REPORT

on social dumping in the European Union
(2015/2255(INI))

Committee on Employment and Social Affairs

Rapporteur: Guillaume Balas
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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on social dumping in the European Union
(2015/2255(INI))

The European Parliament,

– having regard to the Treaty on the Functioning of the European Union (TFEU),

– having regard to Article 5 of the Treaty on European Union and to Articles 56, 153(5) and 154 TFEU,

– having regard to the fundamental freedom of movement of workers (Article 45 TFEU) and to the free movement of services (Article 56 TFEU),

– having regard to Articles 151 and 153 TFEU and to Article 9 TFEU, which guarantees adequate social protection,

– having regard to Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services¹,


– having regard to the ongoing implementation of Directive 2014/67/EU,


– having regard to Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I)⁵,


² OJ L 159, 28.5.2014, p. 11.
having regard to Regulation (EC) No 1071/2009 of the European Parliament and of the
Council of 21 October 2009 establishing common rules concerning the conditions to be
complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC,1

having regard to Regulation (EC) No 561/2006 of the European Parliament and of the
Council of 15 March 2006 on the harmonisation of certain social legislation relating to
road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No
2135/98 and repealing Council Regulation (EEC) No 3820/85, and to Directive
organisation of the working time of persons performing mobile road transport
activities,3

having regard to Regulation (EC) No 1008/2008 of the European Parliament and of the
Council of 24 September 2008 on common rules for the operation of air services in the
Community,4

the principle of freedom to provide services to maritime transport within Member States
(maritime cabotage),5

having regard to the proposal for a Council directive on manning conditions for regular
passenger and ferry services operating between Member States (COM(98)0251 –
C4-0424/98 – 98/0159(SYN)),

Agreement on the organisation of working time of seafarers concluded by the European
Community Shipowners’ Association (ECSA) and the Federation of Transport Workers’
16 February 2009 implementing the Agreement concluded by the European Community
Shipowners’ Associations (ECSA) and the European Transport Workers’ Federation
(ETF) on the Maritime Labour Convention, 2006,7

having regard to its resolution of 14 January 2014 on effective labour inspections as a
strategy to improve working conditions in Europe,8

having regard to Decision (EU) 2016/344 of the European Parliament and of the
Council of 9 March 2016 on establishing a European Platform to enhance cooperation
in tackling undeclared work,9

having regard to the fundamental labour standards established by the International

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Labour Organisation (ILO) and to its conventions and recommendations on labour administration and labour inspections, which are an international benchmark for ensuring that legal provisions concerning working conditions and worker protection are applied,

– having regard to the Eurofound report entitled ‘Posted workers in the European Union (2010)’\(^1\) and to the national reports,

– having regard to Eurofound’s European Industrial Relations Dictionary\(^2\),


– having regard to Parliament’s 2015 study entitled 'EU Social and Labour Rights and EU Internal Market Law',

– having regard to the Commission’s 2015 ‘Study on wage setting systems and minimum rates of pay applicable to posted workers in accordance with Directive 96/71/EC in a selected number of Member States and sectors',

– having regard to the 2015 study, carried out by the University of Ghent and financed by the Commission, entitled 'Atypical Employment in the Aviation Sector',

– having regard to the Commission President's State of the Union address to Parliament of 9 September 2015,

– having regard to Rule 52 of its Rules of Procedure,

– having regard to the report of the Committee on Employment and Social Affairs and the opinions of the Committee on Transport and Tourism and the Committee on Women's Rights and Gender Equality (A8-0255/2016).

A. whereas undeclared work and bogus self-employment can lead to distortions of competition which result in long-term damage to social insurance systems, an increasing number of precarious jobs and deteriorating levels of worker protection and job quality in general, and should therefore be combated; whereas the increasing trend towards outsourcing and subcontracting may create possibilities for the abuse or circumvention of existing labour and social law; whereas it is essential to tackle such abuses in order to maintain freedom of movement in the internal market and solidarity within the Union;

B. whereas the free movement of workers, as laid down in Article 45 of the Treaty on the Functioning of the European Union, freedom of establishment and freedom to provide services are fundamental principles of the internal market;

C. whereas the Charter of Fundamental Rights of the European Union, to which all the Member States are signatories, stipulates that equality between men and women must be


ensured in all areas; whereas, with regard to social dumping, a key challenge for the EU is to increase the level of employment among women, improve the situation of women on the labour market and eliminate gender gaps;

D. whereas one of the main principles of EU policies is social cohesion, which means the constant and ongoing approximation of wages and guaranteed social security protection for all workers, be they local or mobile; whereas substantial differences in labour conditions and wages persist in the Union, and whereas upward social convergence is key to prosperity and enhanced internal demand throughout the Union; whereas wage differentials are among the main reasons for workers’ departure from their home countries;

E. whereas Article 9 TFEU enshrines the promotion of a high employment rate, the guaranteeing of adequate social protection, the combating of social exclusion, and a high level of education, training and human health protection as fundamental principles of the Union; whereas, as a consequence of the crisis and the high unemployment rates in the majority of the Member States, inequality is deepening;

F. whereas the gender pay gap still exists and, despite existing EU legislation and soft-law recommendations, progress in this area is extremely limited; whereas the situation is exacerbated by social dumping, together with the gender pay gap, which leads to a gender pension gap that puts elderly women at greater risk of poverty than elderly men;

G. whereas human trafficking – in particular the trafficking of women, not only from third countries to the EU but also between EU countries – is often associated with false employment contracts;

H. having regard to the growing scope for ‘social dumping’ as a result of employment relations presenting extraterritorial features;

I. whereas in the transport sector, security, passenger safety and appropriate working conditions are to a great extent interlinked;

J. whereas the creation of a Single European Transport Area was confirmed to be the ultimate objective of the 2011 White Paper on Transport;

K. whereas the Commission has announced that during 2016 it intends to propose new initiatives concerning road transport, including the social aspects;

L. whereas the road transport sector is essential to the society and economy of the European Union and accounts for almost three quarters (72%) of total domestic freight transport; whereas it transports more passengers than over- and underground railways and trams combined, and employs more than 2.2% of the EU’s total working population (5 million people);

M. whereas good working conditions, which protect physical and mental health, are a fundamental workers’ right\(^1\) and have positive value in themselves;

\(^1\) Article 31(1) of the Charter of Fundamental Rights of the European Union: ‘Every worker has the right to working conditions which respect his or her health, safety and dignity.’
N. whereas on 15 July 2014 and in his 2015 State of the Union address, Commission President Jean-Claude Juncker highlighted the need for a fairer and more truly pan-European labour market, which can be achieved by promoting and safeguarding the ‘free movement of citizens as a fundamental right of our Union, while avoiding cases of abuses and risks of social dumping’;

