



EUROPEAN PARLIAMENT

2009 - 2014

Session document

A7-0193/2010

9.6.2010

REPORT

on atypical contracts, secured professional paths, flexicurity and new forms of social dialogue
(2009/2220(INI))

Committee on Employment and Social Affairs

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on atypical contracts, secured professional paths, flexicurity and new forms of social dialogue (2009/2220(INI))

The European Parliament,

- having regard to the Commission communication entitled ‘A Shared Commitment for Employment’ (COM(2009)0257),
- having regard to the Charter of Fundamental Rights, in particular Article 30 on protection in the event of unjustified dismissal, Article 31 on fair and just working conditions, and Article 33 on family and professional life,
- having regard to the Commission communication entitled ‘A European Economic Recovery Plan’ (COM(2008)0800) and Parliament’s resolution thereon of 11 March 2009¹,
- having regard to its report on stepping up the fight against undeclared work²,
- having regard to the Commission communication entitled ‘Driving European recovery’ (COM(2009)0114),
- having regard to the Commission communication entitled ‘Partnership for change in an enlarged Europe – Enhancing the contribution of European social dialogue’ (COM(2004)0557),
- having regard to the Commission communication entitled ‘Towards Common Principles of Flexicurity: More and better jobs through flexibility and security’ (COM(2007)0359) and Parliament’s resolution thereon of 29 November 2007³,
- having regard to the Commission’s green paper ‘Modernising labour law to meet the challenges of the 21st century’ (COM(2006)0708) and Parliament’s resolution thereon of 11 July 2007⁴,
- having regard to Council Decision 2008/618/EC of 15 July 2008 on guidelines for the employment policies of the Member States for 2008-2010,
- having regard to the Commission Recommendation on the active inclusion of people excluded from the labour market (COM(2008)0639) and Parliament's resolution thereon of 8 April 2009⁵,

¹ Texts adopted, P6_TA(2009)0123.

² Texts adopted, P6_TA(2008)0466.

³ Texts adopted, P6_TA(2007)0574.

⁴ Texts adopted, P6_TA(2007)0339.

⁵ Texts adopted, P6_TA(2009)0371.

- having regard to the Council conclusions of 8 June 2009 (flexicurity in times of crisis),
 - having regard to the report of the Mission for Flexicurity, ‘Implementation of the common principles of flexicurity within the framework of the 2008-2010 round of the Lisbon Strategy’, of 12 December 2008,
 - having regard to the EPSCO Council conclusions of 5/6 December 2007,
 - having regard to the European social partners’ recommendations in the report entitled ‘Key challenges facing European labour markets: a joint analysis of European social partners’, of 18 October 2007,
 - having regard to the conclusions of the Informal Meeting of Ministers for Employment and Social Affairs held in Berlin on 18-20 January 2007 on ‘good work’,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs (A7-0193/2010),
- A. whereas non-standard employment has grown significantly since 1990 and the jobs lost as a result of the present economic crisis were primarily those in the atypical sector; whereas new types of contract with one or more of the following characteristics are classified as ‘atypical’ employment: part-time work, casual work, temporary work, work under fixed-term contracts, home working and teleworking, part-time employment of 20 hours or less per week,
- B. whereas the need for flexible employment has been underlined on several occasions,
- C. whereas globalisation and rapid technological developments are causing far-reaching economic restructuring, giving rise to changes in employment relationships and in the content of workers’ tasks, along with successive waves of new one-person independent businesses across all sectors and age-groups, creating the need for a redefinition of employment relationships, with the aim of avoiding distortions (such as the phenomenon of ‘false’ self-employed persons),
- D. having regard to the financial and economic crisis, which has turned into a serious employment crisis with a huge loss of jobs and has led to unstable labour markets and rising poverty and social exclusion, in particular for already vulnerable individuals and disadvantaged groups,
- E. whereas the number of people living in in-work poverty is increasing, having reached 8% of the European workforce, and the proportion of low-wage earners is currently about 17%,
- F. whereas a substantial and complementary EU approach, focusing strongly on effective

governance and a mutually supportive mix of policy measures in the fields of economic, environmental, employment and social policies and entrepreneurship, should be developed, in keeping with the principles of the European Employment Strategy (EES), the purpose of which is to impel Member States to pursue common objectives based on the four principles of employability, entrepreneurship, adaptability and equal opportunities,

