

Together for Social Europe

TOGETHER FOR SOCIAL EUROPE
BRIEFING ON SOCIAL REALITIES IN EUROPE

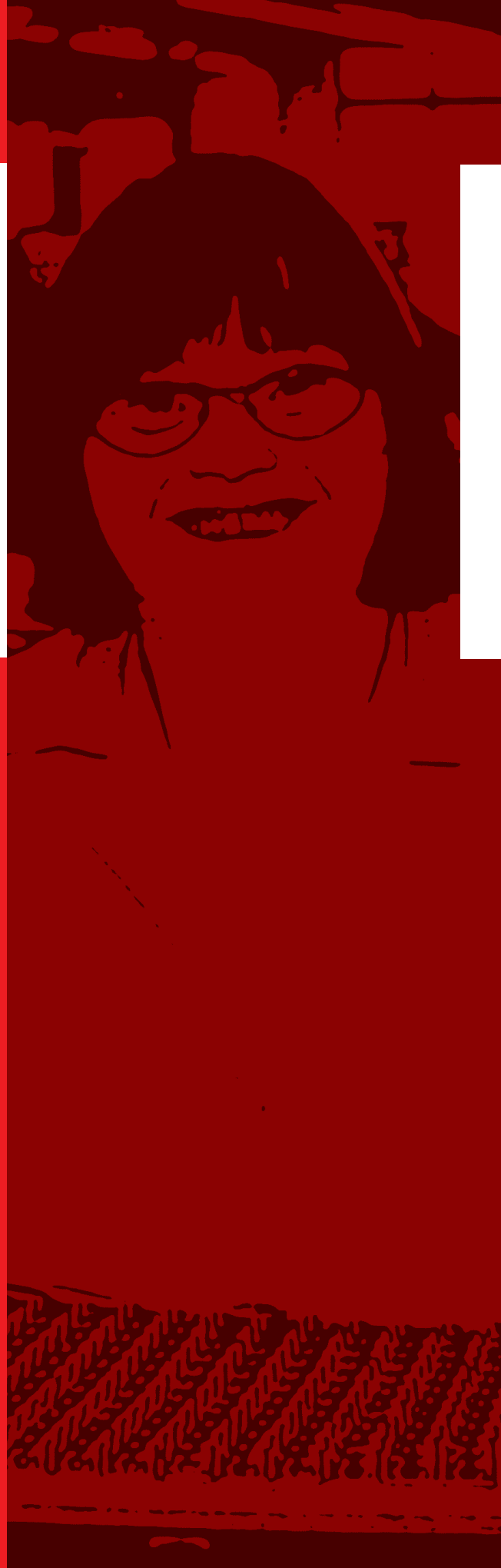


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SOLIDAR is a European network of 53 NGOs
working to advance social justice in Europe and worldwide.

SOLIDAR lobbies the EU and international institutions in
three primary areas: social affairs, international cooperation and education.

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Photo from Soweto

Photo of Social worker with lady

Foreword

The question at the heart of these briefings is: what is the best way to illustrate the problems and issues faced by socially and economically disadvantaged people to European decision makers? The answer that we came to was by using the experiences of our members, who work and provide services on a daily basis to socially and economically disadvantaged people, to give us examples of what goes on “on the ground”.

This publication had been put together within a project carried out by SOLIDAR and some members¹ Together for Social Europe. They go hand-in-hand with a series of printed briefings which can be found on www.solidar.org under resources and publications/briefings. The project broke down the topic of how to advance a more social Europe into five different topics: Social services, social inclusion / active inclusion, migration / integration, Decent Work and volunteering and puts forward the example from a given SOLIDAR member, a local/regional views contributed by the Socialist Group in the Committee of the Regions, and recommendations for EU decision makers.

The Together for Social Europe project is a one-year project supported by the Foundation for European Progressive Studies (FEPS) raising awareness for the need of a cohesive and socially sustainable Europe. SOLIDAR seeks to demonstrate this by highlighting SOLIDAR members' experiences of working with socially and economically disadvantaged people and putting forward proposals to EU and national decision makers.

¹ FIC, Volkshilfe Wien, ADO SAH ROM, LLES and CSV

2. Social Inclusion / Active Inclusion

What is the difference between social inclusion and active inclusion?

Social inclusion is about combating poverty and social exclusion so that everyone can fully participate in society. Public authorities and NGOs, like SOLIDAR members, run institutions and provide services and support addressing a broad range of social risks linked to poverty, vulnerability and discrimination. For example they facilitate the labour market inclusion of disadvantaged people including early school leavers, promote the integration of people with disabilities and immigrants, tackle financial exclusion and over-indebtedness, and ensure decent housing conditions for everyone.

Active inclusion is one strand of the broader social inclusion concept, which deals with the integration into society of people furthest from the labour market. Social inclusion and labour market participation go hand-in-hand. For labour market integration to be sustainable, disadvantaged people need first to be supported with sufficient resources and personalised employment and social services to enhance their social participation and employability.

Context

The general aim of the EU's active inclusion policy is to establish common European principles for all three strands of the concept: minimum income, labour market inclusion and access to quality services. These should help support Member States when designing or revising their policies. Their implementation will be monitored and evaluated, respecting fully the principle of subsidiarity*, autonomy and the different needs of Member States.