O. whereas the Court of Justice, in its judgment in case C-341/05 Laval of 18 December 2007, highlighted the right to undertake collective action against possible social dumping and emphasised that such action must be proportionate in order not to restrict the fundamental freedoms of the EU, such as the freedom to provide services;

P. whereas the European Social Charter should be acknowledged as the most mature and most detailed expression of the consensus among the Member States in the area of fundamental social rights, and hence needs to be put on equal footing with freedom of movement in order to provide tangible added value for all European citizens;

Q. whereas the growth in abusive practices and the increasing exercise of social dumping weaken support for the principle of the internal market and the competitiveness of businesses, in particular SMEs, undermine the rights of European workers and confidence in European integration and make genuine social convergence essential; whereas agriculture, building, construction, catering and food, transport, health, care and domestic services are the main sectors concerned;

R. whereas the principle of equal treatment of workers within the European Union and essential social convergence in the single market are important; whereas Article 45 TFEU stipulates that freedom of movement shall entail the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment;

S. whereas dumping, whether social, fiscal or environmental, is contrary to European values, as it endangers the protection of EU citizens’ rights;

T. whereas most Member States have not yet transposed Directive 2014/67/EU, even though the deadline for doing so was 18 June 2016; whereas it is important to assess the impact of the implementation of that directive, once it has been transposed in all the Member States, in order to determine its real impact in the fight against the various types of fraud identified in the context of the posting of workers and the protection of posted workers;

U. whereas posted workers make up about 0.7 % of the entire EU labour force;

V. whereas the number of posted workers in the Union stands at 1.92 million, mainly in the sectors of construction (47.7% of all posted workers), services, transport, communication and agriculture;

W. whereas the free movement of persons is essential to the European project, and is also a prerequisite for achieving economic, social and territorial cohesion goals in order to bring about a solid and sustainable level of competitiveness in all Member States;

X. whereas the Court of Justice has highlighted, in its judgment in Case C-396/13, that Directive 96/71/EC is intended, on the one hand, to ensure fair competition between domestic businesses and businesses which provide transnational services, and, on the other, to ensure that a nucleus of mandatory rules laying down minimum protection in the host Member State apply to posted workers;

Y. whereas the posting of workers should facilitate the sharing of skills and professional experience, and not be a cause of social dumping;

Z. whereas European employers’ federations and trade unions can play an important role in the fight against social dumping;

Aa. whereas a commitment has been made not to increase the financial burden for business, in particular SMEs;

Ab. whereas the setting of wages is a Member State competence;

Ac. whereas the Court of Justice has highlighted, in its judgment in Case C-396/13, that the host Member State is competent to determine the level of the minimum wage and the method of calculation and to assess the criteria applied;

Ad. whereas the President of the Commission has stated that ‘the same work at the same place should be remunerated in the same manner’¹; whereas legal clarification of this statement and of its application is required;

I. **Reinforcing controls and coordination between and by Member States**

1. Considers that, while there is no legally recognised and universally shared definition of social dumping, the concept covers a wide range of intentionally abusive practices and the circumvention of existing European and national legislation (including laws and universally applicable collective agreements), which enable the development of unfair competition by unlawfully minimising labour and operation costs and lead to violations of workers’ rights and exploitation of workers; considers that the consequences of these practices and situations can have an impact as regards three main dimensions:

   – the economic aspect: the use by certain economic actors of illegal practices such as undeclared work or of abusive practices such as bogus self-employment can lead to major market distortions which are detrimental to bona fide companies, in particular SMEs;

   – the social aspect: social dumping could lead to a situation of discrimination and

unfair treatment between workers in the EU and deprive them of the effective exercise of their social and labour rights, including in respect of pay and social protection;

– the financial and budgetary aspect: the non-payment of due social security contributions and taxes as a result of social dumping represents a threat to the financial sustainability of social security systems and the public finances of the Member States;

2. Believes that it is crucial to ensure a level playing field and fair competition across the EU and to eliminate social dumping; stresses that labour inspectorates and/or the social partners play a key role in enforcing workers’ rights, in defining decent pay in accordance with Member States’ law and practice, and in providing consultation and guidance to employers; points out that 28 Member States have ratified ILO Convention No 81 on labour inspection, and calls on the Member States to ensure that all its provisions are implemented; calls on the Commission to support the Member States in establishing effective and efficient labour inspectorates and to draft a recommendation based on ILO Convention No 81 on labour inspection in order to ensure compliance with labour standards and the protection of workers, including provisions relating to working time, safety, and health; recalls the important role played by the social partners in ensuring compliance with existing legislation;

3. Calls on the Member States to increase efficiency and to secure appropriate staffing levels and resources for their control bodies (including social and/or labour inspectorates, agencies and liaison offices), including for interpretation and translation, inter alia through the exchange of best practices; urges the Member States to meet the benchmark of one labour inspector for every 10 000 workers, as recommended by the ILO, and to make sure that they are adequately equipped to enforce European legislation in the area of free movement of workers and services;

4. Calls on the Member States to improve cross-border cooperation between inspection services and the electronic exchange of information and data, in order to improve the efficiency of controls intended to combat and prevent social fraud, bogus self-employment and undeclared work, while recognising the importance of data protection, and with a view to mandatory cooperation and mutual assistance between Member States; encourages the Member States to draw up Union-wide in-service training programmes for inspectors, to identify new techniques used to circumvent the rules, and to organise cross-border cooperation; acknowledges the Commission’s work in financing mutual learning programmes for labour inspectors in the Member States; stresses the importance of ensuring access for national labour inspectorates and/or the social partners to all effective working places and associated living places provided by the employer, where this is allowed by national law and with due respect for privacy, given that this is a prerequisite to enable them to do their job and check for cases of social dumping; recommends that the Commission consider turning the Eurodetachement projects into a permanent platform for exchange, joint training and collaboration for labour inspectors (and public officials in liaison offices for posted workers) involved in control and monitoring – a platform which could be included in, or work in coordination with, the European Platform Tackling Undeclared Work;
5. Encourages the Member States to create, where applicable, ad hoc bilateral task forces and, where needed, a multilateral task force including national competent authorities and labour inspectors, to carry out, subject to the approval of all the Member States concerned, on-the-spot cross-border checks, in accordance with the national law of the Member States in which the controls take place, in suspected cases of social dumping, work under illegal conditions or fraud, and to identify 'letterbox companies', fraudulent recruitment agencies and abuses of the rules that result in exploitation of workers; points out that these task forces could work in coordination with the European Platform Tackling Undeclared Work and with the Senior Labour Inspectors Committee in order to limit the financial burden involved, and that they could create a network of national social inspection services to promote information exchange; regards effective cooperation between national authorities and the social partners as a vital part of the effort to end social dumping and ensure that competition in the single market is fair;

