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## Committee on Social Affairs, Health and Sustainable Development

### *Sub-Committee on the European Social Charter*

#### Parliamentary seminar on *“Employment, training and equal opportunities: how to ensure fair treatment and inclusion for all”*

in co-operation with the Department of the European Social Charter and  
the Parliamentary Projects Support Division of the Parliamentary Assembly

**Friday, 27 October 2017, Paris**

Council of Europe Office, 55 Avenue Kléber,  
Paris 16<sup>ème</sup> (Boissière métro station) [Tel: + 33 1 44 05 33 60 / fax: + 33 1 47 27 36 47]

### Draft programme

Partnership for Good Governance



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European  
Social  
Charter

Charte  
sociale  
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## 1. Objectives

*In the light of the Turin Process of the European Social Charter<sup>1</sup> and building on the events organized in 2013-2017, the seminar will consider the 2016 conclusions by the European Committee of Social Rights (ECSR) from the parliamentary perspective and examine country-specific situations of non-conformity that require attention of national parliaments. Parliamentary involvement is viewed as crucial for the effective implementation of the Charter towards securing socio-economic rights and building inclusive societies.*

*In 2016, the ECSR reviewed reports submitted by States Parties on the articles of the European Social Charter ("the Charter") relating to **employment, training and equal opportunities** (Articles 1, 9, 10, 15, 18, 20, 24 and 25) over the reference period 2011-2014. The conclusions highlight multiple problems linked to employment policies and services (minimum wage regulations, measures against unemployment and abusive dismissals, job creation, work and residence permits, etc.), as well as issues of discrimination in respect of certain categories of the population (foreign nationals, the disabled, women, minorities, older persons) in terms of access to certain professions, public service posts, training and the labour market in general.*

*The seminar will thus focus on the articles under which most situations of non-conformity were noted by the ECSR and in line with the mandate of the plenary Committee on Social Affairs, Health and Sustainable Development. The main legal references of the seminar will be **article 1** (the right to work), **article 10** (the right to vocational training), **article 15** (the right of persons with disabilities to independence, social integration and participation in the life of the community), and **article 20** (the right to equal opportunities in matters of employment). Moreover, in some cases articles 18 and 24 need to be evoked; they refer to the rights of foreign workers and protection in cases of dismissal.*

*Participants of the seminar are invited to share their concerns regarding the adaptation of labour policies in the national context, both through legislation and practice, against the background of evolving realities in the world of work. They will discuss remaining challenges, possible legislative and political responses and examples of good practice in the selected areas. They could also jointly reflect on ways of addressing the issues raised by the ECSR conclusions, including via the collective complaints mechanism where relevant and the removal of possible obstacles to accepting and implementing certain articles of the Charter.*

*We trust that the seminar will enhance parliamentarians' capacity to promote the Charter in their respective countries, to initiate specific debates and orient policy decisions, in order to enhance the Charter's impact in their countries.*

## 2. Participants

*The participants of the seminar are parliamentarians who are members of national parliamentary committees dealing with social rights, social affairs and employment questions. In some cases, parliamentarians interested could also be working in specific labour rights' committees.*

*With regard to situations of non-conformity of national legislation and practice with the Charter identified by the **2016 Conclusions by the ECSR** (notably the selection of conclusions addressed to the Parliamentary Assembly), **31 countries** are invited to the seminar: Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Denmark, Estonia, Finland, France, Georgia, Greece, Iceland, Ireland, Italy, Latvia, Malta, Republic of Moldova, Montenegro, Norway, Portugal, Romania, Russian Federation, Serbia, Slovak Republic, Spain, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine and the United Kingdom. Some of these countries and several additional ones are also concerned by the **non-acceptance of certain articles of the Charter**; the latter group includes Albania, Croatia, Czech Republic, Germany, Luxembourg and Poland. For more detailed information related to these countries please refer to Appendix II.*

## 3. Working languages

*Interpretation will be provided into English, French and Russian throughout the seminar.*

## 4. Background documentation

- 2016 ECSR Conclusions
- Press briefing elements

<sup>1</sup> <http://www.coe.int/en/web/turin-european-social-charter/turin-process>

## Draft programme

- 9:30-10:00** Opening of the seminar by Ms Sevinj FATALIYEVA, Chairperson of the Sub-Committee
- Thematic introduction by Ms Eliane CHEMLA, General Rapporteur of the European Committee of Social Rights (ECSR)
- 10:00-12:30** **Session 1: Reconciling social rights and the demands of the labour market: what role for parliamentarians, government, trade unions and the private sector?**
- Overview of the conclusions of the European Committee of Social Rights by Ms Eliane CHEMLA, General Rapporteur of the European Committee of Social Rights
- Contributions by national delegations and experts, including:*
- “Megatrends in the world of work and their policy implications for European countries”, OECD
  - “The European Pillar of Social Rights as a new tool for rooting equal opportunities at work”, the European Commission
  - PACE member(s)
- Exchange of views*
- 12:30-14:00** Free lunch
- 14:00-16:45** **Session 2: Accommodating social mobility in Europe: towards more equal opportunities for vulnerable population groups (persons with disabilities, women, minorities, young people, elderly persons)**
- Overview of the conclusions of the European Committee of Social Rights by Ms Marit B. FROGNER, member of the European Committee of Social Rights
- Contributions by national delegations and experts, including:*
- “Challenges of embracing new forms of employment and occupational mobility” by Ms Anna LUDWINEK, Research Manager for Social Policies, Eurofound (European Foundation for the Improvement of Living and Working Conditions)
  - “Understanding non-standard employment for (re)shaping social protection”, International Labour Organization (ILO)
  - “Supporting projects for encouraging integration of vulnerable population”, Council of Europe Development Bank
  - PACE member(s)
- Exchange of views*
- 16:45-17:00** Conclusions by Ms Sevinj FATALIYEVA, Chairperson of the Sub-Committee

**APPENDIX I**  
**RELEVANT ARTICLES OF THE EUROPEAN SOCIAL CHARTER (REVISED)**

**Article 1 –The right to work**

With a view to ensuring the effective exercise of the right to work, the Parties undertake:

- 1 to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment;
- 2 to protect effectively the right of the worker to earn his living in an occupation freely entered upon;
- 3 to establish or maintain free employment services for all workers;
- 4 to provide or promote appropriate vocational guidance, training and rehabilitation.