EU-level activities to promote social inclusion address the social risks (see grey box above) in the frame of the Open Method of Coordination*. In recent years the policy focus has been on child poverty, over-indebtedness and homelessness.

Stress, anxiety, depression and other related forms of mental health illness motivated due to poor psychological working environments are one facet of social exclusion. Both for the worker affected and the society as a whole there are important effects of stress-related sick leaves. Sex workers also face social exclusion in most European countries, as their work is not recognised as such or is even chased in some of them.

Coming up

The European Year 2010 on the Fight Against Poverty and Social Exclusion will be taking place next year. SOLIDAR is actively involved in the NGO Steering Group preparing this Year, especially with regards to the political messages and heritage from the Year.

In the broader framework of social inclusion, SOLIDAR regularly participates in the Round Tables on Poverty and Social Exclusion and recently got involved in the European Meeting of People Experiencing Poverty.

SOLIDAR has been involved in monitoring and contributing to the European-level process on active inclusion, including the public consultations launched by the Commission in 2006 and 2007. Together with the Social Platform members, SOLIDAR successfully lobbied for the endorsement of the Commission Communication and Recommendation on Active Inclusion in October 2008. SOLIDAR also strongly contributed to the own-initiative European Parliament Report on Active Inclusion adopted in May 2009. To read more about SOLIDAR's work, visit www.solidar.org.

2.1 Meet Hanne in Denmark

Hanne is 50 and was on sick leave due to stress. Hanne was an adult teacher, advisor, management consultant and supervisor at a school that provides occupational education to private and public companies. She was also a safety steward for her colleagues. The school had a very poor mental working environment, and one day when Hanne called a psychologist for a colleague, the psychologist asked her how she was and she broke down in tears.

The crying did not stop and Hanne continued for 2 weeks. Only after three months and a psychologist therapy course was Hanne prepared to go back to the school, but she was only able to stand in a classroom accompanied by a colleague.

After returning to her job, she resigned all her positions of trust. The security she felt as a teacher before she went down with stress never came back. Her colleagues, who use to see her as a strong and caring person, struggled to understand her new behaviour. In the end Hanne finally got a new job in another company where she has less responsibility and has only an advisory and consultative role.

What the social workers think

“Very often employees feel anxious about a particular aspect of their work. Failing to address this issue with managerial staff or not receiving a positive response from them, the employee has to encounter the source of anxiety on a daily basis, which can lead to work-related stress, depression or mental illness.

An obvious, but effective good practice is to move the employee away from the source of anxiety. This is a normal practice in for example a transport company which tries to move employees to other tasks when they feel uncomfortable in their tasks. This was the case of Allan who was working for this company mainly as a security guard, but felt anxious while inspecting and locking public toilets at night. After expressing his problem and in cooperation with the company steward, Allan was assigned another function as a truck driver and had no more anxiety problems.

The crucial issue is to prevent the exclusion of employees and not fail to act when the first symptoms of stress occur.”

About FIC

FIC is a Danish member of SOLIDAR, a non-profit organisation (NGO) which aims to strengthen people's social, economic and democratic rights and opportunities in Denmark, Europe and globally. FIC is an organisation offering professional project management and networking activities focused on social and labour market conditions of target groups such as young people, older workers and migrants. FIC is also active in the fields of international development, organisational development, capacity building and change management.

FIC has a wide range of partners in relation to the complex task of resolving individual projects. It works among others with NGOs, employers and professional associations, private companies, public authorities and educational institutions.

www.fic.dk

Interview with a member of staff working at FIC

What are the main risks associated to stress at work?

"More and more people are leaving the labour market because of stress, anxiety and depression. Psychiatric disorders have become the most frequent reason to grant early retirement (Appeals Board, 2009). Anxiety and depression account for an estimated 35 to 40% of sick leave in Denmark. Approximately 20% of all Danes will sooner or later experience a mental illness that requires outpatient treatment or hospitalisation (Centre for Social Psychiatry, 2008).

This has obviously very negative consequences for individuals, companies and the society as a whole. Individuals become unable to contribute to society and to support themselves and their families. Companies suffer a loss of qualified and experienced employees. And from the perspective of society and the national economy, this means increased spending on sickness and early retirement as well as loss of tax revenues."

Are there any sectors particularly affected?

"Research from the National Centre for Safety Research shows that the problem has a high incidence in the following sectors: personal care, nursing, teaching and commercial services. Figures from pension funds shows that the number of teachers, social pedagogues, social workers and social and health assistants, who are granted early retirement on the basis of a mental disorder, has increased from 20% to 40% in the last 10 years (Newsletter A4, 2 July 2007). Service industries like hotels and restaurants, characterised by intensive customer contact, unsociable working hours (for example night shifts and work on Sundays) and flexible work organisation, also present a burden given their psychologically demanding working conditions (HTS, 2004)."

What are the prospects of people suffering from mental illnesses?

"Long-term studies on recovery demonstrate that 60% of those affected by severe mental illness have the ability to recover fully or partially. According to the Centre of Social Psychiatry (2008) to have a job or a connection to the labour market has a healing effect. At the same time studies show that the individual is unable to recover independently of the environment he or she lives in. In this sense, being linked to the labour market usually has a very positive effect."

From your experience, what needs to be done to prevent the increase of stress at the work place?