6. Calls on the Commission and the Member States to ensure more effective implementation of existing legislation and to enhance the cooperation between Member State entities responsible for labour inspections, especially as regards cross-border labour inspections; welcomes the launch of the European Platform Tackling Undeclared Work and the goals it has laid down with a view to enhancing cooperation in the prevention and deterrence of undeclared work; hopes that this platform will help to detect and address cases of infringement of national and EU labour law and of EU provisions on free movement of workers, freedom of establishment and freedom to provide services;

7. Stresses the need to complement action against breaches of social rights by combating tax fraud and tax evasion, in order to guarantee fair competition and a level playing field for enterprises;

8. Notes that non-declaration or irregular declarations are among the most common forms of circumvention of the rules on posting; recommends that, in the case of posting, it should be made mandatory in all Member States to submit a declaration when the provision of services commences, at the latest, and that such declarations should be entered in a European register which would make it easier to consult them, to facilitate coordination between Member States and to limit the current legal uncertainties arising from the differences between procedures and documents from one country to another;

9. Stresses that the competent authorities of the host Member State, in cooperation with those of the sending state, should be able to check the reliability of the A1 form in the event of serious doubts as to whether a posting is genuine; calls on the ad hoc administrative working group on the A1 form to step up its efforts by improving the reliability of A1 forms, and to explore the possibility of facilitating oversight by collecting the A1 forms in a single digital system; calls on the Commission and the Member States to take all the requisite measures to ensure that the Electronic Exchange of Social Security Information (EESI) is fully operational, used by all Member States and tailored to the needs of SMEs; stresses that improved access to information for workers, employers and labour inspectors, for instance through a single national website, is one of the key tools in the fight against breaches of the rules;

10. Calls on the Member States to ratify and implement ILO Convention No 189 on
domestic workers; calls on the Member States to establish legal frameworks allowing
the lawful employment of domestic workers and carers, in order to provide legal
certainty for employers and fair terms of employment as well as decent working
conditions for workers; calls on the Commission and the Member States to assess the
terms and conditions of employment of domestic workers and, if necessary, to submit
recommendations for improvement in accordance with the current Treaties (in particular
Article 153 (1) TFEU), including appropriate training and the provision of information
on the rights and obligations of this category of workers;

11. Notes that women are those most affected by social dumping in certain sectors, in
particular housekeeping and care (especially home care), but also traditional ‘posting’
sectors such as meat processing and transport; calls on the Commission, in cooperation
with the Member States, to evaluate all situations in which women experience social
and wage dumping or are engaged in undeclared work, as well as existing related EU
legislation;

12. Calls on the Member States to improve transnational and local cooperation between
public institutions, trade unions and NGOs with a view to addressing the often very
complex problems facing migrant workers, and to take into account labour conditions as
well as all other elements related to quality of life, including general health, social
inclusion and accommodation;

13. Highlights the importance of the provisions of Directive 2014/67/EU on the
cross-border enforcement of financial administrative penalties and/or fines, which will
help to eliminate breaches of the legislation; takes the view that the competent
authorities should be able to impose effective, proportionate and dissuasive sanctions,
including the possibility of suspending the provision of services in the event of serious
breaches of the legislation on postings or of applicable collective agreements; considers
that the amount of such fines should serve as a deterrent, and that the provision of
information for SMEs on the applicable legislation on posting should be improved;

14. Calls on the Member States to improve considerably information exchange concerning
social security for posted workers, with a view to improving the enforcement of existing
legislation; recalls its appeal to the Commission to look into the benefits of introducing,
and if appropriate to provide, a forgery-proof European social security card or other
EU-wide electronic document, on which could be stored all the data needed to verify the
bearer’s social security status on the basis of his or her employment relationship¹, as
well as the necessary information associated with the worker’s postings, in strict
compliance with data protection rules, in particular where sensitive personal data are
processed; emphasises, however, that this must not restrict or undermine in any way the
right of the host countries’ authorities and social partners, in accordance with national
law and practice, to review, and to carry out controls and verifications of, the data
content of such a card;

15. Calls for an EU-wide list of enterprises, including letterbox companies, responsible for
serious breaches of European labour and social legislation to be drawn up – after they
have received prior warning – which can be consulted only by the relevant inspection

¹ European Parliament resolution of 14 January 2014 on effective labour inspections as a strategy to improve
working conditions in Europe (Texts adopted, P7_TA(2014)0012).
authorities; calls for these enterprises to be denied access to public contracts, public subsidies and EU funds for a statutory period;

16. Calls for the EU and its Member States to cooperate across borders in relation to enforcement information, to give monitoring authorities better access to data recorded in the Member States’ national electronic registers and in the European Register of Road Transport Undertakings (ERRU) and to consolidate the list of infringements leading to the loss of good repute of road transport operators, by including non-compliance with any relevant EU legislation; stresses that responsibility for breaching rules should lie with those giving orders to employees;

II. Addressing regulatory gaps in order to enforce national and European labour and social law, and addressing the principle of equal treatment and non-discrimination

17. Calls on the Commission to take action to eliminate shortcomings which have been identified in the current rules, in order to combat social dumping and social and fiscal fraud effectively;

18. Calls on the Commission to monitor carefully the implementation of Directive 2014/67/EU and the effectiveness of the Platform Tackling Undeclared Work in combating the phenomenon of letterbox companies by applying more generally the principle that each company should have one main corporate headquarters and ensuring that in cases of free provision of services using posted workers, each service provider involved should perform a ‘genuine activity’ in the Member State of establishment, and therefore be a genuine undertaking; recalls the importance of enterprises having a ‘genuine activity’ in their Member State of origin as a justification for the posting of workers; recalls the rejection by its Committee on Employment and Social Affairs of the proposal for a directive on single-person limited liability companies, as some of the proposed provisions could facilitate the creation of the kind of entities whose social and economic activities are bogus, constitute a breach of their obligations under agreements and the law, and result in the loss of billions of euros in tax revenue; calls for the Commission to consider the possibility of proposing a transparent and accessible business register of all EU companies and the mandatory use of the EESSI;