- E. whereas the unemployment rate in the EU 27 has risen to 10% (2009) and unemployment is unlikely to peak before the first half of 2011,
- G. whereas a breakdown of employment changes by educational level shows that the number of low-skilled persons in employment has decreased in recent years,
- H. whereas on average every year between one-fifth and one-quarter of all European workers change job,
- I. whereas the transition rate between unemployment and employment is high, with a third of the unemployed and 10% of the inactive population finding jobs within one year, but whereas a large number of workers, especially those in atypical employment, lose their jobs without finding new ones,
- J. whereas in the EU 27 45% of all periods of unemployment last longer than one year, compared with about 10% in the USA,
- K. whereas labour turnover is higher among women than men (five percentage points difference) and among younger workers (aged under 24), and decreases with rising levels of education, showing that change is more often imposed than chosen and is linked to short-term, insecure contracts and that young people often fail to find employment commensurate with their academic qualifications,
- L. whereas it is estimated that one in six workers has care responsibilities for an older or dependent relative or friend,
- M. whereas in some Member States there has been an increase in the incidence of undeclared work, which could lead to serious economic (particularly fiscal), social and political problems,
- N. whereas the assessment of flexicurity is complex and a holistic approach is essential, especially in the light of the changes which the present crisis may also bring about in the behaviour of companies by encouraging them to engage in ever less protected, highly precarious employment relationships,
- O. whereas, in the context of employment policies, equal opportunities for women and men, the reconciliation of professional, educational and family life and non-discrimination principles need to be actively promoted,
- P. whereas, while the social dialogue has developed in different ways across Europe, overall the mounting economic and financial difficulties have led to intensified tripartite dialogue,

- Q. whereas collective bargaining is the most common way of determining pay in Europe - two out of three workers are covered by a collective wage agreement, whether at company or at a higher level,
- R. whereas the Informal Meeting of EU Ministers for Employment and Social Affairs held in Berlin on 19 January 2007 concluded that 'Europe needs more and joint efforts to promote good work. Good work means employee rights and participation, fair wages, protection of safety and health at work as well as a family friendly work organisation. Good and fair working conditions as well as an appropriate social protection are indispensable for the acceptance of the European Union by its citizens',
- S. whereas the concept of good work should provide the fundamental guidance for the next phase of the EES,

A. *Atypical contracts*

1. Calls on the 2010 spring European Council for clear guidance and concrete measures aimed at safeguarding decent work and quality employment and creating sustainable job opportunities in the framework of an ambitious EU2020 Strategy that takes account of the impact of the crisis on the economy, society and the labour market;
2. Calls on the Commission to evaluate the efforts made by the Mission for Flexicurity, calls on the Member States to put in place a more balanced and fair implementation of flexicurity principles, and points out that mutual learning and exchanges of good practice, as well as the open method of coordination (OMC), are essential tools for coordinating Member States' differing policy approaches; notes, however, that the OMC could be improved and that, in order to raise effectiveness, the governance of the OMC needs to be strengthened;
3. Notes the wide variety of labour traditions, contractual forms and business models existing in labour markets, highlighting the need, against this background of diversity, to give priority to protecting European models and established labour rights; recommends the adoption of a bottom-up approach in developing new employment strategies so as to facilitate dialogue and the involvement of political and social authorities at all levels;
4. Calls on the Commission and the Member States to recognise and support the special position of independent freelance workers as a vital force in economic recovery, as a 'way in' or an alternative to the labour market; notes that independent working is growing in popularity, especially among young workers and women and as a transition from work to retirement; believes that independent freelancers should be treated as a unique subset of micro-businesses and calls for measures to be taken to minimise the burden of regulation and to encourage and support independent freelancers in launching/growing independent freelance businesses and to promote lifelong learning for this group;
5. Emphasises the importance of self-employment, particularly for micro- and small businesses, and highlights the importance of the liberal professions, with their particular characteristics; emphasises that the term 'liberal profession' simply denotes a particular

skilled occupation which can also be pursued independently;

