



THE AUTONOMOUS FRAMEWORK
AGREEMENT ON
INCLUSIVE LABOUR MARKETS

An ETUC interpretation guide



EUROPEAN TRADE UNION CONFEDERATION (ETUC)



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CONTENTS

Introduction	4
Key points of the autonomous framework agreement	5
The Agreement clause by clause	7
Clause 1: Introduction and context	8
Clause 2: Aim of the agreement	10
Clause 3: Description and scope	11
Clause 4: Obstacles	12
Clause 5: Social partners' actions	16
Clause 6: Implementation and follow-up	20
Annexes	23
Annex 1: Recommendations to public authorities and other actors	24
Annex 2: References	30

INTRODUCTION

The negotiations on an autonomous framework agreement on inclusive labour markets are part of the Work Programmes of the European Social Partners for 2003-2005 and 2006-2008. The negotiations started on 17 October 2008 and finished on 9 December 2009.

ETUC (and its liaison committee EUROCADRES/CEC), BUSINESSEUROPE, UEAPME and CEEP then signed this framework agreement on 25 March 2010, after approval by the respective decision-making bodies of these organisations.

It must be implemented by all member organisations of ETUC, BUSINESSEUROPE, UEAPME and CEEP in accordance with the procedures and practices specific to management and labour as specified in Article 155 of the Treaty on the Functioning of the European Union (TFEU) and this within 3 years after its signature (i.e. before 25 March 2013).

This interpretation guide provides an overview on the content of the agreement, chapter by chapter, focusing on the main issues at stake as discussed throughout the negotiations. Furthermore, this guide provides in the annexes further information on some good examples of implementation (Annex 1).

It is intended to support the ETUC member organisations in the implementation of the content of the agreement and to allow better monitoring and evaluation of the results achieved¹. It is also hoped that this guide will help to enhance the dissemination and awareness of this agreement and its content among social partners, workers and the public at large.

¹ This ETUC interpretation guide was edited by Patrick Itschert (ETUC Deputy General Secretary), Juliane Bir, Henri Lourdelle and Stefan Clauwaert (respectively ETUC Advisors and ETUI Senior Researcher and all members of the ETUC "Inclusive Labour Market framework agreement" negotiation delegation/drafting group).

KEY POINTS OF THE AUTONOMOUS FRAMEWORK AGREEMENT

The framework agreement consists of three parts: the agreement as such, comprising six clauses, an annex containing several recommendations of the European social partners to public authorities and others (e.g. social economy, NGOs, education systems) and an annex listing several existing European legislative and non-legislative instruments whose implementation and application is particularly relevant in order to achieve the aims and principles set out in this framework agreement.

- **Clause 1** provides an **introduction** describing the 'history' of the exercise (i.e. the work programmes of the social partners) as well as the context in which the negotiations took place (the economic crisis as well as the fact that they recognise that achieving inclusive labour markets does not only depend on their actions but also on those of others such as public authorities, etc.).
- **Clause 2** is highlighting the **aims of the agreement**, in which it is clearly spelled out that the agreement concerns not only access but also the return to, retention in and development within the labour market of each individual. In that sense the agreement aims at increasing the awareness, understanding and knowledge of employers, workers and their representatives of the benefits of inclusive labour markets as well as to provide workers, employers and their representatives at all levels with an action-oriented framework to identify obstacles to inclusive labour markets and solutions to overcome them.
- **Clause 3 on 'description and scope'** again spells out that the framework agreement covers those persons who encounter difficulties in entering, returning to or integrating into the labour market and those who, although in employment, are at risk of losing their job, all of this being due to different factors which may be of a contextual, work-related or individual nature. For each of these categories of factors, some clear examples are provided.

- **Clause 4** on the other hand provides a **non-exhaustive list of obstacles** which can occur for people willing **to enter, stay in or progress on the labour market** and which relate among others to 1) availability of information, 2) recruitment, 3) training, skills and capabilities and/or 4) working life in general (e.g. working conditions and environment).
- The actual solutions to achieving more inclusive labour markets, for the achievement of which the European social partners consider themselves (and their affiliates) the main actors, are set out in **Clause 5** in a non-exhaustive way.
- **Clause 6** forms the traditional implementation and follow-up clause and is quite similar in its wording to corresponding clauses in the previous autonomous framework agreements on work-related stress and harassment and violence at work.

The framework agreement is complemented by two annexes. **Annex 1** lists a whole range of actions which the European social partners think lie within the competence and responsibility of other actors in first instance. **Annex 2** refers to relevant existing **European legislative and non-legislative texts**, such as directives (e.g. on fixed-term work, part-time work, and non-discrimination), as well as former framework agreements or other joint texts agreed upon by the European social partners and which are considered relevant in order to achieve the aims and principles set out in this framework agreement.



