://www.etuc.org/r/249>; <http://www.cmt-wcl.org/>; <http://www.icftu.org/default.asp?Language=EN>

⁷ In certain regions, such as sub-Saharan Africa and some parts of Latin America, most of the young workers entering into the labour market are employed in the informal economy, with no job prospects or social protection: see "Working out of poverty", ILO Report, June 2003; Youth employment, preparatory ILO report for the ILC, June 2005.

- institutions and legal framework to encourage and facilitate the development of activities in the formal sector;
 - creation of links between the informal and formal sectors;
 - promoting the establishment of organisations, enterprises and workers;
 - development of skills, improving productivity, access to credit, including micro-credits.
- Proactive change management and socially responsible company restructuring.
 - Identifying and addressing discrimination in employment.

2. Rights at work and social protection related to the employment relationship

- Freedom of association and promotion of collective bargaining:
 - identification of problem areas, in consultation with worker and employer organizations;
 - contribution to initiatives aimed at reinforcing trade-union freedom and collective bargaining, in accordance with international standards.
- Combating child labour :
 - better linking between education and measures taken to eradicate child labour;
 - benefits and other support for families in order to supplement their income and thus the participation of children in education (social protection and inclusion initiatives) ;
 - support for children freed from situations of exploitation ;
 - better law enforcement, awareness-raising measures, partnerships with the stakeholders.
- Combating forced labour, modern slavery and trafficking in human beings.
- Protecting indigenous peoples.
- Protecting and integrating migrant workers.
- Promoting the improvement of working conditions, including in the informal and rural sectors:
 - promoting prevention in health and safety at work, establishing legislation and its enforcement, better information for and consultation with workers representatives in the area of health and safety at work ;
 - functioning of labour inspectorate, including in the informal and rural sectors;
 - improving working conditions and rights at work in export processing zones.
- Promoting CSR in global supply chains.

3. Social protection

- Integrating social protection in poverty reduction strategies and poverty reduction strategy papers (PRSSs and PRSPs).
- Gradual implementation of social protection for vulnerable persons, including for those in the informal and rural sectors (social safety net); the modalities for this social protection should encourage persons to take up a decent job (active labour market policies).
- Gradual move towards an effective public system of social security ensuring broad coverage of population supplementing the social safety net for vulnerable groups; approaches and methods should take into account the specific context and needs of the countries concerned (universal basic coverage, transfers in cash, contributive systems or combination of these systems).
- Integrating health initiatives into health and social protection systems in order to ensure sustainable and general access.
- Strengthening governance of social protection systems and schemes (transparency, financial management, collection of contributions, etc.).
- Improving the involvement of the relevant stakeholders, such as the social partners, mutual associations and other relevant actors.
- Improving social protection systems through specific social inclusion measures.
- Contributing to the establishment of funding methods based on equity and solidarity.
- Gradual extension of coverage within the various social security branches, as provided for in the international conventions and recommendations, taking into account the financial feasibility, long-term viability and disadvantaged groups.
- Introduction of social security coordination schemes in the event of international mobility and economic migration.
- Implementation of programmes addressing social adjustment related to trade liberalisation in specific countries and regions.

4. Social dialogue

- Reinforcing the technical capacity of the social partners enabling them to engage in tripartite negotiations (employers, workers, public authorities), bipartite negotiations and collective bargaining.
- Involvement of the social partners in PRSSs/PRSPs and development strategies.
- Involvement of the informal and rural sectors in social dialogue.

- Promotion of social dialogue to prevent or put an end to social disputes and economic, social and societal instability.
- Reinforcing the social partners' analytical and evaluation capacities.
- Promoting the implementation of the outcome of social dialogue.
- Support for institutions and working methods which aim at facilitating bipartite and tripartite negotiation and collective bargaining, and at promoting the extension of coverage of social dialogue and collective agreements in terms of the number of workers and employers.
- Informing and consulting workers representatives in companies in the event of restructuring plans.
- Social dialogue in the global supply chains and promoting global agreements at company level.
- Promoting involvement of the social partners in CSR (codes of conduct, methodologies for and performing audits, reporting).

5. Gender equality

- Promoting the effective application of equal pay for work of equal value.
- Equal opportunities for access to employment, working conditions, training and career prospects.
- Establishment of legislation and approaches concerning worker protection, for both men and women, in line with the up-dated international conventions.
- Maternity protection.
- Promoting the reconciliation of work and family life.
- Promoting women's participation in employer and worker organisations, including at decision-making level and in social dialogue.
- Mainstreaming gender equality in other areas of decent work.

6. Improve technical capabilities, analyses and knowledge

- Reinforcing the technical capacity (information, analysis, internal organisation, management) of the authorities and the stakeholders involved.
- Supporting the collection, processing and use of data.
- Developing indicators and providing broad access and regular, sustainable follow-up.

- Developing and implementing methods to measure the effects of trade liberalisation on decent work.