19. Calls on the Commission to launch a new report on the Member States’ progress in making the necessary improvements to their national tax administrations and systems for the purpose of tackling tax fraud, as proposed in the Commission communication entitled ’An Action Plan to strengthen the fight against tax fraud and tax evasion’ (COM(2012)0722),

20. Notes that Directive 96/71/EC refers only to Articles 64 and 74 TFEU relating to freedom to provide services and freedom of establishment, even though one of the main aims of the directive is to protect workers; draws attention, further, to the importance of Articles 151 and 153 TFEU, which set goals for the EU and its Member States concerning the promotion of employment, the improvement of living and working conditions, adequate social protection, the promotion of social dialogue and the fight against exclusion;

21. Recognises the risks associated with long subcontracting chains; recalls that Member States can set up, in consultation with the relevant social partners, ‘joint and several
liability’ mechanisms at national level which are applicable to local and foreign companies, in order to enable local and foreign workers to exercise their rights; recalls that this possibility was confirmed by Directive 2014/67/EU; asks the Commission to monitor carefully the application of the obligation placed on Member States by that directive to provide for measures ensuring that, in the construction sector, posted workers in subcontracting chains can hold the contractor of which their employer is a direct subcontractor liable as regards respect for their rights as workers;

22. Notes the problems related to Directive 96/71/EC and its implementation; highlights the importance of addressing these problems in order to ensure fair working conditions, respect for workers’ rights and a level playing field for posting and local companies in the host country, which is particularly important for SMEs; calls for timely implementation of Directive 2014/67/EU; notes the Commission proposal to revise Directive 96/71/EC by including a limitation on posting periods, introducing provisions on remuneration and defining terms and conditions of employment so as to ensure respect for the principle of equal treatment and the prohibition of any discrimination based on nationality, as enshrined in EU law since the founding Treaties; insists that the rules on posting should be clear, proportional and justified; stresses the need to comply with the collective agreements and industrial relations systems of the host country;

Mobile workers: combating social dumping in the transport industry

23. Calls for increased monitoring of the implementation of working time and rest time rules in the road transport industry; calls for the improvement of monitoring devices and the timely introduction of smart tachographs for professional use with a view to ensuring proper, efficient and non-discriminatory implementation of existing legislation by Member States without creating any undue administrative burden; calls on the Commission to assess the creation of an ‘electronic and integrated operator file’ for all operators operating under the Community licence, with the aim of gathering all relevant carrier, vehicle and driver data collected during roadside checks;

24. Calls for the stepping-up of checks in relation to compliance with work, standby, driving and rest times in all relevant sectors, such as construction, catering, health and transport, and for the imposition of penalties for serious non-compliance;

25. Invites the Commission to consider creating a European Road Transport Agency to ensure proper implementation of EU legislation and promote standardisation and cooperation among all Member States as regards road transport;

26. Calls on the Commission to coordinate and reinforce cooperation on road transport legislation among national authorities, including through information exchange, and on other efforts aimed at supporting the implementation of legislation and ensuring a level playing field for operators; notes that the enforcement of legislation in this area is primarily the responsibility of the Member States; urges the Member States to cooperate more closely with Euro Contrôle Route and the European Traffic Police Network (TISPOL) in order to improve the execution of EU road transport legislation by ensuring its equal and appropriate implementation;

27. Calls on the Commission to apply in a collective manner, to mobile personnel in the road transport industry, Article 8(2) of Regulation (EC) No 593/2008 (Rome I) as
interpreted by the Court of Justice ruling in the Koelzsch case (C-29/10, judgment of the Court (Grand Chamber) of 15 March 2011);

28. Asks the Commission and the Member States to exchange views in order to clarify the relevant provisions so that a distinction can be drawn between employees and self-employed workers with a view to combating ‘bogus self-employment’, and asks Commission to propose specific recommendations based on indicators of the existence of an employment relationship according to ILO Recommendation No 198 concerning the employment relationship, while not discriminating against genuinely self-employed workers with a small number of clients; emphasises the need to monitor the employment status of workers such as airline pilots and train drivers and their employment relationship with the companies for which they work; stresses that the problem of bogus self-employment has significant consequences with regard to the social protection of workers and safety, and could have an effect on fair competition;

29. Recommends that the Commission carefully monitor acquisitions by airlines from outside the EU with a view to laying down, as a matter of urgency, regulations in this area to fight the widespread phenomenon of ‘selling off’ social safeguards in exchange for economic conditions that only appear to be more advantageous; calls on the Commission to ensure that the social safeguards provided for by the contracts of workers from the EU are the condicio sine qua non for such acquisitions;

30. Recommends to the Commission that a national collective agreement be drawn up and applied correctly in all Member States, in cooperation with the social partners, in order to guarantee certain rules on rest times and suitable social safeguards, above all in the event of acquisitions by airlines outside the EU;

31. Rejects any further liberalisation of cabotage until the implementation of the current legal framework has been strengthened; encourages the Commission to propose improved rules with a view to ensuring better implementation and facilitating monitoring; calls on the Commission to revise the Combined Transport Directive (92/106/EEC) in order to eliminate unfair practices, and calls for further measures to ensure compliance with the social legislation relating to combined transport;

32. Calls on those Member States which have a toll system in place to make the toll data gathered available to the monitoring authorities for evaluation so that cabotage operations can be scrutinised more effectively;

33. Recommends that, in the event of acquisitions or the transfer of company property, it be clearly stated which requirements are not disregarded but carried over into the new contracts, within the meaning of Directive 2001/23/EC as regards safeguarding employees’ rights in the event of transfers of undertakings;

34. Calls for Regulation (EC) No 1008/2008 to be improved in order to ensure the binding application of national labour legislation for airlines which have operational bases in the

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EU and to enhance the definition and concept of the term ‘principal place of business’, and also, in the context of the coordination of social security systems and labour law, for alignment of the definition of ‘home base’ for crew members as per Regulation (EU) No 83/2014\(^1\) and Regulation (EU) No 465/2012\(^2\);

35. Strongly urges the Commission and the Member States, with regard to the European Aviation Safety Agency (EASA) Regulation and other relevant legislation, to support direct employment contracts as the standard model and to restrict the use of atypical employment contracts;

36. Calls for the social rights of flight and cabin crew to be protected;

37. Points out that, in accordance with the amendments made to the Rome I European rules on mobile workers in 2012, the applicable social law must be that ‘of the state from which the commercial operation or service takes place’;

38. Calls on Member States to review their laws to make sure that all contracts in the aviation sector provide quality employment and good working conditions; believes that precarious working conditions are an additional safety risk; stresses that competitiveness should not come at the price of ‘selling off’ social safeguards for workers and the quality of services;