THE AGREEMENT CLAUSE BY CLAUSE

Clause 1: Introduction and context	8
Clause 2: Aim of the agreement	10
Clause 3: Description and scope	11
Clause 4: Obstacles	12
Clause 5: Social partners' actions	16
Clause 6: Implementation and follow-up	20

CLAUSE 1: INTRODUCTION AND CONTEXT

<i>Text of the agreement</i>	<i>Interpretation / Comment</i>
<i>Achieving an inclusive labour market is a multi-faceted challenge and a key concern for European social partners. Employers' and workers' representatives at all levels, as well as social dialogue, have an important role to play to address this challenge.</i>	This introduction highlights the common concern of the European social partners, namely working together on the issue of social inclusion, which is being addressed for the first time within the framework of European Social Dialogue. Against the backdrop of the economic and financial crisis, which we know is having dire social repercussions, the social partners underscore the importance of this approach and their role within it.
<i>In the context of their European Social Dialogue Work Programme 2006-2008, and on the basis of their Joint Labour Market Analysis, European social partners agreed to negotiate an autonomous framework agreement on "inclusive labour markets".</i>	Their commitment to address this issue was made within the framework of the 2006-2008 European Social Dialogue Work Programme. The trade unions initially wanted to negotiate an agreement on training, whereas the employers preferred a negotiated agreement on disadvantaged groups. The agreement on inclusive labour markets stems from the compromise reached by both parties.
<i>The challenging economic and social climate in which this framework agreement has been negotiated in 2008-2009 further strengthens the impetus for social partners to work together to promote inclusive labour markets, to maximise the full potential of Europe's labour force and to increase employment rates and to improve job quality, including through training and skills development. Inclusion is also an important element of Europe's response to long-term challenges, in particular demographic change, the shrinking working-age population and the sustainability of social protection systems. Inclusive labour markets are a way of taking advantage of new job opportunities such as those resulting from the 'greening' of the economy.</i>	The purpose of this paragraph is to define the economic and social context of the agreement and highlight the main challenges faced. For the workers, it should be noted that job quality, training and skills development are key aspects of the agreement.
<i>The European social partners consider that an inclusive labour market is fundamental in terms of fostering economic development and social cohesion.</i>	The social partners jointly acknowledge the importance of investing in a labour market that is inclusive.

<i>Text of the agreement</i>	<i>Interpretation / Comment</i>
<i>Shared responsibilities and role of other actors</i>	
<i>The Framework Agreement is based on the principle that ensuring inclusive labour markets implies shared responsibilities of employers, individuals, workers, workers' and employers' representatives.</i>	The social partners underscore first and foremost their joint and shared responsibility to ensure that labour markets are inclusive.
<i>The social partners are aware of the fact that achieving an inclusive labour market does not depend exclusively on their action. Public authorities and other actors have responsibilities in terms of ensuring that there is a framework which encourages and promotes inclusive labour markets. In this context, measures are also necessary, for example in terms of education and training, health, housing, transport, regional and local development. Annex 1 contains a non-exhaustive list of recommendations to public authorities and other actors. Synergies and partnerships need to be developed between different actors in order to increase the effectiveness of such measures.</i>	They then point out that they are, of course, not the only actors involved in the field of inclusion. The role of public authorities, as well as other actors, such as NGOs, social services, employment offices, and so on, is equally as important and requires partnerships (particularly in the fields mentioned in this paragraph). In the annex to this agreement, the social partners have therefore included a series of recommendations to the public authorities in order to complete the text of the agreement with a call addressed to them.
<i>The European social partners furthermore highlight that, alongside this framework agreement, there exist several European legislative and non-legislative instruments of which the implementation and application is particularly relevant in order to achieve the aims and principles set out in this framework agreement. A non-exhaustive list of the instruments concerned can be found in annex 2.</i>	Annex 2, which is mentioned in this paragraph, lists some of the legislative (or non-legislative) instruments that are relevant to this issue. This agreement complements these legal provisions.

CLAUSE 2: AIM OF THE AGREEMENT

Text of the agreement	Interpretation / Comment
<p>The main aim of the Framework Agreement is to:</p> <ul style="list-style-type: none"> – Consider the issues of access, return, retention and development with a view to achieving the full integration of individuals in the labour market; – Increase the awareness, understanding and knowledge of employers, workers and their representatives of the benefits of inclusive labour markets; – Provide workers, employers and their representatives at all levels with an action oriented framework to identify obstacles to inclusive labour markets and solutions to overcome them. 	<p>ETUC believes that this agreement should focus on action. It should help employers, workers and their representatives to acquire a better understanding and awareness of the benefits of an inclusive labour market. More importantly, it should also help them to act at all levels in order to identify the obstacles to such a market and determine the solutions to be implemented.</p> <p>The stages in the process described here are of fundamental importance and are deliberately repeated in the text of the agreement: the agreement takes into account both those who are outside the labour market (access and return) and those who are at risk of leaving the labour market (retention and career development).</p> <p>For ETUC, both aspects are essential: it is not just a matter of ensuring access to the labour market, but also of making a commitment to ensuring that workers do not leave it and can progress within it.</p>

