

**PROGRAMME OF THE SPANISH PRESIDENCY FOR WORK AND  
IMMIGRATION AFFAIRS (First half of 2010)**

**EPSCO COUNCIL**

**MINISTRY OF LABOUR AND IMMIGRATION**

**The landscape** in which Spain will have to conduct the Presidency of the EU Council is defined not only by **the challenges** posed by **globalisation, the impact of new technologies, the fight against climate change, an ageing population, the generalisation of immigration as a phenomenon, and the new social realities at the start of the 21st Century, but also by the financial crisis which has led to an economic crisis and a social crisis**, and which is testing the European social model and the level of welfare and social cohesion reached so far, **and by the response to this crisis**, including those measures which have already been taken and those which will still be necessary to take to end the crisis and restore the economic growth and the social progress.

In this context, voices have been raised in Europe demanding labour market deregulation, a decrease in the extent of social protection and a tightening of the conditions imposed on nationals from third countries to enter the EU, coinciding with the echo of nationalist protectionism in the public opinion of several states.

Furthermore, for the planning of its six-month agenda, the Spanish Presidency will deal with **other conditioning factors**, such as the **entry into force of the Treaty of Lisbon**, with its implications for the **decision-making processes** and the **normalisation of the co-decision** with the European Parliament, the priorities of the European Parliament once established following the recent election process, and the **agenda and priorities of the new Commission**, which will be established during the first quarter of 2010.

Moreover, the structure of the final agenda will also be determined by **the results of the Swedish Presidency**, the extent of the progress in the matters it will deal with during the second half of 2009 and the status of these matters on 31st December 2009.

In view of this, in the context of the **EPSCO Council**, **the objectives of the Spanish Presidency** in relation to the affairs managed by the Ministry of Labour and Immigration will be the following: **to strengthen and continue making progress on the European social dimension, promoting the creation of a space with more quality jobs for everyone and with more social cohesion**, applying the principle of equality in all its activities and bringing new innovative initiatives to the European debate.

This will be the Spanish commitment, which will require a combined and co-ordinated effort by all the Member States and the European institutions, **as well as the involvement of all interested parties, especially the social partners, through social dialogue, and the civil society organisations.**

## **1 POST-LISBON STRATEGY 2010**

The **high-priority topic** in the activity of the Spanish Presidency in the scope of the EPSCO Council, **regarding employment and social policy**, will be the **Post-Lisbon Strategy 2010**, with a line of action that keeps in mind the commitment to a social Europe and the creation of employment, as well as the protection and social inclusion dimension.

This across-the-board aspect will require hard work prior to the European Councils, especially the Spring European Council 2010, for the preparation of which the **Informal Meeting of Ministers of Employment and Social Security**, which will take place in Barcelona in January 2010, will be crucial in order to reach a consensus on a collective response to the demands of the European citizens, which will be embodied in the Post-Lisbon Strategy 2010 and in the relevant guidelines for the employment policies of the Member States.

For that reason, the **Post-Lisbon Strategy 2010 in respect of employment** will have to continue having the following as **general objectives**: preserving jobs, creating new jobs and promoting mobility; raising professional qualifications and adjusting them to the needs of the labour market; and increasing access to employment. As **specific objectives**, it will have to include the following: improving the readiness and **adequacy of people's qualifications and skills to the needs of the labour market**; **promoting and developing green jobs**; **facilitating the practical implementation of the principle of flexicurity**, paying particular attention to job transitions and mobility, both in terms of job position and location, to the establishment of security networks that promote participation in the labour market, to the development of a focus on the life cycle of employment to achieve a better balance between social and private life and professional life, and to make working worthwhile; promoting the participation in the labour market of the young and those who access it for the first time, the elderly, the disabled, and all vulnerable groups, fighting against their segmentation; promoting the integration into working life of disadvantaged groups and regions or those who have been affected by the crisis; **fighting against undeclared employment**, illegal employment and underground economy; **promoting self-employment** and strengthening the role of the social economy sector; and, from an instrumental point of view, strengthening the open method of co-ordination and setting of quantified objectives, both at Union level and at Member State level.

With regard to the consideration of the status of **social protection and social inclusion as social objectives of the Post-Lisbon Strategy 2010** and the way to include them in it, the Spanish Presidency's objective is to support their inclusion, as well as the consistency, as strong as possible, between the strategy's economic, environmental and employment objectives and its social cohesion objectives. This way, the list of **specific objectives and priorities of the Post-Lisbon Strategy 2010 regarding employment need to be complemented with the following: the joint consideration of the adequacy and sustainability aspects, both in the medium and long terms, of the social protection systems, the inclusion policies and the across-the-board nature of gender equality**, as key elements for the reinforcement of social

cohesion. Also, from an instrumental point of view, the strengthening of the open method of co-ordination and setting of quantified objectives will be supported.