"We need to know more about the real impact of stress and collect best practices. An EU-wide research could be instrumental finding out what is needed to secure employees and prevent work-related stress, collect best practices amongst EU Member States to ensure a safe and psychologically healthy work environment, and to identify barriers in the labour market encountered by individuals who have been on sick leave because of work-related stress, anxiety or depression."

Stress in Denmark

On a yearly basis, poor mental working environments cause:

- 1,400 deaths due to, among other things, stress and cardiovascular diseases
- 30,000 removals from workplace and hospitalisations
- 500,000 consultations with a doctor
- 1.5 million days off
- A production loss for the organisations of 1.5 billion Danish Crowns (= 200 million Euros)
- 1/5 of early retirements. The number of people who get paid an early retirement due to stress has increase almost 78 percent during the last 10 years
- 2,505 notifications of mental disorders for Industrial-injury Government (2005)

Source: *Statens Institut for Folkesundhed og Arbejdsskadestyrelsen* (State Institute for Public Health and National Board of Industrial Injuries)

2.2 Meet Piroska in Austria

Piroska was born in 1956 in Hungary. After finishing her compulsory schooling, she started vocational training as a nurse, but did not complete this training. After working in a health resort for a couple of years, she decided to start working as a prostitute. She moved to Austria where she was working illegally in the field of sexual services until 2005 when SOPHIE (see below for more details) got in touch with her. Due to the language barrier, Piroska was not informed about the law and regulations in Austria and since she was unable to pay the fines that she had received for working illegally as a prostitute, she was arrested pending deportation and denied a residence permit for Austria for a period of five years.

After having been deported back to Hungary, she returned to Austria as an undocumented migrant and asked for help at one of Volkshilfe's counselling centres. Together with a lawyer, Volkshilfe successfully appealed against the order of a refusal of a residence permit. Piroska then legally registered as a prostitute but still faced debts which had piled up from earlier infringements of Viennese law on prostitution. Her situation became less precarious and she was able to do her first income statement, tax declaration and tax equalisation, making her eligible for social insurance.

In 2007 she had a nervous break down after a colleague of hers was murdered. Crisis intervention was considered necessary. Constant and intensive social care helped her to recover. Since then, Piroska has decided to leave prostitution and Volkshilfe is assisting her to access the labour market. The next steps will be counselling and coaching her to find out which work area suits her best, to decide if any further training is necessary and help her to write her first cv and application letter. The debts amounting to €5,000 are, however, still to be paid.

Legislation on prostitution in Austria

Prostitution does not constitute a criminal offence in Austria, but neither is it recognised as work by Austrian law either, giving it a somewhat undefined legal status. Non-compliance with regulations and restrictions can lead to administrative sanctions, ranging from fines to imprisonment. In several cities the competence to enforce the regulations on prostitution lies with police authorities – which shows that prostitution is far from being seen as an acceptable option for obtaining income.

Organised as a federal state (*Bundesstaat*), Austria has a broad range of legal norms at different levels of the State (federal, provincial, municipal level). The competencies to adopt laws regulating the exercise of prostitution, including the regulation of provision, advertisement of sexual services, registration duties, for which the Constitution uses the term "moral police" (*Sittlichkeitspolizei*) are with the 9 Austrian provinces (*Bundesländer*).

As a rule, the enforcement of relevant laws lies with the municipal authorities, except for provisions establishing administrative procedures. Municipal authorities also have the power to adopt further regulations on the exercise of prostitution for their municipality. Administrative procedures and fines are enforced by provincial authorities (*Bezirksverwaltungsbehörde*) or by the Federal Police Direction (*Bundespolizeidirektion*).

Other areas of law, directly or indirectly related to prostitution, such as tax law, social security law, civil contract law, health law, aliens and asylum law, law of administrative offences or criminal law are regulated and enforced at the federal level.

About Volkshilfe Österreich and Volkshilfe Vienna

Volkshilfe Vienna is the regional branch of Volkshilfe Österreich (VHÖ). VHÖ was founded in 1947, in order to provide help to people in need without considering political, ethnical, or denominational affiliation. Social work, emergency aid and care for needy and disadvantaged individuals and groups are VHO's main fields of activity. VHÖ and Volkshilfe Vienna are service providers working for municipalities in the fields of care and support, homeless assistance and the prevention of homelessness, labour market integration related policies, and child and youth welfare.

SOPHIE Education Place for Sex Workers is a women's centre of Volkshilfe Vienna. Within the Volkshilfe Vienna organisation, SOPHIE cooperates closely with other departments, in particular social counselling and services for homeless people, the FAWOS secure housing unit and assisted housing services, and counselling centre for jobless people.

www.volkshilfe.at and <http://de.sophie.or.at>

Interview with Member of Staff of Volkshilfe Vienna

How should support for sex workers be provided in order to ensure social inclusion?

"Building up trust within this target group requires a special concept of social work. They have to get past the fear of establishing contact, which is in this group higher than in others, because of the experience of being under control without legal certainty. To build trust, anonymous access to counselling needs to be offered. Mother tongue counselling and outreach with peer group involvement are other instruments to work towards improving the access to this target group. Additionally, sufficient resources to inform and support sex workers should be provided in many different languages to ensure that all migrants have access to this information. Support for self-help among sex workers is also very important."