CLAUSE 3: DESCRIPTION AND SCOPE

Text of the agreement	Interpretation / Comment
<p><i>Inclusive labour markets allow and encourage all people of working age to participate in paid work and provide a framework for their development.</i></p>	<p>This brief introduction picks up on the objectives described in the previous paragraph.</p>
<p><i>This Framework Agreement covers those persons who encounter difficulties in entering, returning to or integrating into the labour market and those who, although in employment, are at risk of losing their job due to the factors referred to below.</i></p>	<p>The social partners then identify the people covered by the agreement: those outside the labour market and those at risk of leaving it.</p>
<p><i>The social partners recognise that these people face different challenges which require adapted measures. This Framework Agreement does not focus on specific groups. Instead it provides a general framework focusing on what can be done to enhance labour market inclusion.</i></p>	<p>To avoid excluding any vulnerable group (for example, young people, women, migrants or the disabled), it was decided not to make a specific reference to any particular group. The aim is to provide a general framework that can apply to each and every individual.</p>
<p><i>Several factors or their combination may encourage or discourage labour market participation. These factors can be contextual, work-related or individual and they may evolve over time. There is no hierarchy between the different factors.</i></p>	<p>In order to illustrate this description, the social partners decided to describe a number of factors that may encourage or discourage labour market participation. ETUC favours a contextual and collective approach that takes account of contextual, work-related factors.</p>
<ul style="list-style-type: none"> • <i>Contextual factors are linked to the economic and labour market environment. These may be of structural or geographical nature such as employment opportunities, the existence and quality of care facilities and employment services, transport networks or housing, as well as the interplay between fiscal and social policies.</i> 	<p>The lists of factors are obviously not exhaustive and are designed only to illustrate the arguments put forward. They can be addressed separately or together depending on the situation.</p>
<ul style="list-style-type: none"> • <i>Work-related factors include amongst others work organisation and work environment, recruitment processes, technological evolution and training policies.</i> 	
<ul style="list-style-type: none"> • <i>Individual factors are linked to aspects such as skills, qualification and education levels, motivation, language knowledge, health status and frequent or long unemployment periods.</i> 	<p>The individual factors refer to a point of view expressed by the employers.</p>

CLAUSE 4: OBSTACLES

Text of the agreement	Interpretation / Comment
<p><i>Access, return, retention and development are fundamental steps to achieving the full integration of individuals in the labour market. Active inclusion depends on the way the labour market and society are organised as well as on the capacities, talents and motivation of individuals and organisations. The European social partners have identified obstacles to an inclusive labour market. They do not necessarily occur simultaneously. Whilst not an exhaustive list, the issues set out below constitute challenges to achieving inclusive labour markets.</i></p>	<p>The introduction to this article is extremely important, as it clearly outlines the obstacles to overcome in order to achieve labour market integration, which go well beyond the mere ‘individual’ aspects that the employers had tended to focus on and which can quickly cause feelings of personal guilt. It is for that reason that the workers’ delegation pushed – successfully – for the obstacles to an inclusive labour market to be classified under three categories, which can be found in the final agreement and are as follows:</p> <ul style="list-style-type: none"> – obstacles occurring at the time of recruitment or return to work; – those relating to job retention and career development; – and other more ‘cross-cutting’ obstacles.

Text of the agreement	Interpretation / Comment
<p>4.1 Obstacles regarding the <i>availability of information</i>: <i>information regarding job seekers and available jobs, including that notified to employment agencies, whether public or private, as well as regarding the content and the conditions of the jobs, prospect for career development, training schemes and on how to access advice and guidance are all relevant. The information to employers about the existence of support measures to assist them in filling vacancies and initiatives regarding the image conveyed by a sector or a company are to be taken into account.</i></p>	<p>Which points require particular attention and could constitute obstacles at the time of recruitment or return to the labour market? Prior to recruitment, as the agreement states, the most important factor is the availability and quality of the information relating to job vacancies provided both by employment agencies and employers. This information is essential if labour market integration is to be successful. The following areas, in particular, have been identified:</p> <ul style="list-style-type: none"> – employers giving employment agencies insufficient notification of job vacancies; – a lack of precise information about the vacancy, which can lead to a mismatch between the vacancy and the applicants and/or lead to ‘overqualified’ applicants being recruited for the vacancy; – or an unawareness of the existence of mechanisms, such as training programmes, or of opportunities that may exist during ‘transitional’ periods (between two periods of employment) that would enable companies to find jobseekers with the right profile and jobseekers to find employment; – or stereotypes in job advertisements, such as ‘jobs that would particularly suit’ men or young people or single people, and so on. All of these ideas are stereotypes that are discriminatory and, therefore, in breach of European legislation (in particular Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation and Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation).