39. Stresses that the social dimension of the Aviation Strategy for Europe published by the Commission on 7 December 2015 should be strengthened, as quality employment and good working conditions are directly linked to maintenance of the safety and security of both passengers and staff; stresses, furthermore, the need for the Commission and the Member States to monitor and ensure proper enforcement of national social legislation and collective agreements for airlines having operational bases on EU territory; recalls, in this connection, the link between social and environmental standards and quality of service, as well as safety; recognises the importance of establishing minimum training for maintenance personnel in civil aviation sectors; asks the Commission to propose a review of Regulation (EC) No 868/2004 of the European Parliament and of the Council of 21 April 2004 concerning protection against subsidisation and unfair pricing practices causing injury to Community air carriers in the supply of air services from countries not members of the European Community\(^3\), and to analyse the causes of its non-implementation; calls on the Commission and the Member States to review rules on initial training and on the licensing of aircrew with a view to eliminating shortcomings leading to the exploitation of pilots;

40. Calls on the Commission to examine the possibility of an additional proposal on applicable working conditions in the shipping industry, including with regard to the crews of vessels;

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41. Considers that, in the maritime sector, the Commission should ensure the full implementation of social legislation, including the 2006 Maritime Labour Convention; calls on the Commission and the Member States to look into measures encouraging the recruitment and retention of skilled European-based seafarers;

*Anticipating challenges linked to the digitisation of the economy*

42. Recalls the importance of tying the development of the digital and sharing economy to the protection of workers in this new sector, where more flexible working practices may result in forms of employment with lower standards as regards social security, working time, working location, training, worker participation and employment protection; stresses that freedom of association and the right to collective bargaining must be applicable in the context of these new forms of employment, in accordance with the EU Charter of Fundamental Rights and national practice; emphasises that the Member States must adapt their legislation to the digital and sharing economy, and calls on the Commission, the Member States and the social partners to evaluate rapidly the provisions of European legislation applying to this sector and, if necessary, to draw up proposals to regulate the digital, sharing and collaborative economy in order to ensure fair competition and protection of workers’ rights;

43. Notes that digitisation has a crucial impact on European labour markets; emphasises that, on the one hand, digitisation can generate new business models and new jobs (especially for high-skilled workers, but also for low-skilled workers), but that, on the other hand, it can also lead to insecure forms of employment; stresses the need for the social dimension to be taken on board in the Digital Single Market Strategy so as to take full advantage of the associated employment and growth potential while ensuring a high level of employment protection; calls on the Commission to shape the digital single market in a socially just and sustainable way; takes the view that existing social protection schemes should be adapted to the needs of workers in the digital and sharing economy in order to ensure adequate social protection for those workers;

44. Recalls that in some economic sectors, such as agriculture, working hours vary according to seasonal constraints;

**III. Towards upward social convergence**

45. Stresses the primacy of fundamental rights; calls on the Commission and the Member States to support and enhance social dialogue, which plays a critical role in achieving high-level working conditions; emphasises that labour law and high social standards have a crucial role to play in rebalancing economies, supporting incomes and encouraging investment in capacity; stresses that, in this context, EU law and policy documents must respect trade union rights and freedoms, comply with collective agreements and uphold equal treatment of workers;

46. Calls on the Commission to take specific measures to help women affected by social dumping, by focusing all general policies and measures on the achievement of equality, taking into account ongoing labour market segregation and inequality in employment contracts, as reflected in the ongoing significant pay differentials between women and men;
47. Emphasises that inequality is deepening in Europe, thus undermining the achievement of the Europe 2020 targets on poverty and employment;

48. Underlines the importance of establishing economic, fiscal and social mechanisms in the territory of the Union and/or the euro area, which will improve the living standards of EU citizens by reducing economic and social imbalances; urges, in addition, the Commission, in the specific recommendations it makes to the Member States as part of the European Semester, to incorporate opinions on social issues with a view to enhancing worker protection through convergence;

49. Notes the significant fall in the employment rate as a result of the economic and financial crisis and the progress made in the field of robotics and artificial intelligence, and the fact that a further fall in the number of jobs is therefore inevitable, and proposes to the Commission a paradigm shift aimed at putting the emphasis on ‘income’ rather than ‘work’, thereby pursuing the objective of guaranteeing a ‘citizen’s minimum income’ throughout the EU that allows people to lead a free and dignified life;

50. Recalls the Commission's commitment to establishing a pillar of social rights and stresses the need for upward social convergence in order to achieve the objectives set out in Article 151 TFEU; emphasises that the establishment of criteria for comparing the various national social systems cannot provide such a pillar, but can only serve as a preliminary analytical framework; stresses that the adoption of a pillar of social rights should not lead to the lowering of existing labour and social standards;

51. Notes the differing levels of employee and employer social security contributions in the Member States; asks the Commission to evaluate the economic and social impact of those differences in the context of the single market;

52. Considers that wages which enable workers to lead a decent life are important for social cohesion and for maintaining a productive economy; calls for respect for, and the promotion of, collective bargaining; also recommends the establishment of wage floors in the form of a national minimum wage, where applicable, with due respect for the practices of each Member State and after consulting the social partners, with the objective of gradually attaining at least 60% of the respective national average wage, if possible, so as to avoid excessive wage disparities, to support aggregate demand and economic recovery and to underpin upward social convergence;

53. Notes the potential value of automatic stabilisers in strengthening the sustainability of the economic and monetary union as a whole; stresses the need to accompany these stabilisers with effective employment policies whose main aim is to create quality jobs;

54. Calls on the Commission, together with the Member States, to consider the need to take action at EU level to address various aspects of outsourcing, including the extension of joint and several liability in the subcontracting chain;

55. Stresses that all subcontractors, including temporary agencies that mostly send women to other Member States to perform domestic work and provide home care, must be made liable for unpaid wages, social security contributions, accident insurance and illness and injury provisions; stresses that subcontractors must also be able to assist employees in the event of mistreatment and abuse by clients, and with repatriation;
56. Calls on the Commission to examine the possibility of establishing an instrument whereby companies can be subject to a greater duty of care for which they may be held liable, in respect of both their subsidiaries and their subcontractors operating in third countries, in order to prevent human rights violations, corruption, severe physical injury or environmental damage and the violation of ILO conventions;

57. Considers that Directive 96/71/EC and the rules coordinating social security systems must be applicable to the employment of posted workers from a third country, on the basis of WTO Mode 4 regulation and within the framework of trade agreements, in order to guard against more favourable treatment of enterprises and workers from third countries than of those from Member States;

58. Asks the Commission to take the recommendations in this resolution into account as far as possible;

59. Stresses the need for better coordination of the various European policies;

60. Instructs its President to forward this resolution to the Council and the Commission.
EXPLANATORY STATEMENT

The European Union, which was born out the yearning for peace and prosperity that followed the end of the Second World War, was planned by its architects as a democratic space endowed with a strong economy and a high level of social protection.