In the perspective of the Post-Lisbon Strategy 2010, the Spanish Presidency will try to conclude works in order to adopt the **Decision of the European Parliament and of the Council establishing a European Microfinance Facility for Employment and Social Inclusion (Progress Microfinance Facility)**.

Continuing with its responsibilities, the Spanish Presidency will also work on the **new European Social Agenda** as a complement to the Post-Lisbon Strategy 2010 for the furtherance of its implementation and development, through the measures and actions of the European Institutions and the Member States included therein, on the basis of the Communication that the Commission may issue in this respect.

Another objective of the Spanish Presidency will be **to support and promote the external dimension of the employment, social protection and social inclusion strategies of the Post-Lisbon Strategy 2010** in the international fora, especially the UN and the ILO, and particularly in relation to the Decent Work Agenda and the Global Jobs Pact.

From this perspective, taking into account the above-mentioned conditioning factors and in the context of the legislative or quasi-legislative activities of the EPSCO Council, the Spanish Presidency will seek **to advance the legislative proposals** which currently exist or may emerge in the near future and promote debates on relevant current affairs not yet discussed within the EU, in four areas: employment, industrial relations and working conditions, health and safety at work, and Social Security.

## **2 EMPLOYMENT**

In this context, the Spanish Presidency will pay particular attention to the development of the **“New Skills for New Jobs” initiative**, considered one of the cornerstones of the new Post-Lisbon Strategy 2010 regarding employment and an element to face the crisis, being a response to the request by the European Council to assess the need for qualifications within the EU for the future. This will allow the preparation by the Commission of the first assessment report on the efficiency of the measures so far adopted by the Member States. For that purpose, **a Ministerial Conference on new skills and new jobs for a more competitive Europe** will be held, with the aim to use its findings to prepare the Council conclusions.

Given the importance of workers' employability and adaptability to the new forms of employment in the new Post-Lisbon Strategy 2010, as well as the **modernisation and adaptation of the public employment services to the new employment guidelines** that may be adopted, a **Conference on the new approaches to public employment services in order to promote workers'**

**employability and adaptability to the new forms of employment** will be held during the first half of 2010.

The Presidency will be in charge of the **Conclusions about mobility and professional career of European researchers adopted by the Competitiveness Council** (Internal market, Industry and Research).

In the framework of activities relating to employment, **three initiatives will be introduced, for which three respective conferences will be held. One of them will focus on self-employment, entrepreneurship and job quality**, with the aim to highlight the role played by this type of work and its contribution to the furtherance of the objectives of the Lisbon Strategy and the European Economic Recovery Plan; a second one on the **social economy in Europe, the challenges and the opportunities in a globalised world**; and the last one, in the context of governance matters, will address the **institutionalisation of companies' social responsibility**, as a result of the process of permanent and multilateral dialogue and its impact on the improvement of their competitiveness, from the point of view of its complementary relation with the social dialogue and, possibly, for its inclusion in the list of instruments that the European institutions and the Member States may use to develop their activities in the context of the Post-Lisbon Strategy 2010 and its Social Agenda.

### **3 INDUSTRIAL RELATIONS AND WORKING CONDITIONS**

The projected activities in the context of European employment legislation regarding industrial relations and working conditions have a social objective, paying particular attention to equality at work. There is a multiple objective: full integration of women in the labour market; improving the protection of pregnant workers and workers who have recently given birth or are breastfeeding; enhancing equal opportunities at work, in line with the objectives of the Equality Act. Also, the activities of the Spanish Presidency need to be placed in a context of the process to rationalise and update the *acquis communautaire*, in order to “legislate better”.

Within the set of legislative measures and in relation to the reconciliation of work and family life and its impact on working conditions, we have to include the preparation of the Directive on the **amendment of the Directive 92/85/EEC, on the protection of pregnant workers and workers who have recently given birth or are breastfeeding**. Since this proposed Directive hardly includes any improvements in the area of health and safety at work and focuses on the reconciliation of work and family life and the extension of social and work protection, it should be regarded as part of the area of industrial relations, especially considering that there is another proposal relating to equality (in respect of self-employed women).