6. Considers that all employees, regardless of their employment status, should be guaranteed a set of core rights; recommends that the priorities for labour law reform, where it is needed, should focus on: urgent extension of the protection of workers in atypical forms of employment; grouping atypical contracts together for the purpose of simplification; the sustainable creation of normal employment relationships; clarification of the situation of dependent employment, including preventive action with regard to the health and safety of atypical workers; action against undeclared work; support for the creation of new jobs, including under atypical contracts, and the facilitation of transitions between various types of employment and unemployment, through the promotion of policies such as special employment allowances, lifelong learning, retraining and on-the-job training; encourages steps to clarify the situation of dependent employment, and calls on the Commission to develop clear guidelines on the scope of the employment relationship, as recommended by the ILO in its 2006 Recommendations;
7. Welcomes some Member States' introduction of provisions to allow employees with care responsibilities to reconcile their responsibilities with their professional obligations by means of more flexible working arrangements; calls on the Commission and Member States actively to support carers in the workplace by providing flexible working conditions, including leave entitlements and flexi-time, part-time and home-working arrangements, which would enable more carers in all Member States to remain in or return to paid employment;
8. Notes the distinction made by the European Foundation for the Improvement of Living and Working Conditions between atypical and very atypical employment relationships; believes that many forms of atypical employment relationship represent important ways for carers, students and others who rely on short-term contracts and part-time work, for example, to earn extra income; emphasises that it is vital that workers in atypical employment relationships should have minimum rights and be protected against exploitation;
9. Encourages Member States to promote transitions into productive and rewarding high-quality jobs and to develop labour law provisions that effectively safeguard the rights of people who are employed in atypical forms of work, ensuring equal treatment with workers with full-time standard contracts on the basis of the maximum level of worker protection;
10. Recommends that workers on atypical contracts be covered by existing EU directives that cover worker categories within the EU, including the Working Time Directive(1993/104/EC), the directive on temporary agency work(2008/104/EC), the directive on part-time work (1997/81/EC) and the Council Directive concerning the framework agreement on fixed-term work (1999/70/EC);
11. Notes that the trend towards an increase in the proportion of non-standard or atypical contracts has a strong gender and intergenerational dimension, as women, older and younger workers are disproportionately represented in non-standard employment; notes that some sectors experience rapid structural changes; calls on the Member States and the Commission to investigate the reasons for this trend, to take appropriate, targeted

measures in the relevant areas to combat this imbalance, by facilitating the transition towards permanent employment and, in particular, by promoting measures to enable both men and women to reconcile work, family and private life, through a greater focus on social dialogue with worker representatives in companies, and to monitor and publicise the success of these measures; calls, further, on the Commission and the Member States to ensure that the recourse to non-standard or atypical contracts does not serve to conceal illicit employment, but rather to promote, via the exchange of skills, the transition of young people and the unemployed towards effective integration in the labour market by providing employees and companies with a context of security and flexibility that strengthens both employability and competitiveness;

12. Calls on the Member States to ensure the more effective implementation of Directive 97/81/EC on part-time work and Directive 99/70/EC on fixed-term work having regard in particular to the fundamental principle of non discrimination; stresses the importance of training and lifelong learning in facilitating job transitions, which is especially important for fixed term workers;
13. Stresses that recourse to atypical forms of employment should be a personal choice and not an imposition dictated by increasing barriers to labour market access for certain groups or the lack of high-quality jobs; notes that, in particular for multiply disadvantaged workers, individually tailored atypical contracts provided by work integration social enterprises may be a choice as they offer a first stepping stone into employment;
14. Welcomes the adoption of Directive 2008/104/EC on agency work and calls for its swift implementation;
15. Notes that atypical forms of employment must contractually provide workers with a course of training, and stresses that non-standard forms of work can, if they are properly protected and include support in the area of social security, workers' rights and the transition to stable, protected employment, constitute an opportunity, but that they must go hand in hand with support for workers who find themselves in situations of transition from one job or employment status to another through targeted active employment policies; deplores the fact that this is often neglected;
16. Encourages the Member States to develop early and active intervention policies giving workers, in particular women, who re-enter the labour market an entitlement to individual support during the period necessary for them to develop their training and/or (re)qualification; unemployed people should be supported both by a solid social security system and by an efficient system of active policies, so that they can re-enter the labour market quickly even if their previous contracts were atypical, the important consideration being to keep people in the labour market and facilitate their transition to decent, stable, protected, high-quality forms of employment; if the re-entry takes place through atypical contracts, these contracts must guarantee well-regulated and secure working conditions;
17. Calls on the Commission, with the help of the social partners, to analyse and monitor the different types of instrument developed within national activation policies;
18. Calls on the Union and the Member States, with the help of the social partners, to fight effectively illicit employment, in particular by means of prevention and deterrent