Annex III: Overview of relevant Community documents on decent work

1. Introduction

- The social dimension of globalisation, including references to the ILO decent work strategy
 - communication of 18.5.2004, COM(2004) 383 final: "The social dimension of globalisation : the EU's policy contribution on extending the benefits to all";
 - Council conclusions on the social dimension of globalisation, 3.3.2005, Doc. 6286/05;
 - December 2004 and June 2005 European Council conclusions;
 - report of the European Parliament on the social dimension of globalisation, A6/0308/2005 of 15.11. 2005 (rapporteur Mr Brjec);
 - opinion of the Economic and Social Committee, 9.3.2005 and of the Committee of the Regions, 23.2.2005.
- The European values in a globalised world - Contribution of the European Commission to the October 2005 meeting of the Heads of State and Government, 20.10.2005, COM(2005) 525 final.

2. A factor of development, governance and performance

- Communication of 18.5.2004, COM(2004) 383 final: "The social dimension of globalisation: the EU policy contribution on extending the benefits to all".
- Council conclusions on the social dimension of globalisation, 3.3.2005, Doc. 6286/05.

3. Commitments and orientations for EU policies

- Exchange of letters between the Commission and ILO, 14.5.2001, OJ C165 of 8.6.2001; strategic partnership between the Commission and the ILO on development, 15.7.2004:
http://ec.europa.eu/comm/employment_social/international_cooperation/ilo_front_en.htm
- The European consensus on development policy, 20.12.2005, OJ C 46/1 of 24.2.2006.
- Thematic programming on social and human development and the future financial perspectives 2007-2013, COM(2006) 18 final – Investing in people.
- Thematic programme on the promotion of democracy and human rights in the world under the future financial perspectives 2007-2013, COM(2006) 23 final.

3.1. Decent work: a commitment for the EU

- New European social agenda 2005-2010, COM(2005) 33 final.
- The promotion of core labour standards (CLS) in the context of globalisation, COM(2001) 416 final; Council conclusions of 21.7.2003, Doc 11555/03 and of 3.3.2005, Doc. 6286/05; report of the EP of July 2002 A05/0251/2002 (rapporteur M.H. Gillig).
- ILO conventions had a considerable impact on a number of EC legislations and framework agreements between social partners : for example, convention n° 138 on the minimum age for employment and Directive 1994/33/EC on the protection of young people at work, convention n° 180 on working time of seafarers and the framework agreement between EU social partners implemented by Directive 1999/63/EC and Directive 1999/95/EC has established the supervision of this framework agreement through port state control.
- 2006 Commission work programme, COM(2005) 531 final : communication on minimum maritime labour standards to explore the integration of the 2006 ILO consolidated maritime convention in EU law, possibly through an agreement between social partners, in order to be able to strengthen the application of international labour standards.

3.2. Better knowledge

- Sustainable impact assessment of trade liberalisation (SIA), COM (2002) 276 final: http://europa.eu.int/comm/trade/issues/global/sia/index_fr.htm.
- Council conclusions, 3.3.2005, Doc. 6286/05

3.3. Better mobilising EU policies

- Enlargement, neighbourhood policy, regional and bilateral relations

- A stronger partnership between the EU and Latin America : detailed presentation, COM(2005) 636 final.
- Proposal on an EU strategy for Africa, COM(2005) 489 final.
- Memorandum of understanding of 4.9.2005 between the Chinese government and the Commission establishing the framework for dialogue on employment and on social affairs.
- Joint action plan between the EU and India, 7.9.2005.

- Development co-operation

- The European consensus on development policy, 20.12.2005, OJ C 46/1 of 24.2.2006.

- Accelerating progress towards achieving the Millennium Development Goals – the contribution of the European Union, COM(2005) 132; Policy coherence for development, COM(2005) 134 final; Financing for development and aid effectiveness, COM(2005) 133 final.
- Council conclusions on financing for development and aid effectiveness, 11.4.2006.
- Respect of CLS by tenderers who have been awarded contracts under an EC external assistance instrument: Art.10 of Regulation (EC) n° 2110/2005, OJ 27.12.2005, L 344/1.

- External trade

- Generalised System of Preference (GSP), 2006-2008, Regulation (EC) n° 980/2005.
- The promotion of CLS in the context of globalisation, COM(2001) 416 final; COM(2004) 383 final.
- Council conclusions of 21.7.2003 Doc. 11555/03 and of 3.3.2005, Doc. 6286/05

3.4. Promoting international and multilateral governance in economic and social cooperation

- In economic and social cooperation

- The 2005 United Nations Summit – Addressing the global challenges and making a success of the reformed UN, COM(2005) 259 final, 15.6.2005; COM(2004) 383 final.

- Better managing migration

- Migration and development, COM(2005) 390 final.
- Thematic programme on cooperation with third countries in the field of migration and asylum, COM(2006) 26 final.
- Community strategy concerning the shortage of human resources in the health sector in developing countries, COM(2005) 642 final and Council conclusions of the 10.3. 2006.
- Action plan on legal immigration, COM(2005) 669 final.

3.5. Working with civil society and business

- Social partners, social dialogue and partnerships

- Art. 138-139 of the EC Treaty; COM(2005) 33 final and COM(2004) 383 final.
- Thematic programme "non-state actors and local authorities in development", COM(2006) 19 final.

- Corporate Social Responsibility (CSR)

- COM(2002) 347 final; COM(2004) 383 final.
- Implementing the partnership for growth and jobs: making Europe a pole of excellence on CSR, COM(2006) 136 final.