It is important to stress that priority was given primarily to building and strengthening the internal market. The European Economic Community, as the name suggests, corresponded to this strategy and the European Union was initially built through the liberalisation of trade between Member States.

Your rapporteur would like to emphasise that the harmonisation of social rights was, however, neglected and that, apart from a some of the principles enshrined in the Treaty and a number of Directives, it was agreed that Member States should retain responsibility in the social field; there is a de facto asymmetry between the reality of an increasingly developed internal market and a very heterogeneous set of social rights.

Your rapporteur notes that this paradox has encouraged inter-corporate rivalry, since European workers are far from all enjoying the same social obligations or the same social rights. The very principle of fair competition between companies and the promotion of a social market economy by the EU are seriously flawed. These situations of unfair economic and social competition also represent an obstacle to maintaining a high level of social protection in Europe: thus increased competition between economic operators encourages them to reduce spending related to labour costs; this is leading to a weakening of the social standards in force in the various Member States of the Union, is gradually undermining all the rights enjoyed by European employees and, finally, is reducing the financial resources necessary for the various social protection systems.

The specific fragility of the social protection available to some employees should also be emphasised. This is particularly the situation of 'workers at sea', who are victims of the use of flags of convenience by many shipowners. This enables these employers to evade many social obligations. These practices have a negative impact on safety standards and contribute to reducing the number of qualified European seafarers and the loss of their expertise.

Your rapporteur would also emphasise the political impact of this asymmetry between economic freedoms and social rights: it fuels the feeling that Europe weakens both individuals and communities, instead of protecting them. Thus, the proliferation of abusive practices and unfair social competition weakens adherence to the principle of the internal market and undermines confidence in the construction of Europe. These phenomena encourage protectionist tendencies by the Member States and unilateral decision-taking by them in the social field.

Your rapporteur notes, however, that the EU authorities have in part become aware of the gravity of this issue and recalls the solemn commitment made by Jean-Claude Juncker on 15 July 2014 before the European Parliament to fight against 'social dumping' during the current parliamentary term. Your rapporteur also recalls that in his 2015 State of the Union address, the President of the Commission stated he wished to avoid 'abuses and risks of social dumping'.

After numerous hearings of experts, business leaders and employees' representatives, your
rapporteur recommends several measures aimed at filling the legislative and regulatory gaps that favour the development of the unfair competition that currently exists in the internal market.

He proposes, firstly, that controls and inspections should be strengthened, at both national and European level, in application of existing legislation. In this regard, the human and financial resources available to the authorities responsible for enforcing the rules should be significantly strengthened.

He emphasises the reforms needed to modernise the registration of employment benefits and the need to develop a single digital document guaranteeing social rights for every European worker. Your rapporteur urges that more should be done to tackle the problem of 'letterbox companies', including through new rules on the obligation for companies to have an official address. Finally, he proposes that a European list should be drawn up of enterprises responsible for serious offences such as the use of undeclared labour.

The Directive on the posting of workers should be revised so as to pave the way for the modification of its current legal basis and the rules for coordinating social security systems. In addition, some arrangements currently in force on postings should be amended to ensure equal treatment of workers and fair competition between economic players, in particular rules governing the payment of social security contributions.

Your rapporteur stresses that urgent action is needed in the field of transport, which is often an area where social rights simply do not exist, to ensure both the effective implementation of existing legislation and the strengthening of control systems.

Your rapporteur finally recommends that measures be taken to ensure social convergence in the European Union. He calls for a social protocol to ensure the predominance of social rights over economic freedoms and recommends the introduction of minimum wage floors that may be extended to Community level in some sectors such as transport, while duly respecting the autonomy of the social partners and the various legal traditions governing national social systems.

Your rapporteur seeks to ensure that the basis of social rights announced by the Commission is not limited to the development of simple comparative criteria. He calls for the establishment of a duty of care for major European companies with regard to the activities of their subsidiaries and their subcontractors in third countries.

It has been your rapporteur's wish to make concrete proposals, proposals usually supported by employers, employees, or experts. He emphasises the significance of social issues, in particular unfair social competition among our European fellow-citizens. He underlines the importance of the European Parliament having a strong voice and a high profile in helping to build a more social Europe, a Europe which will therefore enjoy greater support from the peoples of Europe.
8.4.2016

OPINION OF THE COMMITTEE ON TRANSPORT AND TOURISM

for the Committee on Employment and Social Affairs

on social dumping in the European Union
(2015/2255(INI))

Rapporteur: Jens Nilsson

SUGGESTIONS

The Committee on Transport and Tourism calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

A. whereas, in the transport sector, security, passenger safety and appropriate working conditions are to a great extent interlinked;

B. whereas the creation of a Single European Transport Area was confirmed to be the ultimate objective of the 2011 White Paper on Transport;

C. whereas the transport industry is the backbone of the EU single market with the free movement of goods, services and workers, and the right of establishment, and whereas the principle of non-discrimination implies that equal work, equal rights, decent working conditions and fair competition must be at the heart of a well-functioning single market;

D. whereas action taken at EU level in the road transport sector should primarily aim at further improving the implementation and enforcement of the existing regime and should be proportional to the scale of the problems;

E. whereas any change to the legislation concerning social and working conditions must respect all fundamental freedoms of the EU and should not restrict fair competition based on objective competitive advantages nor create any further administrative burden and additional costs for transport undertakings, especially SMEs;

F. whereas transport, in particular international transport and cabotage, does not fall under the Posting of Workers Directive (Directive 96/71/EC), and whereas attention should be paid to the common statement of the Commission and the Member States in this respect (10048/96 ADD 1);
G. whereas the irregularities distorting fair competition in transport should be tackled promptly through consistent interpretation, uniform application and stronger enforcement of the current legislation, as well as through increased cross-border cooperation, in full compliance with the principle of subsidiarity;

1. Reiterates that there is no clear and universally accepted definition of ‘social dumping’ and that different interpretations of this term exist, which may create confusion; considers it necessary to reinterpret the concept of ‘social dumping’; recalls that the concept of dumping, which is familiar from trade policy, is different in the case of transport and more generally in that of labour;

2. Recalls that the term ‘social dumping’ is sometimes misused to include protectionist measures which can lead to fragmentation of the EU common market;

