

Social justice from farm to fork

Fight precarious work!

EFFAT Charter on Precarious Work



**European Federation of Food,
Agriculture and Tourism
Trade Union**



EFFAT

<p style="text-align: center;">Social justice from farm to fork Fight precarious work</p>

EFFAT CHARTER

against precarious work

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In 2000 the Member States of the EU resolved to make the Union the most competitive and dynamic knowledge-based economic zone in the world – an economy with the capacity to achieve sustained economic growth with more and better jobs and greater social cohesion.

Almost 10 years later we can only observe that these targets have not been achieved.

Worse still, due to a dramatic change in employment markets, the EU today is further from this target than ever. Employers' investment in training and development of employees have fallen and the number of poor-quality and insecure low-wage jobs has risen drastically.

Instead of the competitiveness of enterprises being increased by a general improvement in employees' skills, we are seeing more and more outsourcing and deregulation and jobs are becoming increasingly precarious.

Instead of rewarding the willingness of workers and unions to be more flexible with increased job security, many employers are now concerned with only one thing – extremely cheap and extremely flexible workforces.

The result is social dumping, low wages and increasing social inequality. Temporary and seasonal workers, workers on fixed-term or part-time contracts, migrant and bogus self-employed workers, subcontracted employees and clandestine workers have all become second- or even third-class employees, especially women. Many employees in the agricultural, tourism and foodstuff sectors are no longer able, due to starvation wages, to fully earn their own living through their work. They are forced to turn to social security services and government support in order to survive. Paid employment is less than ever a shield against poverty. The situation of these employees is further exacerbated by the privatisation of public infrastructure and increasing charges. Social support as a cornerstone of the European social model to ensure public maintenance is no longer universally guaranteed. For this reason, there is less rather than more social cohesion in the EU today.

On top of this, it has become general practice to circumvent provisions of wage agreements and legal regulations through outsourcing and subcontracting. The weakening or even dismantling and destruction of functioning structures of social dialogue and wage negotiations in many EU countries – as we are now seeing even in the judgments of the CJEC – undermine social democracy and the European social model.

These developments have had a particularly significant impact on the agriculture, food and tourism sectors.

Income in tourism is on average 20% lower than in other sectors, and a striking number of 'working poor' are employed in the hospitality industry. A high proportion of precarious employment, coupled with working hours that are often unsocial, and few possibilities for skills' development or promotion are additional factors for the high staff turnover and for the current problems being experienced - particularly in the hospitality sector in finding qualified personnel and keeping them in the sector. Moreover, temporary work reaches the highest levels for agriculture or hotels and restaurants (30% in hotels and restaurants, and 70% in the agricultural sector). 16% of skilled agricultural and primary sector workers work under precarious contracts. In the case of temporary workers, part-time work is over-represented in the hotels sector.¹

Studies show that a disproportionate number of young men and women under 30 work in jobs with fixed-term contracts of employment. Almost one third of both male and female employees under 30 in the EU-25 are employed on a fixed-term basis, which is over double the proportion of employees of all ages employed on such contracts. It has also been revealed that women and ethnic minorities are particularly affected by precarious work conditions².

The meat sector demonstrates just how not to implement the principle of free movement of workers: current practices such as illegal employment, human trafficking, bogus self-employment, wages below the levels set in collective agreements and accommodation in appalling conditions are commonplace in many European meat companies and lead to totally unacceptable social dumping and exploitation.

Precarious work generally means poor wages, insecure employment, a lack of job protection for workers and difficulty for the latter to support their families. Employment should be considered precarious where features such as little or no job security, low and unsecured wages, a lack of social security (pensions, health insurance, unemployment benefit), no protection against dismissal, no vocational training, little or no health and safety at work and no trade union representation are present.

When it comes to achieving the Lisbon targets and strengthening European competitiveness, this development is quite simply counterproductive.

Social security does not impoverish, but is rather a basis for economic success. It creates social harmony and increases people's readiness to accept and adapt to change.

We need to turn the situation around!

