

INTERNATIONAL TRADE UNION CONFEDERATION (ITUC)

INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN THE EUROPEAN UNION: REPORT FOR THE WTO GENERAL COUNCIL REVIEW

(Geneva, 6 and 8 July 2011)

EXECUTIVE SUMMARY

All 27 European Union member states have ratified all eight ILO core labour Conventions. In certain areas further measures are needed to comply with the commitments the European Union accepted through WTO Ministerial Declarations at Singapore (1996), Geneva (1998) and Doha (2001), and in the ILO's 1998 Declaration on Fundamental Principles and Rights at Work and 2008 Social Justice Declaration.

In general, trade union rights are respected in law and practice in the EU. However, a number of violations of trade union rights take place, in particular in some newer member countries. The most important shortcomings concern lack of protection against anti-union discrimination and limitations on the right to strike. After rulings by the European Court of Justice representing a major challenge to trade union rights in the EU with regard to the extent to which the exercise of fundamental social rights can be reconciled with the internal market, the ILO Committee of Experts strongly criticised the negative consequences of the ECJ cases when in March 2010 it considered the BALPA case, observing with serious concern the practical limitations on the effective exercise of the right to strike.

National laws provide for equal pay and equal treatment in employment and prohibit discrimination on grounds of gender, ethnicity and other grounds. In practice, however, economic discrimination against women in the labour market is still pronounced. A gender pay gap exists in all Member States, women are disproportionately concentrated in part-time and lower paid jobs and they are frequently absent from senior management positions. In Southern and Eastern Europe in particular discrimination, inter alia in employment, occurs against the Roma and other minorities. In much of Europe Muslims are discriminated against in employment, including in hiring practices.

Economic exploitation of children occurs in the European Union but in most of the countries it is not a widespread problem. Most child labour occurs in informal economic activities, agriculture and family-run businesses. Many victims of child labour, particularly its worst forms, are Roma or children from North Africa and Asia. Generally, but not always, child labour laws are better enforced in the northern countries of the EU.

The ILO CEACR has continued to criticise several EU countries for the practice of obliging prisoners to work for private enterprises in conditions which cannot be assimilated to a free employment relationship, i.e. without their consent, at levels below national minimum wages and without social security coverage. This breaches provisions of Convention No. 29. In virtually all EU countries, trafficking in women for the purpose of forced prostitution is a problem, as is forced labour by trafficked people and begging by children. All governments take measures to address the problem; however, several countries need to intensify their efforts.

The EU supports respect for core labour standards in several aspects of its own trading system including its Generalised System of Preferences (GSP), under which developing countries that respect the core ILO standards are eligible for improved access to the European market.

INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN THE E.U.

Introduction

This report on the respect of internationally recognised core labour standards in the 27 member countries of the European Union (Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom) is one of the series the ITUC is producing in accordance with the Ministerial Declaration adopted at the first Ministerial Conference of the World Trade Organisation (WTO) (Singapore, 9-13 December 1996) in which Ministers stated: "We renew our commitment to the observance of internationally recognised core labour standards." The fourth Ministerial Conference (Doha, 9-14 November 2001) reaffirmed this commitment. These standards were further upheld in the International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work adopted by the 174 member countries of the ILO at the International Labour Conference in June 1998 and in the Declaration on Social Justice for a Fair Globalisation adopted unanimously by the ILO in 2008.

This ITUC assessment of core labour standards in the EU has been prepared to coincide with the WTO's trade policy review of the European Union on 6 and 8 July 2011. It was prepared in consultation with the European Trade Union Confederation (ETUC) and the ITUC's affiliates in these countries¹.

The report considers the situation with regard to respect of each of the core labour standards in turn, using a common approach in every case. First, the situation with regard to ratification of ILO conventions in all the 27 member states is considered. Secondly, more detailed coverage is provided of the situation in those countries where there is a particular problem.

The EU has bilateral and regional trade agreements with many non-EU countries like Algeria, Egypt, Israel, Lebanon, Morocco, Palestine, Syria and Tunisia, South Africa, Switzerland, Mexico and Chile. It is currently negotiating trade agreements with several other regions including Mercosur, India, ASEAN countries and Canada. The EU concluded agreements recently with Peru, Colombia and South Korea, and these are pending ratification.

The EU is negotiating Economic Partnership Agreements (EPAs) with the African, Caribbean and Pacific (ACP) countries that are members of the Cotonou Convention, which was signed in 2000. The negotiations are being undertaken with different sub-regional groupings within the ACP countries. Except for the Caribbean, where a full EPA has been initialled, other countries have initialled interim EPAs, but many countries have refused to ratify them. The EPAs have been criticised for promoting aggressive liberalisation of trade that would impede industrial development in ACP countries and would jeopardise agricultural production and services, while lacking enforceable provisions regarding core labour rights.

The bilateral and regional agreements all contain a framework for economic, institutional and social cooperation. Most have a sustainable development chapter with social provisions, although not always well defined. This includes specific provisions on core labour standards such as article 50 of the Cotonou Convention, clauses on core labour standards in the EU-South Africa agreement, and articles containing social provisions in the EU-Chile agreement.

¹ Please see annex for a full list of ITUC affiliates in EU member states.

I. Freedom of Association and the Right to Collective Bargaining

The years of ratifications by EU member states of ILO Convention No. 87 (1948), Freedom of Association and Protection of the Right to Organise, and ILO Convention No. 98 (1949), the Right to Organise and Collective Bargaining, are as follows:

	<i>No. 87</i>	<i>No. 98</i>
Austria	1950	1951
Belgium	1951	1953
Bulgaria	1959	1959
Czech Republic	1993	1993
Cyprus	1966	1966
Denmark	1951	1955
Estonia	1994	1994
Finland	1950	1951
France	1951	1951
Germany	1957	1956
Greece	1962	1962
Hungary	1957	1957
Ireland	1955	1955
Italy	1958	1958
Latvia	1992	1992
Lithuania	1994	1994
Luxembourg	1958	1958
Malta	1965	1965
Netherlands	1950	1993
Poland	1957	1957
Portugal	1977	1964
Romania	1957	1958
Slovakia	1993	1993
Slovenia	1992	1992
Spain	1977	1977
Sweden	1949	1950
United Kingdom	1949	1950

Belgium

Basic trade union rights are guaranteed; however, protection from anti-union discrimination is not adequately secured. The right to strike is recognised, although there are several restrictions, including picket strikes. An appeal was lodged in 2009 with the European Committee of Social Rights.

In practice, employers often call for the courts to intervene in labour disputes. On many occasions this has resulted in courts taking a decision before the workers can make their case. This practice runs contrary to a 2002 informal agreement between the social partners aimed at encouraging conciliation and mediation over all other forms of dispute settlement. Furthermore, although access to premises for union members is protected, sometimes judges have issued “preventive” orders. In cases of a strike being called off the courts have wrongly ruled the case closed.

As a consequence of their precarious status, irregular migrant workers, including those in the construction and the meat processing sector, lack the protection of trade union membership and are discriminated against. They are paid below legal minimum salaries as well as they frequently have to work longer hours than the legally stipulated 38 hours a week.