Text of the agreement	Interpretation / Comment
<p>4.2 Obstacles regarding recruitment: ineffective recruitment methods in attracting a wide diversity of applicants for vacancies without discrimination, the effects on employability of frequent or long absences from the labour market, the existence of special advice and guidance in how to apply for and perform jobs are also identified.</p>	<p>If the goal of achieving an inclusive labour market is to be achieved, recruitment methods cannot be general in nature, i.e. the same regardless of who is targeted by or might be interested in the vacancy. They must instead be specific in nature, i.e. tailored, particularly to people with have difficulty gaining employment using traditional methods. This applies to unskilled or low-skilled workers or workers who are discriminated against on the grounds of their ethnic origin or disability, for instance.</p> <p>This entails developing and implementing suitable accompanying measures prior to recruitment.</p> <p>Companies must also implement tolerance education measures designed to promote the acceptance of difference</p>
<p>4.3 Obstacles regarding training, skills and capabilities: the investment in or access to learning opportunities, the existence and/or recognition of individuals' skills (formal, informal, technical, social, language) and professional experience, the match between the training offered by education systems, vocational methods and the needs of the labour market are also important issues.</p>	<p>The social partners must ensure that the training on offer or being provided matches the requirements of current job vacancies.</p> <p>Similarly, companies must take account of (recognise) and make good use of 'informal' skills (acquired through professional experience for example, rather than those, as is all too often the case, that are formally recognised in formal qualifications.</p> <p>Another significant obstacle to overcome relates to initial training, which often does not match existing, or even future, labour market needs.</p>

Text of the agreement	Interpretation / Comment
<p>4.4 Obstacles regarding responsibilities and attitudes of employers, workers, their representatives and job seekers: motivation, self-confidence, anticipation of and adaptation to change, quality of information, consultation, internal communication and social dialogue, support and accompanying measures for those as identified in clause 2 as well as pressures from management, colleagues, customers and families are another group of obstacles.</p>	<p>This article focuses on the quality and importance of social dialogue at company level. Access to employment, job retention and career development are not the responsibility of one or a few of the actors involved, but rather of all those working in the company. And, as stated earlier, attention and emphasis should focus on promoting a 'culture of tolerance'...as well as on the quality of information, consultation and communication.</p>
<p>4.5 Obstacles regarding working life: features such as working conditions and work organisation, work life balance policies and career development prospects are key issues.</p>	<p>Other obstacles to overcome relate to working life and, especially, to the need to strike a work-life balance, or to working conditions or the existence (or lack) of career development prospects and opportunities for promotion.</p> <p>The value of these articles on obstacles to access to employment, job retention and career development lies in the fact that the onus is placed on shared responsibilities, rather than on job seekers only, as is usually the case and which leads to them being stigmatised. These jobseekers do not get the support and guidance they need and, as a result, often do not manage to stay on the labour market on a long-term basis.</p>
<p>4.6 There are also several factors going beyond the sole competences of social partners, which impact on the effectiveness of labour markets in integrating everybody of working age. Such factors, measures and policies can contribute to labour market inclusion and are developed in the recommendations in annex 1.</p>	<p>As stated earlier, there are other more 'cross-cutting' obstacles falling outside the sole competences of the social partners that are parties to this agreement. These obstacles relate to matters including transport and accommodation, for instance, and bring other actors/decision-makers into the equation. These are referred to in the recommendations set out in Annex 1.</p>

CLAUSE 5: SOCIAL PARTNERS' ACTIONS

Text of the agreement	Interpretation / Comment
<p>European social partners consider that labour market inclusion is an essential condition for cohesion, including the fight against poverty, and economic success.</p>	<p>This article explains the justification for the approach adopted by the social partners when entering into this negotiation. Their goal is not to 'preach', but instead to promote a society based on social cohesion, and therefore on combatting social exclusion and poverty, as well on economic development, with both co-existing and contributing to sustainable development.</p>
<p>As a solution to the obstacles identified, achieving inclusive labour markets entails various measures, actions and/or negotiations at all levels, which can be taken by employers, workers, their representatives, jobseekers and third parties. These should promote the creation of jobs and the employability of workers and jobseekers with a view to integrating all individuals in the labour market.</p>	<p>It is vital to use the obstacles identified as a basis for negotiating and acting at all levels in order to achieve the goals set in this agreement.</p> <p>At the same time, this agreement does not merely list measures or recommendations, but also advocates the use of negotiations, which should not only take account of the companies' point of view, but also that of workers and jobseekers.</p> <p>And the reference made to employability does not relate to individuals, but instead to a sense of shared responsibility.</p>
<p>The European social partners recognise that they have a responsibility to deepen their reflections and engage themselves to find solutions and mobilise their members.</p>	<p>This paragraph commits all parties to the agreement to develop solutions and to mobilise their members in order to achieve inclusive labour markets.</p>
<p>The purpose of their exchanges, joint opinions and recommendations in this field is to strengthen access, retention, return and development of people in a precarious situation in relation to employment.</p>	<p>This article recalls/stipulates the purpose of the measures proposed and/or taken: promoting quality employment, thereby reducing the amount of precarious employment. This is what the social partners are committing to here.</p>
<p>Such specific measures include for example:</p>	<p>This is not an exhaustive list, but rather pointers that could be helpful for actions or negotiations</p>
<ul style="list-style-type: none"> Organise where relevant awareness-raising campaigns and design action plans to improve and/or restore the image of a sector or occupation(s) in all their aspects; 	<p>Here we are reminded of the diverse nature of existing jobs and the need to make a commitment to act and/or mobilise in order to restore (e.g. through wages, qualifications, working conditions) the negative image that some occupations have...</p>

