Wednesday, 22 November 1989

PART II

Texts adopted by the European Parliament

1. Community Charter of Fundamental Social Rights — Social and economic cohesion

(a) Doc. A3-69/89

RESOLUTION

on the Community Charter of Fundamental Social Rights

The European Parliament,

— having regard to Rule 121 of its Rules of Procedure,

— having regard to the report of the Commission of the European Communities (COM(89) 471 final),

— having regard to the social provisions of the Treaties of Rome as amended by the Single Act and the Accession Treaties of the various Member States,

— having regard to the conclusions of the Hanover European Council of 27 and 28 June 1988, the Rhodes European Council of 2 and 3 December 1988 and the Madrid European Council of 26 and 27 June 1989,

— having regard to the opinion of the Economic and Social Committee of 22 February 1989 on fundamental Community social rights,

— having regard to its resolutions of 15 March 1989 on the social dimension of the internal market (1) and 14 September 1989 on the implementation of economic and social cohesion (2),

— convinced that social rights form part of the general body of fundamental human rights and that their definition in a formal declaration at Community level underlines the significance which attaches to them,

— having regard to its Declaration on Fundamental Rights and Freedoms adopted on 12 April 1989 (3), and in particular Articles 3, 8, 12, 13, 14 and 15 thereof,

— having regard to the report of the Committee on Social Affairs, Employment and the Working Environment and the opinions of the Committee on Institutional Affairs and the Committee on Women's Rights (Doc. A3-69/89),

A. whereas the strengthening of economic and social cohesion in the Community, provided for in Article 130a, is a prerequisite for the success of the internal market and implies that the creation of a genuine social Europe must keep up with progress made in the economic, technological and financial aspects of European integration,

B. having regard to the urgent need to establish this area, in the light of the deadline of 31 December 1992,

C. convinced that the adoption by the Council of the Charter of Fundamental Social Rights constitutes the first step towards strengthening the social dimension and should be seen as a call for an action programme to put into effect the rights defined in this Charter,

(1) OJ No C 96, 17.4.1989, p. 61.
(2) See minutes of that day's sitting, Part II, Item 7.
(3) OJ No C 120, 16.5.1989, p. 52.

D. whereas this social dimension depends on the Community's adopting and implementing all the fundamental social rights enshrined in Community law, creating new scope for actions before the Court of Justice, which cannot be called into question by pressure of competition or a desire to improve competitive position,

E. whereas these fundamental rights will form one basis for the future negotiations between the two sides of industry provided for in Article 118b, their participation being essential to the success of the internal market,

F. whereas a dynamic policy for growth and the creation of stable jobs which takes account of environmental protection needs must also be pursued before there can be economic and social cohesion,

G. whereas, as a Community institution expressing the will of European citizens, it has the firm obligation to defend and promote their legitimate aspirations concerning the improvement of living and working conditions,

1. Vigorously deplores the fact that the procedure followed by the Commission and Council in adopting a text of such vital importance to the European Community did not permit the European Parliament to be associated with its adoption;

2. Considers that the draft Social Charter adopted by the Commission on 27 September 1989 constitutes a first step towards the establishment of fundamental social rights in the European Community but that it represents a minimum threshold below which the European Council cannot go; deplores the watering down of many points in the amended text of the Charter accepted by the Council of Social Affairs' Ministers on 30 October 1989 for forwarding to the European Council in Strasbourg; calls on the Strasbourg Council to revise and improve the text to preserve its credibility in the face of the expectations of Community citizens; regrets that the Charter has not been embodied in Community law by means of binding instruments, as called for by the European Parliament in its abovementioned resolutions of 15 March and 14 September 1989;

3. Calls on the Council to conduct a conciliation procedure with Parliament on the Charter before the Strasbourg Summit;

4. Stresses that this draft Charter is at the same time still inadequate and imprecise in many respects and draws the Council's attention to disagreement on the following points:

— the fact that workers from a third country will not receive the same treatment as workers from a Member State,

— the restriction of numerous rights to those in 'non-temporary' employment, which places a dangerous question mark against the fate of temporary workers employed in a Member State other than their own and which may lead to social dumping,