¹ Precarious Employment and Working Conditions in Europe, Eurofound, 2006

² idem

Our demands

EFFAT calls upon **employers** in the agriculture, food and tourism sectors to act ethically and with social responsibility, and above all to:

- comply with all ILO labour standards, including the right of employees to join independent trade unions without being subjected to overt or covert pressure;
- place a positive value on the role of employees and trade unions for the welfare of the enterprise;
- respect national collective bargaining systems and national industrial relations systems and to negotiate collective agreements with trade unions everywhere;
- offer work contracts including social insurance in the employees' native language;
- agree with trade unions upon common social standards for all precarious employment relations, including seasonal work;
- comply with laws and collective agreements in force and to consistently ensure and monitor compliance by contractors and sub-contractors;
- implement the EU Directive on temporary workers quickly and completely;
- negotiate with trade unions about the extent to which temporary employees are used in businesses and limiting it to the level that is absolutely necessary;
- pay a fair wage that enables employees and their families to live and work in dignity and to participate in society without having to rely on the financial support of third parties (state, social insurance);
- prevent social dumping and to consistently implement the ban on discrimination and not to disadvantage anybody on economic, social, gender-specific, religious or cultural grounds, or on the basis of disability, age or sexual orientation, but rather to treat everyone according to the basic principle of equal pay and equal working conditions for equal work at the same workplace;
- take specific measures to assist the social integration of migrant and seasonal workers;
- negotiate all outsourcing or subcontracting plans with trade unions / works councils;
- safeguard the acquired and vested rights of external workers;
- not allow opting-out of legal requirements in terms of working time, but rather to negotiate with trade unions any planned working hours or flexibility arrangements;
- ensure that part-time employment is an option to be freely chosen by employees, and not an imposed obligation;
- preserve and create jobs through innovative corporate policy;

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- offer comprehensive training and development schemes and in particular for those in precarious employment, in order to enhance their employability;
 - use times of little or no activity (e.g. off-seasons) for staff-development programmes;
 - train precarious employees, particularly in the fields of labour, environment and food safety;
 - conduct regular discussions with employees on furthering their professional development, in order to agree on individual professional-development plans with them.

EFFAT calls upon **political actors** at the national and European level to:

- complement the single European market and the common labour market with a European social policy that forbids and prevents the abuse and circumvention of legal and collective agreement provisions;
- introduce social clauses into the allocation of public contracts and subsidies, ensuring that only those enterprises that comply with all legal and collectively agreed obligations have the benefit of government contracts and subsidies;
- create, following the judgments of the ECJ in the matters of Viking, Laval and Rueffert, the legal conditions for consistent application of the ban on discrimination throughout the world of work;
- prevent the introduction of the country-of-origin principle in all areas of activity and to ensure that domestic and foreign enterprises are subject to the same conditions in a framework of fair competition;
- prevent any further deregulation of labour markets;
- introduce binding minimum social standards for all employees at the European level to combat social dumping;
- guarantee all employees equal access to all social services;
- guard against any abuse of the freedom of services or the free movement of labour, as well as bogus-self-employment;
- finally introduce effective instruments to monitor and enforce operative legal and collective agreement provisions;
- create an EU instrument regulating the special responsibility and liability of head contractors and sub-contractors, as well as intermediaries (so-called 'service providers'), for wages, working conditions, social security contributions and taxes;
- reinforce control and certification of temporary employment agencies;
- ensure that national labour and workplace inspectors are backed up and better trained and that their cross-border cooperation is improved at the European level;
- not include any opting-out provisions in European legislation (such as the Working Time Directive);

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- rapidly reform the Posting of Workers Directive to ensure that it actually sets only minimum standards;
 - reinforce the collective bargaining autonomy of the social partners, including basic European right to cross-border industrial action;
 - append a social progress protocol to the new EU Treaty, ensuring that basic social rights and the rights of the social partners are not circumvented by the regulations of the common market;
 - introduce a European directive setting out minimum social standards for seasonal workers;
 - establish a European observatory for migrant and seasonal workers;
 - pursue the consolidation and promotion of an active labour-market policy;
 - promote the establishment of transfer and professional development bodies for the unemployed and employees threatened with unemployment;
 - introduce a personal right to qualifications, training and life-long learning;
 - require all employers to agree on professional-development plans with all employees on a regular basis;
 - promote the rights and opportunities for development of especially disadvantaged children and of disabled employees, for education is the key to integration, participation and equal opportunity in society.

EFFAT calls upon **member organisations** to:

- use collective bargaining in all sectors and enterprises as an instrument to improve both wages and working and employment conditions for precarious employees, as well as to ensure equal treatment;
- shore up compulsory cross-border cooperation in collective bargaining so as to prevent or combat social dumping;
- negotiate common European social and wage standards with employers;
- exchange experiences regularly about good practices in relation to equality of treatment for precarious employees and for socially responsible restructuring measures, including outsourcing;
- use the Social and Structural Funds of the EU to improve employees' employability.