Bulgaria

Trade union rights are not fully guaranteed in Bulgaria. Collective bargaining is not allowed for public servants, foreign employees need special permission and in cases of anti-union discrimination the burden of proof rests with the employee. Moreover, the procedure for reinstating unfairly dismissed workers takes a long time, while sanctions against employers for unfair dismissal are not adequately dissuasive. There are no labour courts. Although recognised, the right to strike is restricted by several requirements, including the prerequisite of exhaustion of all dispute resolution procedures and minimum service requirements. Public employees cannot strike. Instead, they can only display banners and take other “symbolic” industrial action.

In practice, anti-union discrimination is a problem and workers find it difficult to be reinstated by court decision. In the private sector, some employers have forced workers to sign declarations to abstain from union membership and activity.

Czech Republic

Trade union rights are protected by law and the Constitution but in practice workers are not sufficiently protected against anti-union discrimination. Collective bargaining on issues of remuneration in the public sector is limited. The right to strike is restricted by provisions that require the exhaustion of all mediation and arbitration procedures and a two thirds majority to decide strike action. Moreover, the essential services list exceeds the ILO definition and therefore many categories of workers who should be allowed to strike are barred from exercising their right.

Strikes to protect the economic and social interest of employees outside the framework of collective bargaining are not regulated. They are based only on the right to strike contained in the

Constitution of the Czech Republic and the Constitutional Charter of Fundamental Rights and Freedoms.

Estonia

Fundamental trade union rights are guaranteed; however, civil servants, including local government and employees of special agencies, are denied the right to strike. The government has not produced a list of essential services. Workers are not sufficiently protected against anti-union discrimination and achieving reinstatement through legal means is difficult. Court procedures are time-consuming and expensive and compensation for unlawful termination of employment contracts is rather low.

France

Trade union rights are protected in France by law and in the Constitution. However, special derogation clauses can obstruct the extension of sector-level agreements' benefits to enterprise-level agreements.

Germany

The right to form and join a union, to collective bargaining and strike are protected under the German Basic Law. However, since 1959 the government has denied the right to collective bargaining and strike to civil servants. Nonetheless, civil servants are covered by collective agreements on the national level. Several clauses in collective agreements in the private sector allow individual enterprises to deviate from the agreements for special reasons, including job security.

Furthermore, many unions established by employers have concluded agreements with lower wages and benefits, even on the sectoral level, causing social dumping in wages. For instance, the Collective Bargaining Association of Christian Trade Unions (CGZP) has been setting low-wage standards in the temporary employment sector for years. In December 2010, the Federal Labour Court of Germany denied the CGZP the right to conclude collective agreements because it did not have member unions to sufficiently cover all sectors.

Anti-union discrimination occurs in Germany, especially against those workers involved in establishing works councils.

Greece

Fundamental trade union rights are guaranteed. However the government of Greece recently introduced a law which amends several provisions and procedures of collective bargaining and collective agreements. The new law stipulates that the national collective agreement will no longer function as a minimum wage mechanism and allows enterprise level agreements to deviate from the terms of sectoral and national agreements. Moreover, the new law

discriminates against workers of 18 to 24 years old and children of 15 to 18 years of age because it grants the Minister of Labour excessive powers to decide their wages and working conditions.

Hungary

The rights to organise, collective bargaining and strike are recognised in Hungary. However, excessive requirements in order for a union to be recognised as a bargaining agent are in place. Furthermore, several categories of public sector workers are exempted from the right to bargain collectively and the Parliament has the power to set public workers' wages. Strikes in the public sector are prohibited while in the private sector the law places many restrictions to the right to strike.

Ireland

Trade union rights are protected in Ireland by law; however legislation to underpin the right of all workers to collective bargaining through their trade unions is missing. Ireland's domestic laws fail to prevent employers from penalising workers who engage in collective bargaining, establishing phony "employee associations", or refusing to recognise a trade union that employees have joined. Based on this legislative gap, the Irish Supreme Court made a problematic interpretation of Freedom of Association in *Ryanair v Labour Court* and anti-trade union activity, once the preserve of a few anti-union companies is now becoming widespread. Indeed, recent trends reflected in High Court and Supreme Court decisions show that many employers are to a large extent seeking to ignore trade unions and are having the right to do so recognised at least partially by judicial determination. Moreover, there are categories of workers that do not enjoy the right to organise and collective bargaining, including freelance actors, musicians and journalists. Another restriction relates to the police union (AGSI), which is not allowed to associate with ICTU and its constituent trade unions. The ICTU reports incidents of insufficient and ineffective protection from reprisals, victimisation and other acts of anti-union discrimination. The new coalition government in Ireland has pledged to reform the law to protect trade union rights adequately.

Italy

Trade union rights are adequately protected in the law except insofar as some restrictions exist on the right to strike. Moreover, the right to reinstatement applies only to units with more than 15 workers or in enterprises with more than 60 workers in total.

Latvia

There is freedom of association; however a union must have at least 50 members, or not less than one quarter of the workers employed in the unit, profession or sector, which is considered excessive by the ILO. Collective bargaining is recognised, but in the public sector issues that could be subject of collective bargaining are limited. The law "On the Remuneration of State and Local Government Institutions Officials and Employees" outlaws all monetary benefits under collective agreements of the public sector, with some exceptions. Labour laws

require a three quarters majority to call for a strike and certain types of strikes are illegal. Latvia applies a broad definition of essential services, thus depriving many employees of their rights.

In practice, some public employers refuse to engage in collective bargaining. In the private sector, employers make use of anti-union practices and anti-union discrimination takes place. Many employees remain silent in cases of rights abuses because they fear losing their job. The Free Trade Union Federation of Latvia (LBAS) reports that the harsh economic climate results in non-reporting of anti-union activities, especially in the wood manufacturing, civil aviation and industry sectors.

Lithuania

The law recognises the right to form and join trade unions, but at least 30 members or one-fifth of the total workforce is required to create a union. Collective bargaining and the right to strike are protected; however, strikes are only possible if all dispute resolution procedures have been exhausted and can only be called in connection with collective disputes. Moreover, replacement personnel are allowed in some sectors, like public transport. Some types of strike, including solidarity strikes are prohibited. In some cases, the authorities have the right to decide that minimum service must be guaranteed during a strike.

In practice, the judicial procedures for unfair dismissal cases are time-consuming and there are no specialized labour courts in the country. Furthermore, the burden of proof for unfair dismissal on grounds of union activity falls on the worker, resulting in few reinstatements. Facing the economic crisis, unions agreed on amending the labour code; nevertheless, the government further restricted the right to strike.

Poland

Trade union rights are recognised in the law but several categories of public workers do not enjoy all the rights foreseen in ILO Conventions 87 and 98. A single trade union system applies to police, border guards and guards in penitentiary institutions and the employees of the Highest Supervision Chamber. Protection from anti-union discrimination depends on the size of the union, such that a smaller union enjoys better protection than a larger one. Several categories of public employees are barred from collective bargaining, but other workers can exercise their right. The right to strike is recognised, but it is linked to the collective bargaining procedure and is meant to be used only as a means of pressure in case of a stalemate in negotiations and only after all other means have been exhausted. The essential services list exceeds the ILO definition.

In practice, many efforts to organise have been interrupted immediately by dismissing those engaged. Reinstatement for unfair dismissal is time-consuming and courts usually refuse to reinstate workers. Instead unfairly dismissed workers are awarded some months' salary.