Text of the agreement	Interpretation / Comment
<ul style="list-style-type: none"> Organise where relevant awareness-raising campaigns and design tools to promote the diversity of the workforce; 	<p>...as well as eradicate all forms of discrimination within recruitment processes or at the workplace.</p>
<ul style="list-style-type: none"> Disseminate information about availability of jobs and training schemes; 	<p>This point, which was referred to in the section on obstacles, is key. It is necessary to ensure:</p> <ul style="list-style-type: none"> the quality of job advertisements (knowledge of what the jobs being advertised entail); that job vacancy procedures are organised properly; and that the training programmes on offer match the requirements of the job vacancies. <p>This is the responsibility of both employers and employment services.</p>
<ul style="list-style-type: none"> Cooperate with the "third sector" to support those who encounter particular difficulties in relation to the labour market; 	<p>Cooperation with the 'third sector' (social economy, companies that help jobseekers to integrate into the labour market) is important in terms of helping people experiencing the greatest difficulties in integrating into the labour market or those who have been out of the market for a long time to get back on to the labour market.</p>
<ul style="list-style-type: none"> Cooperate with education and training systems in order to better match the needs of the individual and those of the labour market, including by tackling the problems of basic skills (literacy and numeracy), promoting vocational education and training and measures to ease the transition between education and the labour market; 	<p>Cooperation and developing synergies between education and training systems and business are essential, both prior to recruitment, in terms of checking that available training matches the needs of the labour market, and after recruitment, in order to resolve a number of specific issues, such as illiteracy, which hamper access to employment, job retention and promotion prospects.</p>

Text of the agreement	Interpretation / Comment
<ul style="list-style-type: none"> Implement specific and effective recruitment methods and induction policies as well as ensure the right working conditions to welcome and support new entrants in the enterprise; 	<p>For the ETUC delegation, the emphasis placed on specific recruitment methods, welcome packages and induction policies is key. As this article states, this also applies to working conditions, which also have an impact on how workers settle into their jobs. When all these methods are implemented, it is possible to achieve long-term integration and avert failures.</p>
<ul style="list-style-type: none"> Introduce individual competence development plans (in line with the framework of actions for the lifelong development of competences and qualifications) jointly elaborated by the employer and the worker, taking into account the specific situation of each employer, particularly SMEs, and worker. These plans identify the required competences of the worker in a given work situation; and, with shared responsibilities according to the individual situation, actions to develop the worker's competences. 	<p>This article highlights the fact that competence development plans need to be introduced, not unilaterally by the employer but instead in conjunction with the worker concerned. In addition, the reference to "the framework of actions for the lifelong development of competences and qualifications" reminds us that they must be elaborated jointly and that social dialogue is the relevant forum for identifying required competences, especially at company level.</p>
<ul style="list-style-type: none"> Improve transparency and transferability, both for the worker and for the enterprise, in order to facilitate geographical and occupational mobility and to increase the efficiency of labour markets: <ul style="list-style-type: none"> - By promoting the development of means of recognition and validation of competences, - By improving the transferability of qualifications to ensure transitions to employment; 	<p>With a view to promoting mobility, it is important to be able to recognise and validate competences so as to ensure transitions from one profession to another, but also because competences help to secure successful career development. When implementing this agreement, particular attention should be paid to these aspects, and innovative solutions will have to be sought in order to implement them</p>

Text of the agreement	Interpretation / Comment
<ul style="list-style-type: none"> Promote more and better apprenticeship and traineeship contracts. 	<p>High-quality apprenticeships are one of the best ways of achieving labour market integration, especially for those who find it hardest to get onto the market.</p> <p>The reference to traineeships (inserted and retained at the insistence of the employers) should be closely linked to the notion of quality and, therefore, should constitute a real opportunity to integrate into the labour market, and should not be a 'godsend' for companies that enables them to benefit from cheap labour and/or encourages precarious employment.</p>