penalties, and believes that defining strategies, including at European level, that oppose illicit employment can help in fighting illicit employment and in reducing unsecured, especially 'atypical', employment relationships; takes the view that combating illicit employment should be accompanied by measures to create viable and sustainable employment alternatives and to support people in gaining access to the open labour market;

19. Stresses the need to create high-quality, sustainable and secure jobs, if necessary after a period of training geared towards sustainable, full-time employment, including green and 'white' (health sector) jobs, and to ensure social cohesion;
20. Emphasises that not all forms of atypical employment necessarily lead to unstable, insecure, casual labour with lower levels of social security protection, lower wages and restricted access to further training and lifelong learning; points out, however, that such insecure forms of employment are often linked to atypical contractual arrangements;
21. Points out that high unemployment and labour market segmentation need to be overcome by giving all workers equal rights and investing in job creation, skills and lifelong learning; calls on the Member States, therefore, to phase out all forms of insecure employment;
22. Points out that phasing out precarious employment needs a strong commitment from Member States to provide through their labour market policies adequate 'stepping stones' for the transition from precarious employment to regular permanent employment with enhanced workers' rights and social protection;
23. Highlights the fact that the European Union has committed itself to the goal of enabling people to reconcile work and private life; criticises, however, the fact that the Commission and the Member States have failed to take any meaningful and effective action to put this commitment into practice;
24. Points out that better reconciliation of work and private life can best be achieved by updating the standard employment model: permanent contracts with shorter full-time employment as the general norm, and the introduction of norms for part-time employment, so that only substantiated and socially protected part-time work (15-25 hours weekly) will be offered to those who wish to work part-time; stresses the need to put full-time and part-time employment on an equal footing as far as hourly wages, entitlements to education and lifelong learning, career opportunities and social protection are concerned;

B. Flexicurity and secured professional paths

25. Believes it essential that current thinking on flexicurity be updated at European level in the light of the present crisis, so as to help increase both productivity and the quality of jobs by guaranteeing security and the protection of employment and workers' rights, with special support for people who are disadvantaged on the labour market, while allowing firms the organisational flexibility needed to create or reduce jobs in response to the changing needs of the market; takes the view that a fair and balanced implementation of

flexicurity principles can help to make labour markets more robust in the event of structural changes; takes the view, further, that flexibility and security requirements and active labour market policies are not contradictory and can be mutually reinforcing if established by means of a fair comparison of the views of the social partners, governments and the European institutions, together with reciprocal learning and exchange of good practices; believes that these requirements have not been adequately reflected in Europe's employment growth results in recent years;