Portugal

In Portugal, basic workers' rights are guaranteed by the Constitution and under the law. There are no predetermined criteria to evaluate the representativeness of unions, and the authorities consider only the unions having a seat in the Permanent Commission for Social

Partnership (CPCS) as representative. Moreover, the Labour Code provides for compulsory arbitration after a majority vote by representatives of the workers and employers on the CPCS. The law refers to these unions by name, consequently impeding new trade unions. Collective bargaining in the public sector cannot result in the conclusion of legally binding agreements and all issues except remuneration are excluded from the scope of collective bargaining. The government also has the power to impose temporarily its rulings by ministerial order over the public sector.

In practice, in Portugal there is an anti-union climate comprising opposition to trade union representatives, threats and interference in union activities.

Romania

Basic trade union rights are recognised but protection remains inadequate. The procedure for registering unions is time-consuming and cumbersome and the state has powers over internal rules of unions, as well as over financial sheets and budgets. The law provides for sanctions for impeding union activities; however, virtually no sanctions are applied in practice due to loopholes in the Penal Code. Collective bargaining in the public sector as well as in the private sector is mandatory in units with at least 21 employees.

Collective disputes are subject to arbitration after a mutual agreement. Strikes may be called to defend the economic, professional or social collective interests of workers and if a strike is declared illegal, the employers retain the right to ask the organisers of the strike and strikers for compensation. In several sectors, the law also foresees a minimum service of one third of the employees.

Spain

While trade union rights are generally recognised some categories of public employees, including police, have limited or no freedom of association.

United Kingdom

Trade union rights are protected, but procedures for registering a union allow employers to establish their union and recognise it before an independent union is granted recognition. Moreover, unions do not have guaranteed access to premises. Strikes have to be related to employment issues in order to be legal; consequently solidarity strikes are prohibited. Calling a strike is time-consuming and requires acquaintance with technical procedures which, if not strictly followed, might cause employers' injunctions that terminate the procedure before a strike is declared legal or not. In 2010, the state introduced regulation to stop blacklisting unionists, chiefly by construction companies. Unions have complained that the regulations do not make blacklisting actionable but just have a preventive character.

Conclusions

All EU Member States have ratified the core ILO Conventions on trade union rights. In general, trade union rights are respected in law and practice in the EU. However, a number of violations of trade union rights take place, in particular in some newer member countries. The most important shortcomings concern lack of protection against anti-union discrimination and limitations on the right to strike.

II. Discrimination and Equal Remuneration

The years of ratifications by EU member states of ILO Convention No. 100 (1951), Equal Remuneration, and Convention No. 111 (1958), Discrimination (Employment and Occupation) are as follows:

	<i>No. 100</i>	<i>No. 111</i>
Austria	1953	1973
Belgium	1952	1977
Bulgaria	1955	1960
Cyprus	1987	1968
Czech Republic	1993	1993
Denmark	1960	1960
Estonia	1996	2005
Finland	1963	1970
France	1953	1981
Germany	1956	1961
Greece	1975	1984
Hungary	1956	1961
Ireland	1974	1999
Italy	1956	1963
Latvia	1992	1992
Lithuania	1994	1994
Luxembourg	1967	2001
Malta	1988	1968
Netherlands	1971	1973
Poland	1954	1961
Portugal	1967	1959
Romania	1957	1973
Slovakia	1993	1993
Slovenia	1992	1992
Spain	1967	1967
Sweden	1962	1962

Cross-cutting Issues

Gender and racial discrimination are covered below on a country-by-country basis, while a number of other forms of discrimination are discussed briefly in general terms in this initial section.

All EU countries have legislation on the rights of disabled persons and laws that oblige the state to provide special education and access to buildings. Many countries have adopted laws that reserve jobs for disabled persons in the public sector and in large companies. In practice, shortcomings appear in the application of laws that require building accessibility and equal employment opportunities for disabled persons.

The laws of most EU countries protect the rights of lesbian, gay, bisexual and transgendered persons (LGBT); however, some countries should improve legislation to achieve better protection and equality.

The rights of persons living with HIV/AIDS are protected in law, although in some cases the protection granted should be improved.

Moreover, in many countries societal attitudes and stigmatisation deprive persons who live with HIV/AIDS and LGBT persons from having equal opportunities in employment, including in hiring, promotion and remuneration.

Austria

Women earn 25.5 per cent less than men in terms of gross hourly earnings for work of equal value. Female unemployment was 0.4 per cent lower than male unemployment, but women are disproportionately represented in part-time jobs. Women part-time workers represent 42.9 per cent of total employment but male part-time workers account for only 8.7 per cent of total employment.

The law prohibits sexual harassment and the law is generally enforced. Approximately one out of every seven cases of discrimination brought to the ombudsman for equal treatment of gender in 2009 involved sexual harassment.

Members of the Roma community have faced discrimination in employment.

Belgium

There is still a gap between men's and women's salaries, albeit one of the lower ones in the EU, if excluding part-time work. Women are paid 9 per cent less than men. However, an older report from the Institute for the Equality of Men and Women, based on 2007 data which take into account part-time work, finds the overall wage gap at 25 per cent. Moreover, 41.5 per cent of Belgian women work as part-time workers, whereas only 8.6 per cent of men have part-time jobs. Unemployment affects men and women almost the same; women's rate is 0.3 per cent higher than men's. Women are also underrepresented in highly skilled and paid jobs - women filled just 11.1 per cent of the senior positions in private companies.

The Sexual Harassment Act, which was passed in June 2003, defines sexual harassment as a form of discrimination. The law stipulates that companies should establish internal procedures to handle complaints.

Ethnic minorities from Turkey, Eastern Europe, North Africa and Sub-Saharan Africa face discrimination in employment. According to a 2009 report, the Muslim community experienced far more discrimination than did other communities.

Bulgaria

In terms of gross hourly earnings, Bulgarian women are paid 13.6 per cent less than men. Male unemployment is 0.4 per cent higher than female unemployment. Men's and women's share of part-time work in total employment is low: 2 per cent for men and 2.7 per cent for women. Some of the lower-paid sectors, including education, are dominated by women.

Sexual harassment is prohibited and punishable with up to six years' imprisonment. An estimated 5 per cent of the complaints filed for discrimination concerned sexual harassment at the workplace. However, sexual harassment is a problem and the government is generally considered not to do enough to address it.

Unemployment among the Roma community ranges from 65 to 80 per cent, depending on the area. Although the law prohibits it, various cases and incidents of discrimination against Roma have been reported.

Cyprus

The law provides for equal pay for men and women performing work of equal value. Men and women have the same unemployment rate (only 0.3 per cent difference) and the gender pay gap stands at 21.6 per cent. Equal pay laws are enforced effectively at the white-collar level but not for manual industrial workers.

Figures suggest that 6 per cent of employees have been victims of sexual harassment at the workplace. However, the volume of the problem is estimated to be bigger, since many incidents go unreported. The Labour Office received 22 complaints regarding sexual harassment at the workplace in 2009, 21 of which came from foreign domestic servants. Many of these complaints were not followed up or have been withdrawn.

Czech Republic

Women are affected by unemployment slightly more than men (the difference between the two rates is 1.8 per cent). The gender pay gap stands at 17.1 per cent. Female part-time workers are 9.2 per cent of all working women while the same figure for men is 2.8 per cent.