CLAUSE 6: IMPLEMENTATION AND FOLLOW-UP

<i>Text of the agreement</i>	Interpretation / Comment
<i>This framework agreement is an autonomous initiative and the result of negotiations between the European social partners as part of their social dialogue work programmes for 2006-2008 and 2009-2010.</i>	This paragraph recalls that this framework agreement consists of a clear result of their autonomous social dialogue as foreseen under their 2nd and 3rd joint work programme.
<i>In the context of article 155 of the Treaty, this autonomous European framework agreement commits the members of BUSINESSEUROPE, UEAPME, CEEP and ETUC (and the liaison committee EUROCADRES/CEC) to promote and implement it in accordance with the procedures and practices specific to management and labour in the Member States and in the countries of the European Economic Area.</i>	The implementation of the autonomous agreement is thus binding for all member organisations of the signatory parties. Therefore it contains a clear engagement on the part of these member organisations to commit themselves to implementing the framework agreement. Compared to previous agreements the words “to promote” were added and the engagement relates thus not only anymore to the implementation but also the promotion of the framework agreement as indeed it was learned from experiences with former agreements that the dissemination of and awareness raising on the framework agreements forms a pivotal step in ensuring an effective implementation of it. This aspect thus clearly represents an added value compared to the telework agreement.
<i>The signatory parties also invite their member organisations in candidate countries to implement this agreement.</i>	Hereby, reference is made to member organisations in Croatia, Iceland, The former Yugoslav Republic of Macedonia, Montenegro and Turkey, and of course any other country which will be accepted as a candidate country to the European Union in the future.
<i>The implementation of this agreement will be carried out within three years after the date of signature of this agreement.</i>	This thus means that the final deadline for implementation is 25 March 2013.

<i>Text of the agreement</i>	Interpretation / Comment
<i>Member organisations will report on the implementation of this agreement to the Social Dialogue Committee. During the first three years after the date of signature of this agreement, the Social Dialogue Committee will prepare and adopt a yearly table summarising the on-going implementation of the agreement. A full report on the implementation actions taken will be prepared by the Social Dialogue Committee and adopted by the European social partners during the fourth year.</i>	Concretely, the reporting system entails the provision and adoption of a yearly overview on the implementation process to the Social Dialogue Committee in 2011, 2012 and 2013. This offers also a yearly opportunity to look at and where necessary discuss problems of implementation in the Social Dialogue Committee. A joint final implementation report is foreseen in 2014.
<i>The signatory parties shall evaluate and review the agreement any time after the five years following the date of signature, if requested by one of them.</i>	Furthermore, an evaluation and a review of the autonomous agreement can be made after 5 years, if requested by one of the signatory parties.
<i>In case of questions on the content of this agreement, member organisations involved can jointly or separately refer to the signatory parties, who will jointly or separately reply.</i>	As in previous agreements, the European social partners have the possibility to jointly or separately reply to questions on content and interpretation which are addressed to them.
<i>When implementing this agreement, the members of the signatory parties avoid unnecessary burdens on SMEs.</i>	While recognising the need to avoid unnecessary burdens for SME's, the agreement must thus also be implemented in these companies.
<i>Implementation of this agreement does not constitute valid grounds to reduce the general level of protection afforded to workers in the field of this agreement.</i>	This so-called “non-regression” clause ensures that neither the transposition nor the application of the framework agreement can constitute valid grounds for reducing the general level of protection afforded to workers. In other words, social partners and/or Member states cannot use the transposition or application of the directive as a pretext for reducing the level of protection acquired prior to the transposition of the framework agreement.
<i>This agreement does not prejudice the right of social partners to conclude, at the appropriate level, including European level, agreements adapting and/or complementing this agreement in a manner which will take note of the specific needs of the social partners concerned.</i>	There is a right for social partners at all levels to conclude agreements adapting and/or complementing this agreement in order to take account of the specific needs of the social partners. It is not allowed in such a process to agree on changes that would put into question the equality principles contained in the European agreement for workers.

1: RECOMMENDATIONS TO PUBLIC AUTHORITIES AND OTHER ACTORS

Text of the agreement	Interpretation / Comment
<p>The European social partners recommend that the Member States should design and implement comprehensive policies to promote inclusive labour markets. Wherever possible and taking into account national specificities, social partners must be involved at the appropriate level in measures to address:</p>	<p>These recommendations, which are annexed to the agreement, are based on an initial premise, i.e. that achieving inclusive labour markets does not depend only on the social partners. There are other decisive factors involving public authorities and other actors, for example, associations. However, the social partners request that they be involved in any measures taken on the basis of these recommendations.</p>