26. Points out that there is a steadily increasing problem with regard to 'false' self-employed persons, who are often forced by their employer to work under wretched conditions; employers who utilise the working capacity of 'false' self-employed persons must also have penalties imposed on them;
27. Believes that flexicurity cannot function properly without strong social protection and support for people re-entering the labour market, which are essential elements during transitions from education to employment, between jobs, and from employment to retirement;
28. Calls on the Commission to continue its efforts to achieve balanced implementation of flexicurity policies by putting forward an analysis of the situation to date regarding implementation in the Member States and by checking that flexibility measures have been properly accompanied by security measures for workers, and to assist Member States and the social partners in implementing the principles of flexicurity so that they are applied with respect for acquired social rights at European level and in accordance with the specific nature of the various labour markets and the differing traditions with regard to labour policies and collective bargaining and the structure of social security systems, and points out that reciprocal learning, exchanges of good practice and the open coordination method are essential tools for coordinating the varying strategic approaches of the Member States;
29. Believes that, especially in the context of the present economic situation, taking stock of the implementation of flexicurity in the Member States is even more necessary and that the social partners will only support labour-law and labour-market reforms if they also aim at effectively reducing differences in treatment between different types of contracts; points out that the application of flexibility principles requires adequate social protection, ensuring that people can live and develop, together with special support for job seekers and solid labour laws for all kinds of employment based on a clear institutional framework, and needs to be accompanied by increased protection mechanisms to prevent hardship;
30. Emphasises that the demand for a high degree of flexibility at work should not reach a point where it excessively restricts people's lives and development and where it makes it very difficult for them to establish and support a family, care for relatives and participate in the life of society;
31. Stresses the importance of the security aspect in flexicurity, which needs to provide support in job-seeking for workers in transition situations and guarantee them decent living conditions; that support must include adequate training measures to enable people to adapt to the necessities of the labour market;

32. Believes that companies fear a persistent mismatch between their needs and the competences offered by job-seekers, lack access to credit enabling them to recruit and invest and do not invest enough in the labour market, and stresses the importance, in the context of the current economic crisis, of the development of long-term vision by the European production system; creating a favourable business environment, adequate financial resources and the provision of good working conditions; and enhancing legal certainty and transparency for both employers and workers with regard to the scope, coverage and enforcement of labour law;
33. Emphasises the importance of preventing, detecting and penalising illicit employment; calls on the Commission to draw up a set of concrete initiatives, including specific rules to tackle 'letter box companies', provisions on joint and several liability in subcontracting chains and the creation of an EU agency to prevent and detect illicit employment;
34. Believes that, because of the economic and financial crisis, in some Member States companies are not managing to find on the labour market the forms of contract that would best enable them to meet their requirements in terms of the flexibility needed to respond to unpredictable fluctuations in market demand, cost containment and the protection of workers' security ;
35. Calls, in the context of modern work organisation, for the creation of flexible and secure contractual arrangements ensuring equal treatment; is firmly convinced that employment contracts of an indefinite duration must continue to be the main form of employment and considers that, in the context of modern work organisation, provision should be made for contracts that are flexible in terms of working arrangements and secure with regard to job protection and rights; recognises that the definition of the legal framework for employment contracts of an indefinite duration and how they are geared to the concept of flexicurity in national labour law is crucially important for their acceptance by businesses and employees;
36. Strongly condemns the replacement of regular employment with forms of atypical contract that contribute to poorer and more uncertain working conditions than regular employment conditions and that work to the detriment of the general public, employees and competitors; stresses that abusive practices violate and destabilise the European social model, and calls on the Member States and the Commission to use all necessary means to fight abusive practices in the long term, for example by imposing more stringent penalties;
37. Firmly believes that, taking into account the different traditions in Member States, any form of employment should be accompanied by a core of rights, which should include: living wages and the elimination of gender and ethnic pay gaps; adequate social protection; non-discrimination and equal treatment while seeking and while in employment, training and career development; workers' health and safety protection and provisions on working/rest time, pension rights, freedom of association and representation, collective bargaining, collective action, access to training and career progression, and protection in the event of loss of employment;
38. Calls for the EU and the Member States to step up their efforts to invest in skills and

training to support stable and sustainable employment; therefore calls on the Member States to invest in people by vigorously implementing and financing learning strategies geared to market requirements, and the recognition of non-formal skills and competences, while respecting a life-cycle approach; calls, further, on the Member States to introduce measures at national, regional and local level to guarantee that each young person leaving school has access to a job or to higher education or receives vocational training;