Which demands do you have to policy makers at the national level?

"Firstly, we would like to see the recommendations of the report of the prostitution in Austria expert group (*Umsetzung der Empfehlungen des Expertinnenberichts Prostitution in Österreich*) implemented. Also, all stakeholders should be included in decision-making processes.

Secondly, sex workers need social and employment rights. Legal security with a clear regulatory framework for authorisation is needed in the sex work businesses in order to improve working conditions and hence improve protection against exploitation and violence. At the same time, better access to the regular labour market for migrant sex workers is required.

Finally, policy makers have a crucial role in promoting a change of attitude of the majority population towards sex workers through education and awareness-raising with the aim of non-stigmatising measures."

What could be done from a European level?

"An intensified exchange and transnational learning on good practices, particularly in the field of peer group involvement would be very welcome. Also, it would be useful to set out political and legal framework conditions at the EU level concerning the rights of people working in the field of sexual services. Finally, financial support by the European Social Fund (ESF) to build up effective structures to inform and empower sex workers at a local level is also needed."

SOLIDAR's recommendations for EU decision makers on social inclusion and active inclusion

Implement the Commission Recommendation on Active Inclusion by

- Active inclusion measures being built on individual rights, the respect of human dignity and principles of non-discrimination.
- Ensuring that minimum income schemes cover not only EU citizens, but also refugees, asylum seekers and undocumented migrants.
- Including additional principles under the “access to services” strand of the European Commission's Recommendation on Active Inclusion, including non-discrimination of access and use of services, rights and empowerment of users, good working conditions, proper financing in accordance with local, regional and national circumstances, and continuous and timely delivery.
- Addressing and prioritising the challenge of early school leaving under the Open Method of Coordination (OMC)* on social protection and social inclusion, working towards the five common objectives set for the education systems.

Promote active labour market policies that address inequalities and strongly involve social partners by

- Promoting active labour market policies that are not discriminatory, but interventionist and tailor-made to users' needs, in coordination with social protection systems, to bring people in precarious situations and far from the labour market back into employment and prevent the perpetuation of segregated labour markets.
- Addressing inequalities in the labour market by eliminating discrimination in recruitment procedures.
- Ensuring - through labour law - equal access to vocational training and lifelong learning as preconditions to promote reintegration into the labour market.
- Acknowledging the importance of non-formal education and voluntary activities in acquiring qualifications and competencies.
- Supporting the important role played by civil society organisations in formal and non-formal education and promoting cooperation between education institutions and civil society organisations based on an approach of complementarity of actions.

3. Migration and Integration

What does the integration of migrants mean?

A real integration of migrants into society is about migrants having equal opportunities both in social and civic terms. In social terms, integration means migrants having the same opportunities to lead an independent, active and decent life like the rest of the population. In civic terms, it is about all residents committing themselves to mutual rights and responsibilities on the basis of equality. Co-development*, by empowering migrants to become agents of their countries of origin and hence enhancing their role as active citizens, can have a positive impact in their integration.

Context

At the European Council meeting in Tampere in October 1999, European leaders called for a common immigration policy to ensure the integration of third-country nationals residing in the EU with the ultimate goal of granting third-country nationals rights and obligations equivalent to those of citizens of the EU. Despite willingness from the European Commission, the process has so far been mainly intergovernmental since competences around migration and integration policies are primarily at the national level.

Following the Tampere Council, in November 2004 the European Council adopted the The Hague Programme which underlined the need for a greater coordination of national integration policies and EU initiatives in this field. The Justice and Home Affairs Council then adopted a set of Common Basic Principles (CBPs) underlining the importance of a holistic approach to integration. These principles were further developed in September 2005 with the Common Agenda for Integration by the European Commission.

In the field of non-discrimination, the EU has important powers at its disposal to control Member States after a package of anti-discrimination measures was adopted by the EU Council of Ministers in 2000. This package consists of two legal instruments: a directive on racial discrimination and a directive on discrimination in employment.

Since the adoption of the Tampere consensus, there has been a shift towards a “Fortress Europe” mentality where border control has become the main priority. An example of the current regressive stand of the EU on migration and integration issues is the Return Directive which has effectively narrowed down the debate on migration to a security perspective and established deprivation measures to the freedom of migrants, implying a step backwards in the defence of human rights.

SOLIDAR and its member organisations have been closely monitoring these processes since their start and contributed to debates and consultations on issues including employers’ sanctions directive, the blue card initiative, co-development, migration and education. To read more about SOLIDAR’s work, please visit www.solidar.org.

3.1 Meet Xiahou in Romania

Xiahou is 35 and arrived in Romania with thirteen other Chinese workers from Shandong in September 2008. He had been promised work in the construction sector for a 3 to 4 year period. In November 2008 it became obvious that the company he was working for was facing difficulties due to the economic crisis, as he only received part of his salary. In December 2008 and January 2009 he was not paid at all and the company announced that he would only be working every other day. When Xiahou together with his other thirteen colleagues decided to stop working to protest, the company sent bodyguards with electric sticks to evacuate them.