1. The extent and quality of specific transitional measures for people who encounter difficulties in the labour market

<ul style="list-style-type: none"> • Provide support and incentives for people furthest from the labour market to find a job; 	<p>This paragraph refers to support policies at national, regional or local level, such as income support and accompanying measures, designed to enable people excluded from the labour market to re-integrate into it.</p>
<ul style="list-style-type: none"> • Provide support and incentives for employers to hire people furthest from the labour market and empower social partners to remove obstacles to employing such people; 	<p>This was a specific request from the employers targeting public authorities, but the article also very clearly refers to the responsibilities of social partners (through social dialogue) to identify measures that can help to remove already identified obstacles.</p>
<ul style="list-style-type: none"> • Develop or upgrade skills and address educational disadvantages through tailored education and training; 	<p>This paragraph refers to the responsibilities of public authorities as regards the quality and suitability of vocational and/or initial training on offer. It also highlights the need to provide training programmes that are tailored to the needs of low- or unskilled workers.</p>

Text of the agreement	Interpretation / Comment
<ul style="list-style-type: none"> • Ensure equal access to health, education, housing and social security services as well as access to the basic utilities that play an important role in alleviating and addressing the impact of social exclusion; 	<p>As already mentioned in the agreement, long-term access to the labour market, and therefore social inclusion, depends on more global overall policies relating to the quality of social security and health systems– including prevention systems – and to the quality of housing and education policies being implemented (or not), and to the development and existence of services and their accessibility in geographical and financial terms.</p>
<ul style="list-style-type: none"> • Make effective use of existing financial instruments, including the European Social Fund, to promote and fund policies aimed at the integration of disadvantaged people in employment. 	<p>Integration and training opportunities are closely linked to regional development policies, as this article very aptly states, and therefore also to the effective use of existing European funds.</p>

2. The effectiveness of employment and career advice services

<ul style="list-style-type: none"> • Increase the availability and quality of career advice services to help and support jobseekers to find a job and provide workers with the necessary skills; 	<p>This is a strong recommendation targeting employment services, which must be of a high quality and effective, but at the same time is also a sort of reminder of their main purpose: helping users of the service to access/reintegrate into the labour market.</p>
<ul style="list-style-type: none"> • Create the necessary resources to develop high-quality active labour market policies aimed at an early activation of the unemployed so as to improve their skills and minimise unemployment spells; 	<p>This is also a call for the “necessary resources” to be made available. But what is also particularly important here is the emphasis placed on support for the unemployed (training /qualifications/skills development, conveyed here by the expression “activation”), which must be provided at an “early” stage, i.e. as soon as the person is made unemployed. Although it is better to take measures to avoid redundancies, reality shows us that the longer you are unemployed, the harder it is to reintegrate into the labour market.</p>

<i>Text of the agreement</i>	Interpretation / Comment
<ul style="list-style-type: none"> • Provide additional tailor-made measures to prevent or curb long-term unemployment; 	Similarly, any potential measures to prevent unemployment (training, for example) or reduce long-term unemployment must be sought and implemented.
<ul style="list-style-type: none"> • Improve the quality of activation measures in order to maximise their efficiency and effectiveness. 	For example, by involving all actors, such as the 'third sector', as already mentioned in the text of the agreement
3. Education and Training	
<ul style="list-style-type: none"> • Make education and training systems better adapted to the needs of the individual and the labour market; 	As already mentioned, public education and training policies must take account of these needs and make the necessary adjustments.
<ul style="list-style-type: none"> • Promote the parity of esteem and the permeability between vocational education and training and other forms of education, including higher education; 	This article emphasises the need to remove the barriers between the different levels of training and help to build bridges between them, as well as to improve the quality of training at all levels by all possible means, including training for trainers.
<ul style="list-style-type: none"> • Increase the effectiveness and equity of educational systems with a view to reducing the number of early school leavers; 	A particularly alarming situation is flagged up here: the number of young people who leave the education system (initial training) each year without a qualification, or even without the basics (see the earlier reference to illiteracy problems).
<ul style="list-style-type: none"> • Enhance the active participation of adults in further education and training, independent of their previous educational attainments; 	Further training and education systems must encourage the participation of those adults concerned in order to best cater for their needs. In other words, it should be ensured that they are given an opportunity to become 'actors' rather than mere 'consumers'.

<i>Text of the agreement</i>	Interpretation / Comment
<ul style="list-style-type: none"> • Improve the availability and quality of adequate training offers for individuals and employers, in particular taking into account the needs of SMEs and of people with the least qualifications; 	Here the emphasis is placed on the need to develop training courses that take account of the needs of the low- or unskilled whilst meeting the diverse needs of business. But it should also be noted that this paragraph refers to the need for employers to train! The need for training is not limited to workers.
<ul style="list-style-type: none"> • Improve the transparency and recognition of education and training qualifications at EU level; 	This paragraph refers to fostering mutual recognition at European level of national diplomas and qualifications, thus enabling better integration into the labour market, including when a worker is forced to move to another country.
<ul style="list-style-type: none"> • Support training schemes that better match job requirements and lead to qualifications in order to avoid whenever possible the loss of competences and/or jobs 	This paragraph is linked to earlier ones mentioning the responsibility of local, regional and/or national public authorities to ensure that training courses on offer or already provided match needs.
4. The adequacy of investment in territorial development	
<ul style="list-style-type: none"> • Support effective and full use of Community instruments, be it to develop regional infrastructures or to support transitions in sectors and areas affected by structural changes, such provided by the European Social Fund (ESF), the European Regional Development Fund (ERDF) and the European Globalisation Adjustment Fund (EGF). 	This is a call to better utilise the many different resources provided by the European Union, which are listed here and which people are often either unaware of or which are under-used. Public authorities are also called upon to shoulder their responsibilities by making financial commitments.