39. Calls on the Member States to implement policies that enable all people, including the weakest and most disadvantaged, to have effective access to the labour market and to balance flexible work and care, private and family life better, ensuring extensive support for equal opportunities and for all the services needed for that purpose, for example through flanking measures such as maternity, paternity and parental leave, flexible working time, and affordable, accessible and available childcare facilities;
40. Calls on the Member states to come up with policies aimed at creating new job opportunities; is aware of the responsibility of and risks faced by those who create such jobs, including those under atypical contracts;
41. Calls on the Member States to implement measures to enable workers to return to work following parental leave, after first undergoing refresher training if needed;
42. Strongly recommends that the EU employment initiative should include early intervention in support of the unemployed at the moment when jobs are actually lost, not least in order to reduce the risk of people becoming excluded from the labour market and the loss of the human capital they constitute;
43. Calls on the Member States to strengthen support schemes, particularly for the low-skilled and disabled, by means of pathway approaches, personalised counselling, intensive (re-)training of workers, subsidised employment and start-up grants for the self-employed and businesses; specifically emphasises, however, that this aid must be structured in such a way that regular jobs are not replaced;
44. Calls on the Commission and the Member States to eliminate administrative burdens, where they do not serve to protect workers' interests, in order to improve the business environment, particularly for SMEs, but stresses the importance of ensuring that any changes have no implications for the safety or health of employees; points out that SMEs are, by virtue of their large number, the main agents in the struggle against unemployment in the EU; stresses the importance of taking account, when formulating the employment policies that concern them, of their specific requirements and those of the territory in which they are located;
45. Calls on the Member States to report on the state of play regarding thinking on and implementation of flexicurity pathways;
46. Deplores the Council's and the Commission's narrow approach to flexicurity; calls on the Commission and the Council to commit themselves to the Good Work agenda and to incorporate it into the next generation of the Integrated Guidelines and the European Employment Strategy: promoting job and employment security for workers, a rights-based approach to active labour market policies and lifelong learning, comprehensive health and

safety at work, universal and equal social and workers' rights for everyone, a work/life balance and reconciliation of work and non-work life, and improving the quality of employment and well-being at work;

47. Calls on the Member States not to allow redundancies on solely economic grounds until every effort has been made to (re)train workers;

C. New forms of social dialogue

48. Believes that the formal recognition of the role of the social partners in the new Treaty constitutes progress, as it recognises their autonomy and reaffirms the importance of their role in promoting social dialogue, and highlights here the particular importance of sectoral social dialogue, in which 40 sectors are now represented;
49. Is concerned, however, at the impact of the recent ECJ judgment in the Laval, Rüffert, Viking and Luxembourg case on freedom of association and freedom to action to improve working conditions;
50. Is of the opinion that acknowledgment of the Tripartite Summit for Growth and Employment as an institutional body contributes to the involvement of the social partners in EU economic policies;
51. Believes that the contribution of the European and national social partners and civil society organisations to achieving the EU2020 Strategy is particularly important with regard to reaching the employment targets and updating and implementing the flexicurity agenda;
52. Calls on the Commission and national governments to feel responsible for the situation of the 'outsiders' (employees with atypical or 'very atypical' contracts) and to ensure that their rights and social-protection requirements are balanced with those of the 'insiders';
53. Calls on the social partners at European and national level to support investment in learning strategies geared to market requirements and welcomes the 'Framework of actions for the lifelong learning development of competencies and qualifications' already negotiated by the social partners;
54. Believes that people involved in labour market inclusion measures or measures to prepare them to (re-)enter the labour market as well as civil society organisations providing these services to them or representing them should be part of the framing, implementation and delivery of policies affecting them;
55. Notes that the involvement of the social partners and civil society organisations in policy-making and implementation varies widely across the Member States, but that generally the trend is towards the use of a wider mix of instruments to pursue policy objectives; believes that the quality of the social and institutional recognition which the social partners enjoy should at national level be further enhanced and more substantial in nature, since it is an important determinant of the quality of their contribution; stresses in

particular, however, that the quality of social dialogue varies greatly from country to country and from sector to sector, and strongly urges the social partners to develop a genuine ‘social partnership’ at all levels;

56. Believes that collective bargaining has proven to be an effective instrument for maintaining employment and that it allows employers and employees to find efficient solutions to deal with the economic downturn; notes, in this regard, the importance of a strong consensus between the social partners in national systems where labour law protection is set to a minimum;
57. Is convinced that successful social dialogue in the workplace is largely determined by the facilities that the employee representations have with regard to quality information provision, regular training and sufficient time;
58. Is convinced that the role of governments is decisive in providing the preconditions for inclusive and effective collective bargaining and encompassing tripartite structures to involve the social partners in an institutionally formalised and substantial way, and on an equal basis, in public policy-making, in accordance with national practice and traditions;
59. Instructs its President to forward this resolution to the Council, the Commission, the Social Protection Committee, the European Employment Committee and the governments and parliaments of the Member States and the candidate countries.