Apart from the legislative activities, **the Spanish Presidency will introduce an initiative to develop the analysis of the conflict originated in relation to the implementation of the legislation on the posting of workers and its potential conflict with the rules of the internal market in the light of the recent rulings of the European Court of Justice.**

In order to carry out this initiative, it has been planned to hold a **Conference on workers' rights and fundamental freedoms**. One of the questions to be tackled in the Conference will be **guaranteeing compliance with sanctions imposed by the employment authorities as a consequence of breaches of social and employment legislation, in the context of the freedom to provide services**. This topic, apart from being considered during the above-mentioned Conference, will also be a subject matter for discussion at the **Senior Labour Inspectors Meeting**, without prejudice to the work that will continue being developed by the expert group established for the implementation of the directive on posted workers and the initiation of a project within the PROGRESS Programme to consider the possibility of establishing standardised co-operation procedures between Member States to achieve the intended objective.

#### **4 HEALTH AND SAFETY AT WORK**

The objectives of the Spanish Presidency seek to **continue the development of the commitments resulting from the European strategy on health and safety at work (2007-2012)**, in order to give a substantial boost for Europe to continue offering solutions to the new occupational risks, developing as much as possible the protection for workers.

Therefore, apart from undertaking the **interim assessment of the implementation and development status of the Strategy 2007-2012**, with a view to re-launching it until 2012, and paying particular attention to SMEs – for which a **European conference on the assessment of the European strategy on health and safety at work is planned to take place** – it will be necessary to keep completing and updating the European regulatory framework on risk prevention and protection of health and safety at work, as an essential element of work quality, in relation to the objective of the employment strategy – within the Lisbon Strategy – beyond 2010, to continue promoting the creation of more quality jobs.

In this respect, during the Presidency, Spain will take on the proposed **directive on prevention from sharp injuries in the hospital and healthcare sector**, amending the directive on workers' protection against risks related to the exposure to biological agents at work.

#### **5 SOCIAL SECURITY**

In the area of Social Security, **once the new Regulations on the co-ordination of national social security schemes have been adopted**, it will be necessary to proceed to their **implementation and effective application in the Member States**, so that there are no prejudices for beneficiaries who change location under their freedom of movement.

With regard to the **Regulation by which it is intended to extend the scope of Regulation 883/2004 to apply to third country nationals**, if there is no agreement during the second half of 2009, the Spanish Presidency will have to take the task on, especially taking into account its close ties with the proposed

Directive establishing a single application procedure for the issuance of a single permit - in the scope of the JAI Council - and the position that it has maintained in favour of guaranteeing the equal treatment principle and the subsequent need to remove any restriction or exception to its application in respect of certain family benefits in some Member States.

Also, in relation to the application of the principle of equality between men and women, the Spanish Presidency will take on the proposal for a **Directive on the application of the principle of equal treatment between men and women engaged in a self-employed activity**, to the extent that its contents refer to social protection and Social Security.

From the perspective of the external relations of the EU, the Spanish Presidency will also work on the proposals for a **Council Decision on the inclusion in the Association Agreements with neighbouring Mediterranean countries** (Algeria, Morocco, Tunisia, Croatia, Former Yugoslav Republic of Macedonia (FYROM) and Israel) **of provisions relating to the co-ordination of the Social Security systems** in order to enable the export of benefits outside EU territory, under the reciprocity principle, beyond the scope of the EU regulations on Social Security, which involves a recognition of legal immigration and an indication of the interest in the Union for the Mediterranean, apart from starting relations dealing with these issues with future member states, such as FYROM and Croatia.

Among **the initiatives** that the Spanish presidency will introduce in the area of Social Security, in the context of activities relating to the Lisbon Strategy and, more specifically, with the aim to make progress in the social cohesion through the fight against social exclusion and poverty, a **Ministerial Conference tackling minimum pensions, the maturing of the social security systems and their contribution to social inclusion** will be held, and the result could take the form – if there is enough consensus – of **Council Conclusions** which highlight how minimum pensions act as a tool for the policies of re-distribution and fighting against poverty, as well as the importance of reinforcing the contribution of the systems in the context of the Social Security system reform processes.

Also, given that, in an increasingly globalised world and economy, the external dimension of the European Union has to be a cornerstone in European affairs, **in the context of the ministerial meetings preparatory to the EU-Latin America/Caribbean Summit (UE-ALC)**, a **Meeting of Ministers and Heads of Social Security of the EU and America Latina and the Caribbean** will be held with the objective of continuing the exchange of experiences on issues which are of common interest regarding the co-ordination of social protection instruments.

Summing up, this programme to be developed during the Presidency of the Council in its EPSCO form, which intends to achieve **the consolidation and progress of the European Union's social dimension – which should be based on two pillars: equality and innovation** – will be the guiding force of the Ministry for Work and Immigration, with the aim to make progress in the

configuration of a European future with more and better jobs and with a further social and employment cohesion.

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