Ineffectiveness in the application of the law on sexual harassment at the workplace had been reported. In a 2009 survey, one out of four women answered that they had experienced sexual harassment at the workplace.

Discrimination on the grounds of ethnicity is also prohibited. However, the Roma ethnic group continue to face discrimination in employment. World Bank data show that more than half of the Roma population do not take part in the labour market.

Denmark

The wage gap between men and women is 17.1 per cent and female unemployment is 1.1 lower than male unemployment. However, a larger proportion of women work in part-time jobs. The share of women's part-time work in total employment is 37.9 per cent while for men it is 15.3 per cent. Women are still heavily underrepresented in management positions.

The law prohibits sexual harassment at the workplace and the law is generally considered to be effectively applied.

Estonia

Legislation provides for equal pay for work of equal value. However, in practice women earn 30.9 per cent less than men in gross hourly earnings, though women have a higher average educational level. Women's unemployment is significantly lower than male unemployment with a difference of 6.3 per cent. More women than men work in part-time jobs.

Sexual harassment at the workplace is illegal and does not seem to be a widespread problem.

Finland

In Finland the gender pay gap is 18 per cent. There is a tripartite action plan, the Equal Pay Programme, agreed by the government and the central labour market organisations seeking to reduce the gender pay gap to 15 per cent by the year 2015 and to implement the equal pay principle for work of equal value. A continuous evaluation of the programme and decision making for further actions are also undertaken in tripartite cooperation. While female unemployment is 0.6 per cent lower than male unemployment, more often than not women have atypical jobs, including fixed term contracts, and occupy lower paid jobs than men.

Legislation prohibits sexual harassment at the workplace but according to European studies the problem still exists in Finnish workplaces.

According to the Finnish Ombudsman for minority issues, Roma face discrimination in all aspects of life, including in employment. Other groups facing discrimination in employment include Russian-speakers, Somalis and Turks.

France

French women are underrepresented in senior and managerial posts both in public and private sectors. Only 8 per cent of the managerial boards of the 500 biggest French companies are composed by women. According to Eurostat, the gender pay gap is at 17.9 per cent; however, data from NGO sources find the gap at 27 per cent. The female share of part-time employment in total female employment is 29.8 per cent while for men it is only 6 per cent.

Migrant communities, especially the Muslim community, face discrimination in employment. According to a 2009 survey second generation children of migrants face higher unemployment than ethnic French. Roma and travellers also face discrimination in employment.

Germany

Women in Germany are overrepresented in lower income jobs. The gender pay gap is 23.2 per cent and female unemployment is 1.1 per cent lower than male unemployment. The share of part-time employment in total female employment stands extremely high, at 45.3 per cent, while the male share is only 9.7 per cent.

Employers are required to provide for employees' protection from sexual harassment at the workplace. If an employer fails to take measures, then the harassed employee has the right to paid leave until protective measures are taken.

Greece

The law provides for equal pay for work of equal value, but wages of women amount on average to only 78 per cent of male wages. Few women have senior positions and women are discriminated against with regard to promotions. Women's unemployment is 6.3 per cent higher than that of men and the share of part-time work in total employment is 10.4 per cent for women and 3.2 for men.

Sexual harassment at the workplace is considered a problem. According to data almost half of working women and one tenth of men have faced sexual harassment at the workplace.

Roma often face discrimination in employment.

Hungary

Women are paid 17.5 per cent less than men and unemployment rates of men and women are almost the same. The rate of women who have part-time jobs (7.5 per cent) is twice as high as that for men (3.9 per cent) but the share of part-time work in employment is rather low. Women are also underrepresented in managerial and senior level positions.

Sexual harassment is a problem and many complaints are filed.

Roma are discriminated against in employment and social services, and violent attacks against them have taken place.

Ireland

Discrimination and sexual harassment against women in employment is prohibited, but inequalities persist regarding pay and promotions in both the public and the private sectors. The gender pay gap is 17.1 per cent and part-time work by women constitutes 33.8 per cent of total employment, while the corresponding figure for men is 10.5 per cent. Even in sectors that employ a majority of women, the female share in management is disproportionately low. While the law is generally considered to provide effective protection from discrimination and sexual harassment at the workplace, there are long delays in getting cases heard which acts as a barrier to people vindicating their rights.

The law is generally considered to provide effective protection from sexual harassment at the workplace and to be enforced adequately.

Italy

A wage gap persists in Italy. Eurostat reports the wage gap to be 4.9 per cent while an independent research centre has estimated the overall wage gap at 16 per cent. Only 12 per cent of managers are women. There are almost five times more women working in part time employment than men and female unemployment is 2.5 per cent higher than that of men.

Although discrimination on grounds of ethnicity and origin is prohibited, reports show that Roma people face discrimination in several aspects of life, including employment.

Latvia

Discrimination in employment and wages is prohibited, but in practice women face discrimination in recruitment as well as in pay. The gender pay gap is 13.4 per cent. Slightly more women (10.2 per cent) than men (7.5 per cent) are part time workers. Women are disproportionately employed in low-wage jobs, while men outnumber women in high-income occupations. Female unemployment is 6.4 per cent lower than men unemployment.

Sexual harassment is prohibited but common and few complaints are made.

Lithuania

Discrimination between men and women is prohibited and the law provides for equal pay for equal work. In practice women receive on average 78.4% of the wages of men. Women are underrepresented in certain fields, in particular management positions and business. Female unemployment is 6.7 per cent lower than male unemployment. There are slightly more women (9.5 per cent) working in part-time jobs than men (7 per cent).

Sexual harassment at the workplace is punishable but few complaints have been filed.

Luxembourg

Women's gross hourly earnings are 12.4 per cent lower than men's. Moreover, there is only one male part-time worker for every 7 women and the difference between unemployment rates for men and women is 1.4 times higher for women.

Sexual harassment is prohibited and employers are required to take measures to protect their employees. If an employer fails to take measures, the harassed employee has the right to paid leave, as this is considered a breach of the contract.

Malta

Malta's women face a 9.2 per cent wage gap and they are underrepresented in management positions, even though women constitute a growing proportion of higher education graduates. Part-time women workers make up 23.6 per cent of total employment and men only 5.1 per cent. Unemployment for men is one per cent lower than that of women.

Sexual harassment at work is prohibited.

Netherlands

The law provides for equal rights regardless of sex and grants women equal remuneration for work of equal value. Three out of four women in the Netherlands work as part-time workers, whereas only one out four men works part-time. The gender pay gap is 19.6 per cent and unemployment for men and women is at the same rate.

Sexual harassment at the workplace is a problem but not widespread. Surveys show that one out of 40 women has been a victim of sexual harassment but only one tenth of them have reported the incident.

The unemployment rate for Muslims is approximately three times higher than the ethnic Dutch rate.

Poland

In Poland, the Constitution provides for equal treatment of men and women. The unemployment rate of women is 0.9 per cent higher than that of men and the unadjusted gender pay gap in gross hourly earnings is 9.8 per cent. An independent research company found the gap to be 30 per cent in financial and health professions. Moreover, 11.6 per cent of women and 5.8 per cent of men work as part-time workers.

Sexual harassment is prohibited and strictly punishable.