EXPLANATORY STATEMENT

The European Union and its Member States are faced with a deep financial, economic and social crisis and needs to put major efforts to safeguard as many jobs and as much employment in Europe as possible.

The rapporteur is convinced that the European social models, with its objectives of sustainable growth, full employment, social progress, welfare and social protection, is able to guide the European Union and its Member States through the crisis.

In order to get through this crisis and to safeguard employment, prevent massive unemployment and help the unemployed to find new jobs we need to step up our efforts to invest in skills, training and sustainable job creation.

In view of the previous the rapporteur expects an agreement at the 2010 Spring European Council on clear guidance and concrete measures towards safeguarding employment and creating job opportunities in the framework of the EU2020 Strategy.

Within the EU2020 strategy the aim should be at an effective launch of a comprehensive European employment initiative and that the formalities for the hiring of first employees can be fulfilled via a single access point on the one hand, and, by reinforcing activation schemes, particularly for the low-skilled, through personalised advice, intensive training or retraining and up-skilling of workers, apprenticeships, subsidised employment and start up grants for the self-employed and businesses on the other; in addition, is supportive of the allocation of the European Social Fund payments by the Commission to promote the development and matching of skills;

This employment initiative should include an early intervention at the time at which jobs are in fact lost, not least in order to reduce the risk of people becoming excluded from the labour market. Such interventions will require significant investment in training, including an increase in training providers while concentrating on the better coordination of training and labour reintegration programmes, and should use not only short-term measures but should also endeavour to make high-level qualifications possible in order to increase the overall skill levels within the European Union and to respond to the changing needs of the current economy.

The rapporteur believes that people are more likely to accept the efforts required of them if those efforts are perceived to be fair and on the one hand and to guarantee employment and social integration on the other. Therefore Member States need to invest in people by vigorously implementing Life Long Learning strategies and additional financial support. Thus social partners on European and national level need to support the investment in Life Long Learning strategies. A national target on the financial investment on Life Long Learning by governments and social partners helps to secure employment paths.

The rapporteur is convinced that within employment and social policies the active promotion of equal opportunities for women and men is needed.

Facts

The overall unemployment rate increased in 2009 in the EU-27 from 8 to 9.6% (for men from 7.8 to 9.8 and for women from 8.1 to 9.3).

In recent years the total amount of employed working part-time has remained high and stable, the share of it being higher in the EU-15 than in the newly acceded countries. The share of part-time workers has increased in the EU27 during 2009 compared to 2008 by around 0.5% points. This is a relatively large increase considering that between the 2006 and 2008 the overall increase was just 0.1 percentage points. In 2008 over 18% of the total employed in the EU-27 was working part-time (31% of the total employed women and almost 8% of the employed men) and of the total amount of employed working part-time, around 24% is doing this involuntary (almost 30% of the men and more than 22% of the women). The main reason for the involuntary part-time work (24% of involuntary part-time employed) is that the persons were not able to find a full-time job.

Fixed term employees are more sensitive to the economic situation. The total number of employees in the EU27 on a temporary contract fell by 1.7 million between 2007 and 2009. This represents a drop of around 6.3%, which is much bigger than the 1.3% decrease in the number of employees with a permanent contract during the same period.

The amount of self-employed had declined since 2000, but remains stable over the last years. In 2007 more than 15% of the total employed in the EU-27 were self-employed (with a difference between men and women of around 6 percentage points), compared to around 7 % in the USA.

Of total employed around 14% is in temporary employment (2008). The main reasons are that the employed are in education and training or they could not find a permanent job.