3. Calls on the Member States to implement fully, efficiently and in a non-discriminatory manner all relevant social legislation covering the transport sector and to increase the number of actual checks, in particular with regard to driving and rest times; strongly urges the Commission and the competent authorities to monitor implementation more closely, including as regards cross-border cooperation and interpretation and proper enforcement of the existing legislation, so as to eradicate existing legislative loopholes and the misuse of national laws to prevent the free movement of workers, particularly as regards protectionist measures and unjustified barriers; emphasises that there should be no contradiction between proper implementation of transport legislation and legislation on fair competition, free movement and freedom of establishment; calls on the Commission to further harmonise the carrying out of checks and penalise insufficient or missing checks by the Member States;

4. Stresses that precise definition of the problems in the EU transport sector is a prerequisite for further legal action at EU or national level and that any problem in the EU transport market must be tackled by a targeted approach which will not hamper honestly operating businesses;

5. Emphasises that any proposals for EU transport legislation must be proportionate and based on evidence, detailed analyses and objective data to ensure that the solutions proposed enhance the development of an efficient and competitive transport sector;

6. Recognises the sustainable economic growth and thus job-creating potential in the EU transport and tourism sectors; firmly believes that employment in the EU transport sector should be made more attractive for future generations in a sector in need of new professionals; considers in particular that the participation of women and young people must be encouraged; stresses that training for employees, where relevant, should include basic information on their rights provided for in the related EU legislation;

7. Urges the Commission to ensure that proposals on the opening-up of services in all transport markets go hand in hand with the proper enforcement of EU social legislation, and with support measures aimed at avoiding disparities in social conditions in the different Member States; stresses that the opening-up of transport markets should not lead to downgrading of terms and conditions for workers, poorer quality services, unfair business practices, the creation of monopolies or distortion of fair competition as regards social protection for transport workers;
8. Calls on the Commission and the Member States to support enhanced social dialogue in the transport and logistics sectors as a whole;

9. Calls on the Commission and the Member States to take the necessary steps to combat illegal activities, letterbox companies and unfair business practices such as atypical contracts, in order to ensure the social protection of employees and legal certainty for businesses through more effective enforcement; calls on the Member States to ensure appropriate minimum standards for transport employees;

10. Urges the Commission to ensure that workers in the European transport and tourism sectors who are not residents of the EU also comply with the safety requirements applicable under EU law;

11. Strongly urges the Commission and the Member States, with regard to the European Aviation Safety Agency (EASA) Regulation and other relevant legislation, to support direct employment contracts as the standard model and to restrict the use of atypical employment contracts;

12. Calls for increased monitoring of the implementation of working time and rest time rules in the road transport industry; calls for the improvement of monitoring devices and timely introduction of smart tachograph for professional use with a view to ensuring proper, efficient and non-discriminatory implementation of existing legislation by Member States without creating any undue administrative burden; calls on the Commission to assess the creation of an ‘electronic and integrated operator file’ for all operators operating with the Community licence, with the aim of gathering all relevant carrier, vehicle and driver data collected during roadside checks;

13. Underlines the need for the Commission to treat social and safety aspects as a major priority of the Road Package, including measures to improve legal clarity and facilitate the freedom to provide transport services across the EU, while ensuring Member States’ proper implementation and enforcement of rules governing working conditions and social rights, and taking into consideration the level of development of the transport sector in the Member State in which the transport undertaking is established and the level of labour productivity of the sector; underlines the need for checks to properly assess in which Member State the real work of a road operator and its employees takes place and therefore which national social legislation shall apply;

14. Calls on the Commission to draw up proposals for the upcoming road transport initiatives which allow for a more effective distinction between the freedom to provide service and the freedom of establishment, with the aim of ensuring that business activities are of a temporary nature in a Member State in which a company is not established and to ensure that employees fall under the legislation of the country in which they have their habitual working place or carry out most of their professional activity;

15. Calls on the Commission to apply in a collective manner, to mobile personnel in the road transport industry, Article 8(2) of Regulation (EC) No 593/2008 (Rome I) as interpreted by the European Court of Justice ruling on the Koelzsch case (C-29/10 Judgment of the Court (Grand Chamber) of 15 March 2011;

16. Calls on those Member States which have a toll system in place to make the toll data
gathered available to the monitoring authorities for evaluation so that cabotage operations can be scrutinised more effectively;

17. Calls for secure parking spaces to be provided and for their standards of quality and hygiene to be improved;

18. Calls on the EU and the Member States to cooperate across borders in relation to enforcement information, to provide monitoring authorities with better access to data recorded in the Member States’ national electronic registers and in the European Register of Road Transport Undertaking (ERRU) and to consolidate the list of infringements leading to the loss of good repute of road transport operators by including non-compliance with any relevant EU legislation; stresses that responsibility for breaching rules should lie with those giving orders to employees;

19. Rejects any further liberalisation of cabotage until implementation of the current legal framework has been strengthened; encourages the Commission to propose improved rules to ensure better implementation and facilitate monitoring; calls on the Commission to revise the Combined Transport Directive 92/106/EEC in order to eliminate unfair practices, and calls for further measures to comply with the social legislation relating to combined transport;

20. Calls on the Commission to coordinate and reinforce cooperation on road transport legislation among national authorities, including through information exchange and on other efforts aimed at supporting the implementation of legislation and ensuring a level playing field for operators; notes that the enforcement of legislation in this respect is primarily the responsibility of the Member States; urges the Member States to cooperate more closely with Euro Contrôle Route and TISPOL in order to improve the execution of the EU road transport legislation by ensuring its equal and appropriate implementation;

21. Invites the Commission to consider the creation of a European Road Transport Agency to ensure proper implementation of EU legislation and promote standardisation and cooperation among all Member States as regards road transport;

22. Calls on the Commission, together with Europol, to investigate the extent of fraud involving transport documents and driving licences in the EU, and to take action in the light of the findings;

23. Considers that the possible establishment of a European Road Transport Agency or other body responsible for cross-border labour inspections should be preceded by a detailed evaluation of the existing rules and current possibilities of potential improvements, in full compliance with the principle of subsidiarity and the division of competences in this area between the EU and the Member States;

24. Acknowledges that cooperation among Member States in the area of enforcement should be improved; believes, in this context, that the activities carried out within the Euro Contrôle Route and such initiatives as the CLOSER project constitute appropriate means to address the objective of improved enforcement;