Although discrimination based on ethnicity is illegal, Roma people faced discrimination in various aspects of life, including accessing employment.

Portugal

According to Eurostat women's gross hourly earnings are 9.2 per cent less than those of men but national data show an overall 23 per cent gap. Unemployment of women is 1.3 per cent higher than men's. Part-time working women are 16.4 per cent of the working female population, while the respective figure for male part-time workers is 7.5 per cent. Women are concentrated in low paid positions and few women occupy managerial posts.

Sexual harassment is punishable and complaints are filed.

Romania

In Romania few women are employed in high-ranking positions and, according to Eurostat, the overall gender pay gap is 9 per cent. However, the National Statistics Institute estimates the wage gap at 10 to 15 per cent. About 10.6 per cent of working women and 9.1 per cent of working men perform part-time employment. Unemployment for women is 1.9 per cent lower than male unemployment.

Sexual harassment at the workplace is prohibited but public awareness of the problem is low and many incidents remain unreported.

Roma people constitute 10 per cent of the total population. There is reported to be widespread discrimination against Roma in various aspects of life, including in social services and employment.

Slovakia

Although discrimination on gender grounds is prohibited, the gender wage gap is 20.9 per cent. 4.7 per cent of female workers and 2.7 per cent of male workers have a part-time job. Unemployment of women is 1.4 per cent higher than that of men. The Ministry of Labour has noted that the wage differences result from the fact that women are concentrated in low skilled, low paid positions as well as from differences in bonuses, rather than the base wage.

Sexual harassment is prohibited but there is little data on the extent of the problem. Some complaints have been filed.

Roma people faced severe discrimination in accessing education and employment. In 2009, the Slovak National Centre for Human Rights received 1,571 complaints, most of which related to discrimination in employment, especially concerning hiring processes. The complaints are not segregated by grounds of discrimination and so include also non-Roma discrimination cases.

Slovenia

The Slovenian gender pay gap is 8.5 per cent. More women (13.2 per cent) than men (8.4 per cent) have a part-time job and unemployment rates for men and women are the same. The average length of unemployment was also the same for men and women.

Sexual harassment is punishable but it remains a widespread problem. A number of complaints were filed during the reporting period.

Roma unemployment is 98 per cent and Roma face discrimination in various aspects of life including employment, education and access to social services.

Spain

Spanish law prohibits discrimination on gender and other grounds. However, Spanish women earn 16.1 per cent less than men and have a higher rate of part-time jobs (23 per cent for women, 4.9 per cent for men). A 2010 report from the National Statistics Institute estimates the wage gap at 21.9 per cent. Unemployment for women is 0.7 per cent higher than male unemployment.

The law prohibits sexual harassment in the workplace; however, harassment is reported to occur.

Roma face higher rates of poverty, unemployment and illiteracy as well as discrimination in employment.

Sweden

Women in Sweden face a 17.1 gender pay gap and their unemployment rate is slightly lower (0.6 per cent) than that of men. 41.2 per cent of Swedish women have a part-time job, whereas 14.2 of working men work part-time.

Sexual harassment at the workplace is not a widespread problem and the law is generally enforced effectively. Employers have responsibility for protecting their workers from sexual harassment at the workplace.

Unemployment of Roma is 80 per cent and in 2009, the Ombudsman responsible for discrimination received 760 complaints regarding discrimination due to ethnicity. It is not clear how many of these complaints involved Roma and other groups and what type of discrimination they concerned.

United Kingdom

Women working full time continue to earn approximately 21.4 per cent less than men. 42.5 per cent of women work part-time, as opposed to 11.8 per cent of men. Women's unemployment rate is 2.2 per cent lower than that of men. In 2009, the government enacted the

Equality Act aiming at protecting the rights of individuals and advancing equality of opportunity for all.

The law prohibits sexual harassment; relatively few complaints were filed.

Conclusions

All EU Member States have ratified the Core ILO Conventions on discrimination and equal remuneration. National laws provide for equal pay and equal treatment in employment and prohibit discrimination on grounds of gender, ethnicity and other grounds. In practice, however, economic discrimination against women in the labour market is still pronounced. A gender pay gap exists in all Member States, women are disproportionately concentrated in part-time and lower paid jobs and they are frequently absent from senior management positions. In Southern and Eastern Europe discrimination, inter alia in employment, occurs against the Roma and other minorities. In much of Europe Muslims are discriminated against in employment, including in hiring practices.

III. Child Labour

The dates of ratifications by EU member states of ILO Convention No. 138 (1973), Minimum Age, and ILO Convention No. 182 (1999), the Worst Forms of Child Labour, are as follows:

	<i>No. 138</i>	<i>No. 182</i>
Austria	2000	2001
Belgium	1988	2002
Bulgaria	1980	2000
Cyprus	1997	2000
Czech Republic	2007	2001
Denmark	1997	2000
Estonia	2007	2001
Finland	1976	2000
France	1990	2001
Germany	1976	2002
Greece	1986	2001
Hungary	1998	2000
Ireland	1978	1999
Italy	1981	2000
Latvia	2006	2006
Lithuania	1998	2003
Luxembourg	1977	2001
Malta	1988	2001
Netherlands	1976	2002
Poland	1978	2002
Portugal	1998	2000
Romania	1975	2000
Slovakia	1997	1999
Slovenia	1992	2001
Spain	1977	2001
Sweden	1990	2001
United Kingdom	2000	2000

Cross-cutting Issues

Child labour, including its worst forms, is covered below on a country-by-country basis with regard to those countries where a significant problem exists.

It can also be stated in general terms that very many EU countries face increasing numbers of street children and children forced into beggary.

Bulgaria

While Bulgaria's laws on child labour are generally enforced in the formal economy, there are children undertaking informal economic activities and working in family-run enterprises. A number of reports have found that use, procuring or offering of children for illicit activities, including for drugs trafficking and prostitution, is occurring. In 2009, the Labour Inspectorate referred 12 cases of unlicensed child labour to the prosecutor.

Cyprus

The minimum age for industrial work is 16 years, and 15 years for apprenticeships. This law is effectively enforced. There are reports that children from Turkey work in agriculture and in manufacturing in the northern part of Cyprus, mostly in family-run enterprises. Urban child labour is also a problem in northern Cyprus, however to a lesser extent.

France

In general, France enforces its laws on child labour effectively. However, there are reports that some children of African origin are forced to work in domestic servitude.

Greece

The minimum age for employment in the industrial sector is 15. The minimum age for employment in family businesses is 12 years of age, which is in violation of ILO Convention No. 138. The new labour laws which Greece adopted under the IMF-ECB-EC Memorandum to face the financial and debt crisis lowered the remuneration of children between 15 to 18 years of age to 80 per cent of the minimum wage for adults.

In practice, some children even younger than 12 years old work in family-run businesses, mostly in merchandise and agriculture. Many Roma children are forced into beggary and street vending. Moreover, many children who dropped out of school work in poorly paid jobs, usually undertaking informal economic activities. Greek trade unions report that the Labour Inspectorate is not adequately staffed and funded to effectively enforce the child labour laws.

Hungary

Employment is illegal below the age of 14 while education is mandatory up to the age of 16. Child workers between the ages of 14 and 16 are prohibited from night shifts and hard physical labour. In 2009, the Labour Inspectorate reported finding 136 children working without license in six companies and imposed fines.