ADO SAH ROM met Xiahou and some of his colleagues in March 2009. Xiahou explained their desperate situation and their multiple grievances against Romanian and Chinese recruiters who had charged them large sums - between €6,000-12,000 - in return for long-term contracts in construction and were not observing the initial verbal agreements once they had arrived to Romania: the promised salary proved to be gross not net; and the labour agreement and/or the number of 6 working days a week were not guaranteed.

Xiahou also identified problems concerning the contractual clauses which were not observed or were modified unilaterally, namely the partial payment of the promised salary and the reduction of the salary to cover accommodation and meal expenses, partially paying the salary with meal vouchers.

"We don't know what to do. We are afraid the recruitment agencies will threaten our families back in China because we spoke with mass media against them. We have huge debts and we can't hope that the authorities will help us to get back the money that we paid for the recruitment and placement for this job in Romania."

In March 2009, however, Xiahou along his other 13 colleagues had to leave Romania, after almost two months of protests.

Xiahou's Demands

Xiahou would like to see his initial expectations when he came to work to Romania fulfilled:

- the observance of the initial agreement (made with the recruiters) concerning the payment of his salary, work guaranteed for 6 days a week, the duration of the working permit etc.
- a fair treatment by the employers
- access to minimum legislation, legal contracts, internal regulations of the company, a job description, other information
- decent living conditions

About ADO SAH ROM

The Association for Organization Development - SAH ROM (ADO SAH ROM) is a SOLIDAR member from Romania. It is an independent organization set up as a non-profit legal entity in 2000. ADO SAH ROM aims to promote organisational development, promote policies and services in the social field and actively contribute to consolidating civil society and developing collaboration with other organisations in Romania and abroad.

ADO SAH ROM's goal is to promote a society based on a market social economy, and an independent and sustainable civil society, with social dialogue and care for citizens. It aims to contribute to the development and implementation of social policies, the promotion of dialogue and social partnership and the development of organizations in the field, with focus on the quality of human resources and services.

www.adosahrom.ro

The Situation of Migration in Romania

At the end of 2008 there were 56,290 foreigners in Romania (Romania has a population of 21 million). Migration is a fairly recent phenomenon in Romania. Due to a shortage of labour force in 2007, a considerable number of work permits were issued to foreign workers from Turkey, China, Moldova, Bangladesh and Vietnam.

There are a number of regulatory acts applicable to non-EU and non-EEA citizens seeking or having jobs in Romania². Foreigners employed in Romania are subject to a number of conditions. First, they have to fulfil the employer's special requirements regarding professional training, experience, and certification. Second, they cannot exceed the annual number of foreign workers approved by the government. For those workers complying with the requirements, the work license may be issued, at the employer's request, by the Romanian Immigration Office.

According to the GEO 56/2007, a posted worker is a foreigner who is qualified, and employed by a foreign legal entity and who can work in Romania. The procedure for obtaining the labour permits in the case of posted workers is more flexible, simpler, shorter and more advantageous for the employers than that to hire permanent workers:

- The employer does not need to prove that it is impossible to recruit from the local labour market; and she/he is exempt from transferring social contributions (amounting to 29.5%) to the social security budget
- After a year of work as a posted worker, the employer can obtain a permanent labour permit for his worker easily (the worker does not need to leave the country to obtain a residence permit and the employer does not need to prove the unavailability or unwillingness of Romanian workers to fill in that position) by passing the legislation on the access of foreigners to work

Therefore posting of workers is the preferred option of most employers.

² Government Emergency Ordinance (GEO) no. 56/2007, regarding employment in and secondment of foreigners to Romania as posted workers, GEO no. 55/2007, regarding the establishment of the Romanian Immigration Office (*Oficiul Român pentru Imigrări*) (ORI) as the body in charge to issue foreigners with the documents proving their right to be employed in Romania

Interview with Member of staff of ADO SAH ROM

What are the problems faced by posted workers in Romania?

“We have identified several problems related to posting of foreign workers in Romania: Firstly, labour permits are released at the request of the employer. This situation exposes workers to abuses from the employers, although the rights to work and to residence on Romania are recognised for the foreign person. One example is the confiscation of passports and working permits by the employers. Secondly, the labour permit and documents related to the posted work are translated and included in the application for the labour permit, but the Romanian authorities are not compelled to check the conformity of this documentation with the rights ensured by Romanian legislation. Thirdly, there are no clear provisions in the Labour Code on the legality of work for non-Community workers in respect to protection of the basic rights and prevention and combating of discrimination. Finally, if a person is fired, their right to residence in Romania is revoked and they are deported within a period of 30 days, if the migrant worker is not able to find another employer (in the same domain of activity) to hire him, even if the labour permit is still valid.”

Are the rights of migrant workers well protected?

“This is certainly not the case. The capacity of public institutions to guarantee the rights of the immigrant workers and, in particular, of posted workers from third countries is reduced. Immigrants are not members of unions in Romania and often neither in their country of origin and they have almost no access to complaint resolution in the case of posted work. Moreover, trade unions, employer’s associations and NGOs are not involved in the drafting of policies in the field (the National Strategy on Migration) and in the implementation of the annual action plans, even if the legislation says that the social partners should be consulted.”

Why is the Romanian state unable to prevent abuses against posted workers?

“The public institutions (in particular Labour Inspection) have a limited capacity to control and monitor the activities of private employment agencies. The current legislation does not include provisions about the role of the private employment agencies in the process of selection and recruitment of extra-community workers and does not provide a system of accreditation for those companies. Finally, there is no system of sanctions on the abuses perpetrated by employers and companies on the posted workers.”