<i>Text of the agreement</i>	Interpretation / Comment
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5. The adequacy of access to transport / care / housing / education

<ul style="list-style-type: none"> Ensure the availability, affordability, sustainability and quality of social and physical infrastructures such as transport, care, schools and housing; 	<p>This recommendation to public authorities goes hand in hand with the previous recommendation, which called for further development of regions and services. Because, as has already been stated, they help to combat social exclusion and are key to achieving long-term integration on the labour market.</p>
<ul style="list-style-type: none"> Put in place the framework to develop workplace practices improving the work/life balance and in this way promote full use of the productive potential of the European labour force. 	<p>The public authorities must also develop policies aimed at providing, for example, care facilities and services both for children and the elderly in order to achieve a better work/life balance and enable everyone to access or reintegrate into and remain on the labour market.</p>

6. The relative ease or difficulty of starting, sustaining and expanding businesses

<ul style="list-style-type: none"> Facilitate business creation and development in order to maximise the potential for job creation in the EU. An improved environment should allow entrepreneurs to invest in sustainable businesses; 	<p>Facilitating business creation and development should not be detrimental to workers' social rights or undermine social legislation, as this would negatively affect those wishing to integrate into the labour market on a permanent basis.</p>
<ul style="list-style-type: none"> Ensure transparent information and minimise administrative burden and give adequate support for starters. 	<p>The same applies to this reference to minimising the administrative burden for businesses.</p>

<i>Text of the agreement</i>	Interpretation / Comment
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7. The role of tax and benefit systems

<ul style="list-style-type: none"> Examine and, where needed, implement the conditions so that the taxation and benefit systems aim to help people to enter, remain and develop in the labour market. 	<p>In the negotiations on the implementation of the agreement, the trade unions will have to make sure that this clause, which the employers insisted on keeping in the text, does not lead to a reduction in social expenditure within budgets as a result of exemptions from (both tax and social) contributions for employers, without any conditions attached in terms of job retention and creation. The resulting lack of public resources would undermine access to and enjoyment of the Fundamental Social Rights enshrined in the Treaty on the Functioning of the European Union.</p>
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2. REFERENCES

As mentioned in Clause I on “Introduction”, the European social partners consider that, alongside this framework agreement, there exist several European legislative and non-legislative instruments whose implementation and application is particularly relevant in order to achieve the aims and principles set out in this framework agreement.

EUROPEAN SOCIAL PARTNERS' TEXTS

- Framework of actions on for the lifelong development of competencies and qualifications (28/02/2002)
- Framework agreement on telework (16/07/2002)
- Framework agreement on work-related stress (08/10/2004)
- Framework of actions on gender equality (01/03/2005)
- Framework agreement on harassment and violence at work (26/04/2007)
- Joint analysis on the key challenges facing European labour markets (18/10/2007)

DECISIONS/RECOMMENDATIONS/CONCLUSIONS

- Council Conclusions of 30 November 2009 “Promoting labour market inclusion – Recovering from the crisis and preparing for the post-2010 Lisbon Agenda”
- Commission Recommendation of 3 October 2008 on the active inclusion of people excluded from the labour market 2008/867/EC (Official Journal L 307, 18/11/2008 P. 0011-0014).
- Council Decision of 12 July 2005 on Guidelines for the employment policies of the Member States (2005/600/EC) (Official Journal L 205, 06/08/2005 P. 0021 – 0027) (in particular Guideline No 19: Ensure inclusive labour markets, enhance work attractiveness, and make work pay for job-seekers, including disadvantaged people, and the inactive)
- Council Recommendation of 27 July 1992 on the convergence of social protection objectives and policies (92/442/EEC) (Official Journal L 245, 26/08/1992 P. 0049 – 0052)
- Council Recommendation of 24 June 1992 on common criteria concerning sufficient resources and social assistance in social protection systems (92/441/EEC) (Official Journal L 245, 26/08/1992 P. 0046 – 0048)

EUROPEAN DIRECTIVES

- Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ L 327, 5.12.2008, p. 9–14)
- Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) (OJ L 204, 26.7.2006, p. 23–36)
- Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16–22)
- Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000, p. 22–26)
- Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ L 175, 10.7.1999, p. 43–48)
- Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC - Annex: Framework agreement on part-time work (OJ L 14, 20.1.1998, p. 9–14)
- Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1–8)



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