Around 5% of the total employed is working from home (2008).

Flexicurity

Atypical work refers to employment relationships not conforming to the standard or 'typical' model of full-time, regular, open-ended employment with a single employer over a long time span. Flexible contracts are an instrument used in Member States as part of the employment policies and have helped unemployed to get a job. 'Very atypical' forms of employment have been emerging (i.e. employment contract shorter than six months, working hours less than 10 hours and non-written employment contracts). These forms of employment are most prevalent among young (19 - 29 years) and older (50+ years) workers, women and low-skilled. Workers with 'very atypical' forms of employment receive less training, have more limited career prospects and lower income compared with other categories of workers, thus having a more precarious employment profile.

The rapporteur is convinced that Member States should monitor and analyse the developments of all kind of contracts.

The rapporteur is convinced that the vigorous implementation of flexicurity strategies can help in fighting illicit employment and soften the precariousness of 'very atypical' forms of

work. Within the framework of the flexicurity strategy it is better to focus on qualitative good jobs transitions than on preserving jobs. Within this framework Member States should invest in active labour market policies and institution reforms. Furthermore, the rapporteur is convinced that Member States should analyse critically the Employment protection legislation as it explains major differences between Member States in the incidence of Long-term unemployment and in the duration of the employment.

The rapporteur is convinced that there is an important gender dimension to the debate on atypical work, as men are disproportionately represented in standard employment relationships and increasing numbers of women in the labour force work under atypical conditions.

Social Dialogue

The rapporteur believes that the formal recognition of the role of the social partners in the new Treaty constitutes progress, as it recognises their autonomy and reaffirms the support that the European Union is to give to the promotion of the social dialogue. The acknowledgment of the Tripartite Summit for Growth and Employment as an institutional body contributes to the involvement of the social partners to the economic policies of the European Union.

The contribution of the European and national social partners to achieving the EU2020 Strategy is particularly important for reaching the employment targets and implementing the flexicurity agenda. Therefore, social partners on a national level need to overcome the reservations against 'outsiders' (employees with atypical and 'very' atypical contracts) and balance their rights and social protections with the 'insiders'.

Sectoral bargaining is the main bargaining level in most western European countries and several central and eastern European countries.

The involvement of the social partners in formulating national crisis-response measures varies considerably, depending on countries' industrial relations traditions and structures, and on the nature of the measures taken. In several countries the social partners complained of a lack of involvement and consultation over the preparation of the government's measures.

Although there is this variation in the involvement of social partners in policymaking and policy implementation, generally there is a trend towards the use of a wider mix of instruments to pursue policy objectives. The quality of the social and institutional support that social partners enjoy is probably the major determinant of the quality of the social partners' contribution to the EU2020 Strategy.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	2.6.2010
Result of final vote	+: 41 -: 6 0: 1
Members present for the final vote	Regina Bastos, Edit Bauer, Jean-Luc Bennahmias, Mara Bizzotto, Milan Cabrnach, David Casa, Alejandro Cercas, Ole Christensen, Derek Roland Clark, Sergio Gaetano Cofferati, Marije Cornelissen, Frédéric Daerden, Karima Delli, Proinsias De Rossa, Frank Engel, Sari Essayah, Richard Falbr, Ilda Figueiredo, Pascale Gruny, Marian Harkin, Roger Helmer, Nadja Hirsch, Liisa Jaakonsaari, Martin Kastler, Ádám Kósa, Jean Lambert, Patrick Le Hyaric, Olle Ludvigsson, Elizabeth Lynne, Thomas Mann, Elisabeth Morin-Chartier, Csaba Öry, Siiri Oviir, Konstantinos Poupakis, Sylvana Rapti, Licia Ronzulli, Jutta Steinruck, Traian Ungureanu
Substitute(s) present for the final vote	Georges Bach, Jürgen Creutzmann, Marielle Gallo, Joe Higgins, Franz Obermayr, Evelyn Regner, Birgit Sippel, Emilie Turunen
Substitute(s) under Rule 187(2) present for the final vote	Rosa Estaràs Ferragut, Oldřich Vlasák