The International Organisation for Migration reports that trafficking of children for sexual exploitation is a problem.

Italy

In Italy, with limited exceptions, the law forbids employment under 15 years of age. The law is enforced in the formal economy with few exceptions. In the informal economy which is estimated to employ some four million workers, minimum age laws cannot be enforced. There are reports that children are trafficked from North Africa and Asia to work in manufacturing and services industries, as well as in forced beggary and prostitution.

Lithuania

Although the laws protect children sufficiently, statistics from 2009 show that 8 per cent of children who undertake some work are doing so illegally or without license, mostly in agriculture.

Malta

The minimum age for employment is 16 years, but during the summer children younger than 16 years are employed in family businesses as well as domestics, in restaurants and as vendors.

Poland

The law forbids the employment of persons under the age of 15. Education is free and mandatory until the age of 18 and those between the ages of 15 and 18 may be employed only if they have completed primary school and if the proposed employment constitutes vocational training and is not harmful to their health. The age requirement for employment is 18 years for potentially hazardous work. An increasing number of minors are employed, and many employers violate labour legislation, mainly by low payments.

Portugal

The minimum working age in Portugal is 16 years. Minors over 16 are legally entitled to be employed for light work, and under many conditions their employment is also required to include a strong component of education and training.

Children are often employed by small businesses, used in lower skilled jobs and paid at piece rates, usually in construction, tourism, textiles and clothing. There are reports of Roma children being forced into beggary.

Romania

The laws in Romania regulate child labour. However, enforcement of the law is not effective. The Labour Inspectorate undertook many controls last year and found 964 cases of illegal child labour but none was prosecuted in the courts, although in some cases the authorities imposed fines.

Child labour is a problem. Many children, particularly Roma, are forced into beggary, street vending and street services like windscreen washing and shoes polishing. Children also work in agriculture and domestic servitude.

Slovenia

The minimum age for employment is 16; however, there are reports that children below this age work in family farms, particularly during the harvest.

Spain

The minimum age for child employment is 16 years and enforcement of this is effective in major industries and services, however on small farms and in family businesses child labour exists.

United Kingdom

The UK's minimum age laws require children to attend school until they are 16, under which age they cannot work in an industrial enterprise. In general the law is enforced effectively. However in practice, reports have found that children from China and Vietnam have been subjected to forced labour, particularly on cannabis farms. Girls from China have been forced into prostitution and children have been victims of debt bondage. Social workers report that many British children work without the required licenses. Moreover, some children work long and late hours and in some cases they are under-paid. The problem affects children who drop out of school, children of poor families and migrant children more.

Conclusions

Economic exploitation of children occurs in the European Union but in most of the countries it is not a widespread problem. Most child labour occurs in informal economic activities, agriculture and family-run businesses. Many victims of child labour, particularly the worst forms of child labour, are Roma or children from North Africa and Asia. Generally, but not always, child labour laws are better enforced in the northern countries of the EU.

IV. Forced Labour

The dates of ratifications by EU member states of ILO Convention No. 29 (1930), the Forced Labour Convention, and ILO Convention No. 105 (1957), the Abolition of Forced Labour Convention, are as follows:

	<i>No. 29</i>	<i>No. 105</i>
Austria	1960	1958
Belgium	1944	1961
Bulgaria	1932	1999
Cyprus	1960	1960
Czech Republic	1993	1996
Denmark	1932	1958
Estonia	1996	1996
Finland	1936	1960
France	1937	1969
Germany	1956	1959
Greece	1952	1962
Hungary	1956	1994
Ireland	1931	1958
Italy	1934	1968
Latvia	2006	1992
Lithuania	1994	1994
Luxembourg	1964	1964
Malta	1965	1965
Netherlands	1933	1959
Poland	1958	1958
Portugal	1956	1959
Romania	1957	1998
Slovakia	1993	1997
Slovenia	1992	1997
Spain	1932	1967
Sweden	1931	1958
United Kingdom	1931	1957

Cross-cutting Issues

Forced labour is covered below on a country-by-country basis, while some forced labour issues are discussed briefly in general terms in this initial section.

While there are laws against forced labour and trafficking in all EU countries, forced labour occurs throughout the EU to some extent. It mostly involves women in prostitution or involuntary domestic servitude, children in prostitution, street crime and forced beggary and men forced to work in agriculture, construction and in tourism and other services. Some reports from different countries show that traffickers and other offenders make use of debt bondage as a means of coercion.

To differing extents, all European countries take measures aiming to eliminate the problem. However, some governments need to intensify their efforts and build capacity to address the problem more effectively, including by pursuing more prosecutions and convictions. Some countries are deficient when it comes to assisting victims and providing services to them.

Austria

In practice, trafficking of women for prostitution and domestic service is prevalent and there are reports of children trafficking for begging. There are reports that diplomats in Austria, particularly from the Middle East, are involved in forced domestic labour.

The ILO CEACR has criticised Austria for many years for the treatment of prisoners working for private enterprises. These criticisms include the lack of a free employment relationship, the absence of a contract and the need for a more transparent procedure that would guarantee free and informed consent of prisoners to work.

Belgium

Trafficking of women and children for prostitution is a problem in Belgium, both as a country of destination and transit. Men are reported to be trafficked for the purpose of forced labour in restaurants, construction and farms. Many cases of forced labour involve forms of debt bondage.

Bulgaria

It is reported that many women, children and men are victims of trafficking mostly for the purposes of forced labour, forced beggary and prostitution. Many victims are reported both internally and in other countries, usually in Europe.

The government has amended its anti-trafficking law to prescribe stricter penalties for traffickers. Some municipal councillors involved in organised crime activities that facilitated trafficking were prosecuted. In another case, policemen arrested for organised crime activities were dismissed and not prosecuted.

The CEACR has criticised the fact that the Execution of Punishment Act does not explicitly refer to the principle of the voluntary nature of prison labour. The government has replied that it has not made use of the provisions which oblige convicted prisoners to perform prison labour and that it will amend the provisions in breach of Convention No. 29.

Cyprus

There are reports of trafficking of women and sometimes children for forced prostitution and domestic work. There are relatively few complaints filed by domestic workers showing cases of violence and intimidation; however this does not mean that the problem is limited. Complaints might not be filed for reasons of fear, ignorance or threats. Asylum seekers are also reported to be trafficked for forced labour in agriculture. Employers make use of debt bondage practices.

Reports find that the authorities do not pay adequate attention to fighting the problem and that victims lack sufficient financial and social support services.

Czech Republic

Usually, in the Czech Republic forced labour occurs through deceptive contracts signed between migrants and employment agencies. In one case, Lesy CR, an employment agency, hired hundreds of Vietnamese workers with unpaid trainee contracts written only in Czech, while orally assuring them that this was an employment contract. After using workers for months, they would replace them with new workers using the same technique. Later on they started using migrants of other nationalities. The authorities did not charge the employers but made sure that they stopped using these practices.

In June 2009, the government achieved its first conviction of traffickers for the purpose of forced labour. The traffickers were associated with an employment agency.

The ILO CEACR recently requested the government to amend one article of its Penal Code in order to bring it in line with Convention No. 105. The amendment concerned sanctions involving compulsory labour applicable to public officials for neglect of duty.