What would be needed to improve the situation of migrant workers and advance their integration in Romanian society?

“The most important thing is to modify the current legislation and guarantee the minimum rights already recognised in Romanian legislation for European workers. The second priority is to consolidate the capacity of public institution, social partners and NGOs to provide services and protect the rights of foreign workers in Romania. The third aim should be to develop the capacity of foreign workers to protect themselves and to dialogue with public institutions, employers, trade unions and Romanian society.”

SOLIDAR's recommendations for EU decision makers on migration and co-development

Integration can only be successfully achieved by

- Providing migrants with decent working and living conditions.
- Establishing a coherent European framework for integration based on the Common Basic Principles (CBPs) and assessing the progress of national governments in implementing the CBPs.
- Strengthening the Open Method of Coordination (OMC)* on migration and integration as a good instrument to promote good practices and assess the implementation of the CBPs.
- Promoting integration policies designed as a “two-way” process, which provides migrants with opportunities to fully participate in society (like the right to vote on local elections) and undocumented migrants with access to services that are essential to guarantee fundamental rights (like access to health services).
- Promoting the participation of migrants in the sphere of employment by ensuring their right to seek jobs and enjoy full trade union rights.

Using co-development as a tool to integrate migrants by

- Not using it as a tool to control migration flows.
- Implementing effective policies which enable migrants to contribute to the development of both their countries of origin and host societies, and by providing civil society actors with the means to further develop co-development.
- Making all EU Member States ratify the 1990 UN convention on the rights of all migrant workers and members of their family.
- Broadening legal channels for the entry of third-country nationals as the most effective means of combating irregular migration and ensuring that migrant workers are not exploited.
- Guaranteeing irregular migrants' access to basic services and ensuring migrant children access to free education.
- Allowing circular migration, also of low-skilled migrants, to partially solve problems related to 'brain drain'.
- Ensuring a greater coordination of EU and Member States' foreign, development, and social and home affairs policies to arrive at more coherent measures and programmes.

Facilitate integration by strengthening the role of civil society organisations by

- Enhancing the role of civil society and educational institutions in the debate on migration and integration policies to ensure that the rationale for these policies and their beneficial effects on societies are better explained to the public.
- Involving stakeholders, including civil society, in the design and implementation of migration, integration and co-development policies, especially at local and regional level as this is the level at which integration takes place.

4. Decent Work in Europe

What is Decent Work?

Decent Work is a concept based on four strategic objectives:

1. Access to freely chosen and productive employment*
2. Rights at work
3. Social Protection
4. Social Dialogue

It defines an integrated approach in which the “four strategic objectives are inseparable, interrelated and mutually supportive. The failure to promote any one of them would harm progress towards the others³”.

Context

The concept of Decent Work was launched by the International Labour Organisation (ILO) in 1999. In 2007, together with trade union partners and progressive NGOs, SOLIDAR set up the Decent Work Decent Life Campaign to promote the concept and get it included in all relevant European and international agendas.

As many EU policies already go beyond international standards, the first focus of Decent Work was as a poverty reduction strategy for developing countries. However, insufficient or lack of national and European regulations mean that Decent Work is still not a reality for many workers in Europe. These workers have to face precarious working conditions and labour market segmentation*, are dependant on temporary agency work*, are working poor - of which there are an estimated 18 million across the EU in 2008, or work unsociable hours. This reality is especially true within certain social groups such as young people, less qualified women, elderly people, handicapped people, and migrants.

The incidence of indecent working conditions is remarkably higher amongst migrant workers, and especially amongst undocumented migrants. Furthermore, recent European Court of Justice (ECJ) rulings referring to the EU Directive on the Posting of Workers* are likely to negatively affect working conditions of workers abroad, but also of workers permanently residing in certain Member States and to undermine the value of social dialogue and collective agreements in host countries. They entail a clear risk of a “race to the bottom” in view of individual and collective labour rights and coverage by social protection schemes.

Coming up

In 2009 SOLIDAR started a project, funded by the European Commission’s DG Employment, Social Affairs and Equal Opportunities, which focuses on decent work in a European context. The project aims to emphasise the role of social dialogue in promoting and defending decent working conditions, with migrant workers as one of the main target groups. SOLIDAR is also a founding member of the Decent Work Decent Life Alliance⁴ and has run projects on migration, contributed to European consultations and released a number of publications on Decent Work and migration. Please visit www.solidar.org to read more.

³ ILO Declaration on Social Justice for a Fair Globalisation, 2008, p.11, http://www.ilo.org/public/english/bureau/dgo/download/dg_announce_en.pdf

⁴ The Decent Work Alliance is made up of the European Trade Union Confederation, the International Trade Union Confederation, World Solidarity, Global Progressive Forum and SOLIDAR. For more information, www.decentwork.org

4.1 Meet Vytautas in Lithuania

Vytautas, 27, was a sales manager who had no worries until last year. Sales were booming and he received a big bonus from his company. Thinking about a bigger income potential, he took a bank loan at the peak of the real estate bubble, as many did in similar circumstances. Very few predicted the collapse of the Lithuanian economy by the end of 2008 and the negative impact on many people's life, like Vytautas who lost his job as a consequence of the crisis.