**Article 10 –The right to vocational training**

With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

- 1 to provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in consultation with employers' and workers' organisations, and to grant facilities for access to higher technical and university education, based solely on individual aptitude;
- 2 to provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments;
- 3 to provide or promote, as necessary:
  - a. adequate and readily available training facilities for adult workers;
  - b. special facilities for the re training of adult workers needed as a result of technological development or new trends in employment;
- 4 to provide or promote, as necessary, special measures for the retraining and reintegration of the long-term unemployed;
- 5 to encourage the full utilisation of the facilities provided by appropriate measures such as:
  - a. reducing or abolishing any fees or charges;
  - b. granting financial assistance in appropriate cases;
  - c. including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;
  - d. ensuring, through adequate supervision, in consultation with the employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally.

**Article 15 –The right of persons with disabilities to independence,  
social integration and participation in the life of the community**

With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:

- 1 to take the necessary measures to provide persons with disabilities with guidance, education and vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialised bodies, public or private;
- 2 to promote their access to employment through all measures tending to encourage employers to hire and keep in employment persons with disabilities in the ordinary working environment and to adjust the working conditions to the needs of the disabled or, where this is not possible by reason of the disability,

by arranging for or creating sheltered employment according to the level of disability. In certain cases, such measures may require recourse to specialised placement and support services;

- 3 to promote their full social integration and participation in the life of the community in particular through measures, including technical aids, aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure.

**Article 20 –The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex**

With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, the Parties undertake to recognise that right and to take appropriate measures to ensure or promote its application in the following fields:

- a. access to employment, protection against dismissal and occupational reintegration;
- b. vocational guidance, training, retraining and rehabilitation;
- c. terms of employment and working conditions, including remuneration;
- d. career development, including promotion.

**APPENDIX II**  
**SITUATION OF STATE PARTIES TO THE EUROPEAN SOCIAL CHARTER**  
**AS REGARDS ARTICLES 1, 10, 15 and 20**

*The following non-conformities in legislation and/or practice were identified by the 2016 Conclusions of the ECSR (as presented in the selection of conclusions transmitted to the Parliamentary Assembly):*

<b>Country</b>	<b>Articles concerned</b>
Andorra	10.5
Armenia	1.2, 15.3, 20
Austria	10.5, 15.1 (+4.1 on adequacy of lowest wages)
Azerbaijan	1.2, 1.3, 1.4, 20
Belgium	1.2, 10.5, 15.1, 15.3 (+18.3 on residence permits versus employment)
Bosnia and Herzegovina	1.1-2, 20
Bulgaria	1.2 (+24 on protection against dismissal)
Denmark	10.4
Estonia	15.3
Finland	10.5 (+24 & 28 on unlawful dismissals)
France	1.2, 10.5, 15.3
Georgia	1.1, 1.3-4, 10.4, 20 (+2.2 & 2.5 on adequate compensation and right to a weekly rest)
Greece	1.1-2, 15.2
Iceland	1.2, 1.4, 15.1-2 (+18.2 on work and residence permits)
Ireland	1.2 (+18.2 on work permits & 24 on unlawful dismissals)
Italy	1.1 (+18.3 on access to the labour market by foreign workers, 24 on protection against dismissals & 2.4 on compensatory measures)
Latvia	1.2
Malta	(2.1-2 on weekly working hours and adequate compensation, 24 on dismissals)
Republic of Moldova	1.1-2, 20 (+18.3 on residence permits versus employment)
Montenegro	1.2, 10.1, 10.4, 20
Norway	(28 on protection of worker representatives)
Portugal	1.1-2
Romania	15.1-2
Russian Federation	1.2, 20
Serbia	15.2 (+18.2 on work and residence permits)

Slovak Republic	1.3, 10.2
Spain	1.1-3
"the Former Yugoslav Republic of Macedonia"	1.1-2
Turkey	1.2, 20 (+18 & 25 on self-employment and compensatory pay)
Ukraine	1.2, 15.1-2, 20 (+18.3 & 2.7 on work and residence permits and on night work)
United Kingdom	(18.2 on fees charged for work permits and 4.5 on deductions from wages)

The following countries are concerned by the **non-acceptance of certain articles of the European Social Charter (revised) or the European Social Charter of 1961** (for those member States still bound by the 1961 Charter):

Country	European Social Charter (revised; ETS No. 163) Opt-outs from Article(s):
Albania	10, 15
Armenia	10, 15.1
Austria	15.2
Azerbaijan	10, 15
Bosnia and Herzegovina	10, 15
Bulgaria	10, 15
Estonia	10.2, 10.5
Georgia	10.1, 10.3, 10.5, 15.1-2
Republic of Moldova	10, 15.3
Montenegro	10.5
Romania	10, 15.3
Russian Federation	15.3
Serbia	1.5
"the former Yugoslav Republic of Macedonia"	10, 15.3
Country	European Social Charter (ETS No. 35) Opt-outs from Article(s):
Croatia	1, 10, 15
Czech Republic	10, 15.1
Denmark	1
Germany	10.4
Greece	1
Iceland	10
Luxembourg	1
Poland	1, 10.3-4
United Kingdom	1.2