Estonia

Estonia is a source country for trafficking of women for prostitution in Western Europe. The government has increased its anti-trafficking budget with a stress on victims' assistance but law enforcement has not been adequately strict.

France

Trafficking of girls and women for prostitution and domestic slavery is a problem. Trafficked women and girls mainly come from Eastern Europe, but also from Africa.

Germany

There is trafficking of women and girls for sexual exploitation into Germany. Most of the trafficking takes place for the purpose of prostitution and one fourth of the identified victims are children. Most of the victims are Eastern European women. Chinese individuals have been reportedly trafficked for forced labour in hotels, domestic services and construction.

The ILO CEACR has called for German law to ensure that free and informed consent is given for the work of prisoners in private enterprise workshops inside prison premises. Moreover, Germany should guarantee that working prisoners enjoy remuneration and pension benefits equal to those given to non-prisoners. The CEACR is concerned that “more than 50 years after the ratification of this fundamental human rights Convention [No. 29], a significant proportion of the prisoners working for private enterprises in Germany is hired to private enterprises which use their labour without their consent and in conditions bearing no resemblance whatsoever to the free labour market.”

Greece

Forced labour and trafficking in human beings is a problem. Thousands of children are illegally employed in the streets where they earn a living as windscreen washers or beggars. Many women from Eastern Europe, Africa and Asia are victims of trafficking for the purpose of prostitution. Hundreds of workers, mostly Asians, work in agriculture for wages much below the minimum wage. Coercion techniques include emotional abuse and financial harm. Reports indicate that many officials are involved in activities that facilitate or cover up trafficking.

Hungary

Trafficking of women and girls, mainly for the purpose of sexual exploitation, is a serious problem. Hungary is both a destination and transit country.

Ireland

Trafficking for forced labour, beggary and prostitution occurs in Ireland. Most forced labour victims are exploited in construction, fisheries and domestic service. Many Roma children are reported to be used for beggary.

Italy

Trafficking for prostitution and other forced labour, mainly from Eastern Europe, North Africa and Asia is a problem in Italy. There are about 100,000 persons vulnerable to trafficking in Italy, mostly unregistered migrant workers in farms. The CEACR finds that “Italian legislation does not guarantee equal rights, conditions and protection to migrant workers as compared to Italian citizens.” Many persons, mostly men, are forced into labour through debt bondage techniques in agriculture.

Italy’s law allows the imposition of sentences of imprisonment involving the obligation to work as a means of labour discipline for maritime and aeronautical transport staff in the event of

desertion. Although the government indicates that these provisions are not applied in practice, the CEACR has asked for their amendment.

Latvia

There are reports of the trafficking of women and girls for forced prostitution. Latvia is a source, transit and destination country for trafficking of women and girls.

Lithuania

Lithuania is a source, transit and destination country for trafficked persons particularly for forced prostitution. However, the government is making progress in combatting sex trafficking.

Malta

Although the country's laws prohibit forced labour and all forms of trafficking, there are reports of forced labour. For example Pakistani individuals are forced into labour in restaurants owned by other Pakistanis. The volume of the problem is not known.

Netherlands

Trafficking of women is a problem, and the Netherlands is both a country of transit and destination. Many cases involve forced marriages. Last year the authorities rescued 138 male victims of forced labour and trafficking in agriculture, horticulture, cleaning services and construction.

Poland

Trafficking of women and girls for the purpose of prostitution is a problem in Poland. Many come from Eastern Europe. Men and women from Asia and Africa are forced into labour in various sectors and forced beggary. Techniques employed often involve debt bondage.

The CEACR has asked the government to amend its laws in order to guarantee that free and informed consent is given by prisoners working in private enterprise workshops inside prison premises.

Portugal

Trafficking, organised by criminal networks, of women and girls for forced prostitution and of men for forced labour occurs. Eastern Europeans and African workers are forced into labour in hotels, agriculture and construction. There are reports of Roma children forced into beggary. Last year the government achieved the conviction of 8 sex traffickers.

Romania

Romania is primarily a source and transit country for trafficking in human beings. Internal trafficking is also a problem. Inside Romania most of the victims are involved in forced labour, rather than in prostitution, which also takes place. Children are reported to be trafficked internally mainly for beggary and street crime.

The competent independent authority, the National Agency against Trafficking in Persons, was turned into a specialised agency under police authority with a view to improving investigations and prosecution rate. However, taking this step, the government significantly reduced the resources available for assistance to victims.

Slovakia

Trafficking of women and girls for the purposes of forced prostitution is a problem. Reports demonstrate that some Eastern European and Chinese workers are forced into labour. Although government improved its assistance to victims, efforts to achieve convictions of offenders are poor.

Spain

Trafficking of women and girls for the purpose of forced prostitution is a problem in Spain. Women are mainly trafficked from Latin America, Sub-Saharan Africa and Eastern Europe, mostly in prostitution. Migrant men and women are forced to work in agriculture and tourism.

United Kingdom

Human trafficking and forced labour are problems in the UK. Women, particularly from Eastern Europe, are forced into prostitution and domestic work. Mostly foreign children are forced to beg and Asian children, especially from China and Vietnam, are used by organised criminals in cannabis farms. Male victims of trafficking are reported to work in farms, food processing and construction. Practices include debt bondage. Moreover, several diplomats, especially from Middle Eastern countries have made use of involuntary domestic labour.

Some laws on prison labour are not in line with Convention No. 29. The ILO CEACR has asked the UK government to take measures to effectively ensure that free and informed consent is given for the work of prisoners in privately operated prisons and that the conditions of work approximate to a free employment relationship in terms of wage levels, social security and occupational safety and health.

Conclusions

The ILO CEACR has continued to criticise several EU countries for the practice of obliging prisoners to work for private enterprises in conditions which cannot be assimilated to a free employment relationship, i.e. without their consent, at levels below national minimum wages and without social security coverage. This breaches provisions of Convention No. 29.

In virtually all EU countries, trafficking in women for the purpose of forced prostitution is a problem, as is forced labour by trafficked people and begging by children. All governments take measures to address the problem; however, several countries need to intensify their efforts.

V. Core Labour Standards in EU External Trade Policies

The EU supports respect for core labour standards in its trading system for access by products of developing countries, its Generalised System of Preferences (GSP). Countries engaging in forced labour have been liable to lose their preferential access to the EU market since 1995. Revisions to the GSP protocol in 2001 extended this liability to flagrant violation of any of the core labour standards. The ITUC and the ETUC have filed joint submissions concerning a number of countries, including Burma, Belarus, Uzbekistan and Georgia, and make submissions to the EU reviews of all country applications for improved preferences on grounds of respect for labour standards. As a result of the activities of the ITUC and ETUC, Burma and Belarus were excluded from the EU's GSP by Decisions of the EU Council of Ministers in 1997 and 2007, respectively. The ITUC and ETUC's requests for investigations into core labour standards in Uzbekistan and Georgia are currently pending a response from the European Commission. The present GSP guidelines will expire in December 2013 and trade unions are submitting proposals for the new GSP Regulation.