25. Stresses that the social dimension of the ‘Commission Aviation Strategy for Europe’ published on 7 December 2015 should be strengthened, as quality employment and good
working conditions are directly linked to the maintenance of safety and security of both passengers and staff; underlines furthermore, in this connection, the need for the Commission and the Member States to monitor and ensure proper enforcement of national social legislation and collective agreements for airlines which have operational bases on EU territory; recalls, in this regard, the connection between social and environmental standards and quality of service, as well as safety; recognises the importance of establishing minimum training for maintenance personnel in civil aviation sectors; requests that the Commission propose a review of Regulation (EC) No 868/2004 and analyse the causes of its non-implementation;

26. Calls for an improved Regulation (EC) No 1008/2008 to ensure binding application of national labour legislation for airlines which have operational bases in the EU and to improve the definition and concept of the term ‘principal place of business’, and also, in the context of the coordination of social security systems and labour law, for alignment of the definition of ‘Home Base’ for crew members as per Regulation (EU) No 83/2014 and Regulation (EU) No 465/2012;

27. Considers that, in the maritime sector, the Commission should ensure full implementation of social legislation, including the 2006 Maritime Labour Convention; notes the Commission’s state aid provisions aimed at supporting the European maritime sector which encourage flagging or re-flagging in Member States’ registers by means of favourable tax environments (tonnage tax); calls on the Commission and the Member States to look into measures that encourage recruitment and retention of skilled Europe-based seafarers;

28. Stresses that, without prejudice to national and EU law, including collective agreements between social partners, the competent authority should require the designated provider of transport services to establish staff working conditions on the basis of binding national, regional or local social standards and to implement Directive 2001/23/EC on the safeguarding of employees’ rights when the ownership of a company or business is transferred;

29. Requests that the Commission (DG Competition), together with the National Competition Authorities, scrutinise the activity of transport companies and assess compliance with the competition laws in force;

30. Calls on the Commission to draw up recommendations on minimum training requirements for all personnel involved in safety operations in the railway sector and to safeguard the economic equilibrium of public service obligations;

31. Calls on the Commission, in view of the advancement of transport technology, in particular the emergence of fully automated driving systems in road transport, first, to look into future regulation of these technologies and, second, to consider the huge impact they will have on jobs in the transport sector.
RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

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| Substitutes present for the final vote | Ivo Belet, Kateřina Konečná, Werner Kuhn, Massimo Paolucci, Marek Plura, Herbert Reul |

| Substitutes under Rule 200(2) present for the final vote | Edward Czesak, Sven Schulze, Marc Tarabella, Isabelle Thomas |
OPINION OF THE COMMITTEE ON WOMEN’S RIGHTS AND GENDER EQUALITY

for the Committee on Employment and Social Affairs

on social dumping in the European Union
(2015/2255(INI))

Rapporteur: Evelyn Regner

SUGGESTIONS

The Committee on Women’s Rights and Gender Equality calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

A. whereas the principle of equal pay for work of equal value is recognised under Article 157 TFEU; whereas, given the existence of social dumping, the principle of equal pay for equal work and equal working conditions in the same place must be ensured; whereas the right to equal opportunities, access to training and career progression must be guaranteed; whereas women face multiple discrimination, putting them at even greater risk of poverty and social exclusion;

B. whereas the Charter of Fundamental Rights of the European Union, to which all the Member States are signatories, stipulates that equality between men and women must be ensured in all areas; whereas, with regard to social dumping, a key challenge for the EU is to increase employment among women, improve the situation of women on the labour market and eliminate gender gaps;

C. whereas social dumping has a greater impact in social and cultural environments in which there is limited knowledge of workers’ rights and in which women have greater difficulties entering the labour market, and can occur in various forms; whereas the worst form of social dumping is undeclared work;

D. whereas the gender pay gap still exists and, despite existing EU legislation and soft-law recommendations, progress in this area is extremely low; whereas the situation is exacerbated by social dumping, together with the gender pay gap, which leads to the gender pension gap that puts women at greater risk of poverty among the elderly;

E. whereas human trafficking, in particular the trafficking of women, not only from third countries to the EU but also between EU countries, is often associated with false
employment contracts;

1. Notes that women are the most affected by social dumping in certain sectors, in particular housekeeping and the care sector (especially home care), but also in traditional ‘posting’ sectors such as the meat processing and transport sectors; calls on the Commission, in cooperation with the Member States, to evaluate all situations in which women experience social and wage dumping or undeclared work, as well as the existing related EU legislation;

2. Recommends that the Commission and Member States step up checks on businesses and penalise social dumping practices;

3. Calls on the Member States to adopt specific measures with the aim of professionalising and qualifying, in a harmonised manner, work such as housekeeping, which is now often done illegally;

4. Calls for special attention to be paid, in future exchanges between the Member States in the framework of the European Platform to enhance cooperation in the prevention and deterrence of undeclared work, to the sectors in which women are worst affected in order to improve the checks that can be made;

5. Points out that the payment, working conditions and social security contributions must, for the duration of the assignment, posting or temporary working duration in another Member State, be at least the same as for women workers of the Member State to which these workers are sent;

6. Recommends the establishment of a network of information offices providing assistance and information on the rights of women workers posted or temporarily transferred to another Member State and employers’ obligations, if possible in the migrant workers’ own language, and a website providing the same service; calls on the Member States to provide relevant legal assistance to employees on matters relating to labour law;

7. Stresses that all subcontractors, e.g. temporary agencies that mostly send women to other Member States for the purposes of domestic work and home care, must be made liable for unpaid wages, social security contributions, accident insurance and illness and injury provisions; stresses that subcontractors must also be able to assist employees in the event of mistreatment and abuse by clients, as well as with repatriation;

8. Calls on the Commission to ensure that Member States reinforce effective control measures and sanctions for employers in sectors in which women are victims of social dumping and undeclared work and provide adequate information about employers that do not comply with EU and national legislation;

9. Calls on the Commission to take specific measures to help women affected by social dumping by focusing all general policies and measures on the achievement of equality, taking into account ongoing labour market segregation and inequalities in employment contracts as reflected in the ongoing significant pay differentials between women and men;

10. Calls for an upgraded role for the social partners, in particular the trade unions, given their
importance in providing information on, preventing, reporting and combating working practices which are harmful practices contrary to corporate social responsibility and to the concept of decent work.
RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

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| Substitutes present for the final vote | Biljana Borzan, Rosa Estaràs Ferragut, Arne Gericke, Kostadinka Kuneva, Constance Le Grip, Dubravka Šuica, Marc Tarabella |
| Substitutes under Rule 200(2) present for the final vote | Mike Hookem |
RESULT OF FINAL VOTE IN COMMITTEE RESPONSIBLE

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## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

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- : against
0 : abstention