Aware of his situation, a friend of Vytautas introduced him to Lithuanian Labour Education Society (LLES) for counselling. While unemployed, in desperate search for another job, Vytautas joined the study circles on motivation and self-expression run by LLES, where he learned that changes in one's personal life or previous mistakes are not an excuse to pull back and get demoralised. There are always ways to overcome personal crisis, to be prepared and get ready for the next steps. As later Vytautas stated, *"being involved in the NGO (LLES) allowed me to forget at least for some time about the painful situation that I was in whilst unemployed"*.

In LLES he also got additional information on how to write a better CV and prepare for job interviews with employers. He also received consultations in addition to the guidance provided by the State Employment Office in Vilnius. According to Vytautas, *"State Employment Office is an outdated institution that does very little to help the unemployed person to get another job. The whole system is too bureaucratic, starting with the online registration system. It takes hours to fill in just one page CV there, because it is very chaotic and consumer unfriendly"*. He stressed that *"the Employment Office also has to find a way to serve the customers better, because hundreds of unemployed people arrive there early in the morning, wait and are still not attended to by the end of the day"*.

After intensive search for new job and a few interviews, Vytautas received another position as a sales manager. The new income stream has saved him from losing his apartment to the bank.

Vytautas' demands:

- during the economic crisis and with the backdrop of rising unemployment, the government should allocate more money for quality trainings;
- the authorities should educate people to be more socially responsible and learn the importance of benefits of the social protection schemes, to prevent people from accepting, for example, bonuses "under the table", or other tricks used by employers to save money that in the end will undermine morals and the public good;
- labour inspections should be more active and strict.

About LLES

Lithuanian Labour Education Society (LLES) is a Lithuanian member of SOLIDAR. It was created in 1996 as an NGO initiative to unite education and training facilities, to coordinate educational activities among trade unions, social democratic organisations and labour movements. LLES also serves as a counselling and research facility. LLES assists the development of independent trade unions and NGOs in Belarus and works closely with the labour NGOs in the Baltic States and some other countries of the Commonwealth of Independent States (CIS), i.e. former Soviet Republics.

LLES has developed its own programme of self-organised study circles, organised through the country on various topics. With the current economic crisis LLES is more focused on social assistance, counselling and trainings of unemployed persons, actively involving adolescents and young adults into voluntary activities, and promoting broader civil and social dialogue. Although civil and social dialogues are developing in Lithuania, they are not widely accepted in the country yet.

Interview with member of staff of LLES

How has the economic crisis affected Lithuania?

"The global economic crisis reached Lithuania with some delay. Some economists had already predicted particular risks related to future economic shocks or downturns some years ago, but the former government ignored all warnings. Lithuania has been badly hit with a huge unemployment rate in 2009 as in March 2009, Lithuania's unemployment rate stood at 15.5% compared with 4.3% in March 2008, which is the fastest growing in the EU (Eurostat)".

What measures have been taken by the government to react to the crisis?

"The Lithuanian Parliament recently adopted some changes against the will of the left wing opposition, trade unions and social NGOs. From August 2009 the unemployment benefit will be postponed for the number of months the unemployed person is entitled to receive a severance package, i.e. the payment of part of the former salary and of other benefits after having been laid off. With this measure the government is trying to save funds, as unemployed people, according to a Member of the Lithuanian Parliament, member of Social Affairs and Labour Committee, "*will not be able to even start receiving unemployment benefit if they happen to find a job during that period*".

The Lithuanian government is also discussing plans to reduce salaries and wages of state employees, limit parental benefits, raise the VAT by 2 percents to 21 percent, and cut pensions. In general, employers in the private sector follow the example of the government: to reduce wages, compensations, bonuses, they often delay payments of salaries, force employees to take unpaid vacations, or even force employees to write a note of leaving the job on their own will, hence losing the entitlement to the severance package."

How does social dialogue work in Lithuania?

"In theory social dialogue in Lithuania is based on the work of the Tripartite Council (involving employers' associations, trade unions and government). Some employers recognise the importance of social dialogue, but the majority of representatives of business is still unwilling to consider trade unions as partners (and not enemies) which makes social dialogue difficult. Moreover the new conservative government is avoiding consultations with the trade unions.

Aleksandras Posochovas, the chairman of Lithuanian Service Workers' Trade Union points out that "*we don't have a normal social dialogue culture in Lithuania like in other Western countries. During the economic growth we achieved better guarantees for workers but the crisis and the government's response to it have destroyed the achievements of many years. Now social dialogue with the government only exists formally, not in reality. The tripartite council is against the government's suggestions to cut the budget at the expense of employees' and pensioners' rights, but the proposals get through anyway*".

Do Civil Society Organisations have a channel to raise their concerns?

"Civil dialogue is not working at all. The voice of NGOs is not recognised or it is based on just a few powerful organisations. Financing of NGOs programmes has been reduced significantly and applications to receive grants are too bureaucratic. LLES works closely with trade unions looking for new ideas on how to improve cooperation with progressive forces in the country. In June 2009 LLES organised a roundtable with assistance of SOLIDAR under the framework of the "Together for Social Europe" project, to discuss ways of how to overcome the crisis and better cooperate amongst progressive forces. A working group has been set up to further develop ideas. In addition a declaration to relevant stakeholders, decision makers and the society calling for better social guarantees was drafted."