As noted in the Introduction to this report, several EU bilateral and regional agreements contain a Sustainable Development chapter or a reference to social issues, including core labour standards

Recommendations

1. There remain problems with regard to the right to freedom of association in some EU countries which have not yet been tackled, requiring amendments to the labour laws in those countries on the basis of the recommendations formulated by the ILO CEACR. Such problems include the need to strengthen workers' protection against anti-union discrimination and recognition of the right to form and join a union for categories of workers that are currently not allowed to unionise.
2. The EU must guarantee the exercise of fundamental social rights within the scope of the economic freedoms offered by the single market as well as the right for unions to engage in collective bargaining and conclude collective agreements, and must explicitly recognise the right to cross-border secondary action as an integral aspect of the right to strike.
3. Legislation against gender discrimination in the private sector needs to be strengthened, and the European Commission and member states should ensure more effective implementation of the principle of equal remuneration for women and men for work of equal value. Stronger measures are needed to eliminate sexual harassment at the workplace, in particular in the new member states, including legislation prohibiting sexual harassment. The governments also need to take measures to increase women's participation in the workforce, including in senior and managerial positions.
4. Discrimination against the Roma ethnic minority is widespread in almost all member states, particularly in Eastern and Southern countries. Muslim communities are also discriminated against in many countries. More coordinated efforts should be taken at the European level to prevent discrimination and to increase access to employment for groups that are discriminated against.
5. Shortcomings that appear in some countries in the application of laws that require building accessibility and equal employment opportunities for disabled persons should be tackled with additional measures.
6. Some EU countries should improve legislation to achieve better protection and equality for lesbian, gay, bisexual and transgendered persons (LGBT).
7. Some countries need to take measures to change societal norms with regards to persons who live with HIV/AIDS and improve, where needed, their legislation in order to provide equal opportunities in employment, including in hiring.
8. More progress needs to be made to achieve the effective elimination of child labour. In particular child labour on family farms and the worst forms of child labour, including begging and child prostitution, must be tackled urgently. Particular attention should be paid to Roma, migrant children and other categories of vulnerable children, because of the high risk of exploitation.
9. Those EU member states which use prisoners to work for private enterprises in violation of ILO Convention No. 29 must cease such practices.
10. An absolute priority must be the effective elimination of forced labour and trafficking of human beings of all forms. As an EU wide problem, tackling trafficking and forced labour urgently requires improvement of coordination between countries and common EU policies.

11. Some countries should reinforce their Labour Inspectorates and other law enforcers with more funding and training in order to achieve better results in investigation and prosecution of abusers of core labour standards.
12. The WTO should draw the attention of the EU and EU Member States' authorities to the commitments they undertook to observe core labour standards at the Singapore and Doha Ministerial Conferences. It should request that the ILO intensify its work with the EU and the Governments of EU Member States in these areas and provide a report to the WTO General Council on the occasion of the next trade policy review.

References

European Commission, “Report on Progress on Equality Between Women and Men in 2010: *The gender balance in business leadership*”, 2011, available at: <http://ec.europa.eu/social/BlobServlet?docId=6562&langId=en>

ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), *Individual Observations and Direct Requests*, 2009-2011

ILO, *Ratification of Core Labour Standards*

ITUC, *Annual Survey on Violations of Trade Union Rights*, 2010, available at: <http://survey.ituc-csi.org/>

United States Department of State, *Trafficking in Persons Report 2010*, 14 June 2010

United States Department of State, *2010 Country Reports on Human Rights Practices*, 8 April 2011

In addition, much information was provided by the ETUC and by ITUC affiliates in the European Union, as indicated in the list below.

**AFFILIATED ORGANISATIONS OF THE ITUC IN
EUROPEAN UNION MEMBER STATES**

<i>Country</i>	<i>Organisation</i>
Austria	Österreichischer Gewerkschaftsbund (ÖGB)
Belgium	Confédération des Syndicats Chrétiens (CSC-ACV) Fédération générale du Travail de Belgique (FGTB) Centrale générale des Syndicats libéraux de Belgique (CGSLB)
Bulgaria	Confederation of Independent Trade Unions in Bulgaria (KNSB) (CITUB) Confederation of Labour PODKREPA (PODKREPA)
Cyprus	Cyprus Turkish Trade Unions Federation (TÜRK-SEN) Cyprus Workers' Confederation (SEK) Democratic Labour Federation of Cyprus (DEOK)
Czech Republic	Czech-Moravian Confederation of Trade Unions (CM-KOS)
Denmark	Landsorganisationen i Danmark (LO) Funktionærernes og Tjenestemaendenes Faellesrad (FTF) Danish Confederation of Professional Associations (AC)
Estonia	Confederation of Estonian Trade Unions (EAKL)
Finland	Suomen Ammattiliittojen Keskusjärjestö (SAK) r.y. AKAVA r.y. Finnish Confederation of Salaried Employees (STTK)
France	Confédération Française Démocratique du Travail (CFDT) Confédération Française des Travailleurs Chrétiens (CFTC) Confédération Générale du Travail (CGT) Confédération Générale du Travail - Force Ouvrière (CGT-FO) Union Interprofessionnelle de la Réunion (UIR-CFDT)
Germany	Deutscher Gewerkschaftsbund (DGB)
Greece	Greek General Confederation of Labour (GSEE)
Hungary	National Confederation of Hungarian Trade Unions (MSZOSZ) Democratic League of Independent Trade Unions (LIGA) Autonomous Trade Union Confederation (ATUC) National Federation of Workers' Councils (MOSZ)
Ireland	Irish Congress of Trade Unions (ICTU)

Italy	Confederazione Italiana Sindacati Lavoratori (CISL) Unione Italiana del Lavoro (UIL) Confederazione Generale Italiana del Lavoro (CGIL)
Latvia	Free Trade Union Confederation of Latvia (LBAS)
Lithuania	Lithuanian Labour Federation (LDF) Lithuanian Trade Union Solidarity (LPSS) Lithuanian Trade Union Confederation (LPSK)
Luxembourg	Confédération Syndicale Indépendante du Luxembourg (OGBL) Lëtzebuerger Chrëschtliche Gewerkschafts-Bond (LCGB)
Malta	General Workers' Union (GWU) Confederation of Malta Trade Unions (CMTU)
Netherlands	Federatie Nederlandse Vakbeweging (FNV) Christelijk Nationaal Vakverbond (CNV)
Poland	"Solidarnosc" Niezalezny Samorzadny Zwiiazek Zawodowy (NSZZ) Ogólnopolskie Porozumienie Zwiazków Zawodowych (OPZZ)
Portugal	União Geral de Trabalhadores (UGT-P)
Romania	Blocul National Sindical (BNS) Confederatia Nationala Sindicala Cartel Alfa (Cartel ALFA) Confederatia Sindicatelor Democratice din Romania (CSDR) Confederatiei Nationale a Sindicatelor Libere din România - C.N.S.L.R.-FRATIA (CNSLR-FRATIA)
Slovakia	Confederation of Trade Unions of the Slovak Republic (KOZSR)
Slovenia	-
Spain	Unión General de Trabajadores (UGT) Confederación Sindical de Comisiones Obreras (CC.OO) Euskal Sindikatua ELA (Basque Country) Unión Sindical Obrera (USO)
Sweden	Landsorganisationen i Sverige (LO) Tjänstemännens Centralorganisation (TCO) Swedish Association of Professional Associations (SACO)