— the repeated references to 'national legislation' and 'national practices' (the right to strike, child labour, etc.) which must on no account be allowed to weaken the fundamental nature of the rights set out in the Charter, nor be interpreted by certain Member States to the detriment of workers;

5. States, in addition, that:

— the adoption of the Charter must commit the Council, the Commission and the Parliament to adopting practical implementing provisions in the near future and commit the Member States to carrying them out,

— the full value of the Charter will be brought out only through the implementation, in accordance with a strict timetable, of binding measures, in particular those provided for in the action programme submitted by the Commission and on which Parliament will have delivered its opinion, and that these measures must become an integral part of the Community's legal system and be accepted as a basis for legal action,

— the action programme must take account of its abovementioned resolutions of 15 March and 14 September 1989 and must, without fail, be submitted to Parliament before it is implemented;

6. Stresses, with a view to the completion of the internal market and to protecting the interests of all Community nationals, that it considers that priority should be given in the Charter and the action programme to:

— the creation of jobs, in order to make the right to paid work feasible,

— the right to public social protection,

— the right to a minimum salary which ensures a living standard compatible with those of the Member States in which the worker is employed,

— the right to continue to receive remuneration in the event of sickness,

— the right to a minimum income related to the average cost of living of the Member State concerned together with measures to facilitate reintegration into the world of work,

— the right of all workers to equal protection regardless of their nationality, race, religion, age, sex, sexual preference or legal status,

— the right to guaranteed social protection for atypical working situations, in particular:

  — work at home;

  — part-time work;

  — supply work;

  — temporary work;

— the effective establishment of the right to freedom of movement and professional mobility for workers and self-employed persons, which implies, inter alia, the universal recognition of diplomas, qualifications and training; in this connection, any discrimination in the host country in respect of salaries, working conditions, social protection and taxation must be banned;

— the gradual upward harmonization, to the highest level, of social protection systems and the immediate provision of guarantees as to the continuity and transferability of these rights,

— the right of workers and their representatives to information, prior consultation and participation, in particular with regard to business strategies and programmes in the case of technological innovations, reorganization of work, transfers and changes in undertakings, including take-over bids and share-exchange offers, or mass redundancies,

— equal treatment for men and women and an end to discrimination against older workers,

— the right of the family to appropriate compensatory payments in accordance with the number of children,

— the right to continue vocational training and paid education leave for men and women,

— the right of association and collective action, including the right to strike, and to collective bargaining, as well as the right of workers' representatives to legal protection in the exercise of their duties, and the right to form industrial organizations and to join or not join them (positive and negative right of free association),

— the right of workers to a share of the profits resulting from their undertakings' activities,

— the right of workers to a share of productive wealth,

— the right to health at the workplace and to a healthy working environment,

— the drawing up of rules for the reorganization and reduction of working hours, in agreement with the social partners, to enable people to divide up their time more satisfactorily between their working lives and their private lives, thereby guaranteeing both men and women a full working, family and social life,

— the right of workers to protection against dismissal,

— the right to maternity protection with remuneration continuing to be paid pursuant to ILO rules;

7. Opposes any restrictive interpretation of the provisions of the EEC Treaty on social matters, since any such interpretation would be contrary to Article 2 of the Treaty; calls on the Commission, so as to ensure the rapid adoption of the measures set out in the action programme, to make full use of the legal potential of the Single Act, and in particular Article 118a (1), in accordance with the statement made by Mr Jacques Delors, President of the Commission, in Parliament on 13 September 1989; Article 118a should constitute the natural legal basis for areas as important as:

— the adjustment and reduction of working hours, in particular as regards maximum working hours, length of holidays, night work and shift work, overtime, etc.,

— the organization of working hours, and measures enabling workers to reconcile family and professional life;

8. Calls, in addition, for the extension of the procedures provided for in the Single Act (qualified majority voting in the Council and the cooperation procedure with Parliament) to include all those areas connected with the establishment of the social dimension of the internal market to be placed on the agenda for the next intergovernmental conference;

9. Calls on the Commission to submit to it, annually, the report provided for in the draft Charter, this to include an assessment of the implementation of the complementary action programme;

10. In view of its concern regarding the scant headway achieved in the dialogue between management and labour stipulated in Article 118b, calls on the Commission to play a more active role in encouraging social dialogue and stresses that the necessary legislative advances must be accompanied by:

— the establishment of an indispensable Community legal framework so that social dialogue – a vital tool for the implementation of the Charter – may lead to Community framework agreements and the adoption of a directive on economic democracy (2),

— an active, adequately funded employment policy, and specific measures in all the Member States, so as to provide the best possible practical guarantees of the universal right to employment, with special attention being given to less-favoured regions and the long-term unemployed;

11. Recalls that the Social Charter of the Council of Europe, with its additional protocol, constitutes a basis for Community law, and that there is a pressing need for all the Member States to complete the ratification procedure and ensure the implementation of the Charter, the same applying to the ILO Conventions;

12. Calls on the Strasbourg European Council to give a firm mandate to the Commission and the Council of Social Affairs' Ministers to adopt, on the basis of the action programme and with the legislative participation of Parliament, the related measures in accordance with a precise timetable and, in any event, before 31 December 1992;

13. Considers that the existence of a Charter of Fundamental Social Rights and an action programme does not relieve the Council, Commission and European Parliament of their duty to pay proper attention to the social aspects of directives, regulations, action programmes and resolutions on matters relating to company law and economic, financial and monetary affairs;

14. Urges the Commission, as part of the planned action programme on fundamental social rights, to take account of the specific situation of women on the labour market and the aim of equal treatment for men and women, to implement without delay measures in the texts already submitted and to speed up the execution of the directives approved by the European Parliament, to draw up proposals for directives in the fields listed in the opinion of the Committee on Women's Rights (3), and to seek solutions to the equality directives which are at present blocked by the Council;

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(1) See EP resolution of 15 December 1988 - OJ No C 12, 16.1.1989, p. 181.
(2) See abovementioned EP resolution of 15 March 1989.
(3) See Doc. A3-69/89.

15. Reserves the right to make its agreement to internal market measures in the business, financial and economic fields, which it is considering or is yet to consider, conditional on the content, legally binding nature and pace of introduction of measures contained in the action programme;

16. Instructs its President to forward this resolution to the Strasbourg European Council, the Commission, the Council, the Economic and Social Committee, the European Trade Union Confederation, UNICE and the parliaments of the Member States.

(b) Doc. B3-510/89

RESOLUTION

on economic and social cohesion

The European Parliament,

— having regard to its eight resolutions of 14 September 1989 (1) on economic and social cohesion (Docs. B 3-44/89, B 3-80/89, B 3-90/89, B 3-92/89, B 3-157/89, B 3-158/89, B 3-159/89, B 3-160/89) and the resolution on the application of Council directives, resolutions and recommendations concerning women (2),

— having regard to its resolution of 16 September 1988 on equaltreatment for men and women in statutory and occupational social security schemes (3),

— having regard to its resolution of 15 March 1989 on the Commission's programme of work (4),

A. whereas, with a view to the completion of the internal market in 1993, the position of women on the labour market and in society in general must be consolidated,

B. whereas the fostering of the well-being of Community citizens presupposes the implementation of coordinated economic and social and family policies,

C. regretting that it was informed only at a late stage as to the content of and procedure for the declaration of a Social Charter, which to a large extent prevented the directly elected representatives of the people of Europe from expressing their views on the social expectations,

1. Takes the view that the adoption of the Community Charter of fundamental social rights will take on its true significance for European workers only if the planned action programme is implemented swiftly and systematically by means of practical legislative measures, special attention being paid to the position of women in society and the economy;

2. Takes the view that the Social Charter is the first step towards the achievement of basic social rights in the European Community; considers, however, that this draft Charter represents a minimum level below which the Council may not go;

3. Stresses the need to use the Single European Act, especially Article 118a of the EEC Treaty, in breaking the deadlock, which has particularly affected the directives on women's rights, caused by the unanimity rule which is binding on the Council and laid down in the Articles of the EEC Treaty that have usually formed the legal bases for the directives on women's rights hitherto (Articles 100 and 235);

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(1) See Minutes of that day's sitting - Part II, Item 7(a) to (h).
(2) OJ No C 262, 10.10.1988, p.180.
(3) OJ No C 262, 10.10.1988, p. 174.
(4) OJ No C 96, 17.4.1989, p.56.