What are, according to you, the main actions that the government should take to guarantee an effective social protection system and social dialogue?

"Many actions should be taken, but the government should change the trend of flexibilising labour legislation. Instead stricter rules dealing with labour relations and unemployment related issues should be imposed and labour inspections should be applied with more authority to prevent illegal lay-offs and other violations of labour law. Similarly, social benefits need to be guaranteed for those people who lose their jobs to ensure decent standards of living and avoid social exclusion. The State Employment Office should be adapted to recent economic changes to better respond to the needs of unemployed people and ensure their rapid integration into the labour market. The role of trade unions as social partners needs to be firmly reassured and their prior consensus must be guaranteed. Also, civil dialogue should be improved, empowering NGOs as key partners."

SOLIDAR's recommendations for EU decision makers on decent work and migration

Ensure Decent Work in Europe for all by:

- Including Decent Work in all relevant EU employment and social policies, in particular in the Active Inclusion policy, the Lisbon Strategy and the Renewed Social Agenda.
- Making use of the policy instruments already in place at all levels of government (antidiscrimination legislation, the principle of gender equality, the right of every citizen to healthcare and social services, labour laws, and social dialogue).
- Making Decent Work a central element in the debate on labour law reform.
- Developing and implementing policies to target a reduction in the number of working poor, the incidence of precarious working conditions, to address aspects of labour market segmentation* and to prevent the exploitation of undocumented migrant workers.
- Reinforcing social dialogue and protecting collective agreements as fundamental pillars of the European Social Model.
- Ratifying all up to date ILO conventions and ensuring their implementation.

Ensure Decent Work in Europe for migrants by:

- Offering decent working conditions and comprehensive social protection measures for migrants (documented and undocumented) and EU citizens alike.
- Involving migrant workers and migrant workers' associations in host societies' trade unions.
- Exchanging best practices in the field of migration regulation and the employment of third-country national workers.
- Adopting new Europe-wide regulations for temporary workers agencies, to fight exploitation and dependency for third-country nationals and where relevant for EU citizens.
- Providing adequate financial backing to implement a comprehensive range of integration measures.

Glossary

General interest: A good or service that promotes the common good i.e. shared and beneficial for all (or most) members of a given community. If subject to a specific public service obligation defined by public authorities and to a guarantee giving users access to quality services at an affordable price, these services (comprising electricity, water supply, public transport, but also social, health) are considered as being "in general interest".

Labour market segmentation: different groups on the labour market work under different conditions. This mainly refers to differences between those with contracts for an unlimited duration, full social protection coverage and enterprise-based advantages and other workers with fixed term contract and less social protection.

Open Method of Coordination (OMC): A European policy method which relies on soft law mechanisms such as guidelines and indicators, benchmarking and sharing of experiences and best practice. Common policy objectives are defined and a system of national reports is set up in view of policy coordination and convergence. The OMC is used in policy areas where European Community competencies are of a shared nature or restricted.

Posting of Workers Directive: at a time when worker mobility is increasing across the EU27, the directive concerning the posting of workers concerning workers temporarily detached from their regular place of work plays an essential role to safeguard fair competition, respect for workers' rights, labour law and industrial relations systems in Europe. (adapted from European Trade Union Confederation)

Productive employment: refers to an economic activity which not only provides a decent wage, but it is also meaningful for the worker, becoming an expression of self-fulfilment and dignity.

Sheltered workshop: an institution that provides employment opportunities for people with disabilities in a protective environment.

"Special characteristics" of social services and their users refers to a number of specificities compared to other services of general interest. As social services they aim at the realisation of social policy objectives and social rights of individuals and groups and are an integral part of social protection systems. Their users are also often dependant – needing guidance and support – ill, handicapped or live under economically precarious conditions.

Subsidiarity: the idea that a central authority should only perform those tasks which cannot be performed effectively at a more immediate or local level (Oxford Dictionary). It is intended to ensure that decisions are taken as closely as possible to the citizen. In the EU context this means that the Union does not take action (except in the areas which fall within its exclusive competence) unless it is more effective than action taken at national, regional or local level (EU Glossary, http://europa.eu/scadplus/glossary/subsidiarity_en.htm)

Temporary Agency Work: employment which involves a third party, an agency, which acts as an intermediary between the worker and the user company. Although contractual regulations vary in different countries, in most places it is the agency that employs the workers and then hires them out to user companies on a temporary basis, as needed. Because temporary staff moves frequently from one workplace to another, it is not easy to secure their collective representation rights. (European Trade Union Confederation)

Temporary Agency Work Directive: should support working conditions of temporary agency workers on an equal footing with staff in the user company. The Directive voted on 22 October 2008 enables temporary workers to be treated equally, from day one, with permanent staff in the same company. (adapted from European Trade Union Confederation)

Unsocial working hours: work carried out during weekends, in shifts or at night

Working poor: this concept not only refers to the work status of the individual, but also to the household where the worker lives. Work is then assessed at individual level and poverty at the level of household. The EU understands as working poor individuals which are mainly at work (at least six months during a year) and are living in a poor household with an income below the "at-risk-of" poverty threshold (i.e. 60% of the median income).