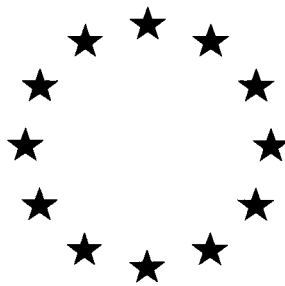


COUNCIL  
OF EUROPE



CONSEIL  
DE L'EUROPE

Committee of Ministers  
Comité des Ministres

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Strasbourg, 9 November 1995

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For consideration at the 542nd meeting  
of the Ministers' Deputies  
(14 December 1995, B level, item 1.3)

LIAISON COMMITTEE BETWEEN THE COUNCIL OF EUROPE  
AND MANAGEMENT AND LABOUR (LCML)

12th meeting

(Strasbourg, 17 May 1995)

REPORT

prepared by the Research  
and Planning Unit

Preliminary Note

The Liaison Committee between the Council of Europe and Management and Labour held its twelfth meeting in Strasbourg on 17 May 1995 under the chairmanship of Mr Jiří MALENOVSKÝ, Permanent Representative of the Czech Republic to the Council of Europe and Chairman of the Ministers' Deputies.

The present report has been prepared under the responsibility of the Secretariat in conformity with paragraph 6 of the provisions adopted by the Committee of Ministers concerning the terms of reference and functioning of the Committee (CM(83)182, LCML(84)1).

The list of participants is given in Appendix I and the agenda in Appendix II.

Decisions

The Liaison Committee

1. held an exchange of views on the place and role of the Council of Europe in Europe's changing institutional landscape, in the light of the Organisation's continuing enlargement and the new political priorities it is being assigned for the furtherance of stability and security in Europe ("democratic security");

(agenda item 1)

2. was informed of the work being undertaken on the Plan of Action to combat racism, xenophobia, anti-Semitism and intolerance and noted with satisfaction the readiness of management and labour to contribute, within their capabilities, to the implementation of this Plan at national and European levels;

(agenda item 2)

3. was informed of the development of the Council of Europe programmes of co-operation and assistance to Central and East European countries, during which management and labour recalled the importance they attach to the development of the social dialogue and the training of trade union and management organisation officials, in particular as regards international social standards;

(agenda item 3)

4. held an exchange of views on the European Social Charter and noted the interest reiterated by management and labour in the rapid creation of a collective claims procedure dealt with by an impartial body and in the rapid adoption of the revised Social Charter. It also took note of the concern expressed by management and labour that the coherence of the international standards governing social rights be guaranteed;

(agenda item 4)

5. in keeping with item (c) of its terms of reference, took note of the report of the Secretary General on hearings held in 1994 (CM/INF (95) 6);

(agenda item 5)

6. took note of the wishes of the European Trade Union Confederation (ETUC) and the Union of Industrial and Employers' Confederations of Europe (UNICE) to be kept fully informed of, and as far as possible participate in, the implementation of a number of activities in the Intergovernmental Programme of Activities for 1995 (2nd half): more specifically:

- I.13 The Right to Equality: A Human Right (CDEG)
- I.17 Democracy, Human Rights, Minorities: Educational and Cultural Aspects (CDCC)
- II.1b Human Dignity and Social Exclusion
- II.2 Guarantees Ensured by the European Social Protection Standards (CDSS)

It also took note of the information on the progress of particular activities by a number of Steering Committees provided by the relevant Chairs and/or the Secretariat;

(agenda item 6a)

7. took note of the modalities foreseen or decided upon to enable the social partners to be informed or involved, particularly through hearings, in the preparation and/or participation at Conferences of Specialised Ministers:

- . 6th Conference of European Ministers responsible for Social Security (Lisbon, 29-31 May 1995)
- . 24th Session of the Conference of European Ministers responsible for Family Affairs (Helsinki, 26-28 June 1995)
- . 6th Conference of European Ministers responsible for Migration Affairs (Poland - 1996);
- . 4th European Ministerial Conference on Equality between Women and Men (Turkey, 1996 or 1997)
- . Conference of European Ministers of Labour (Romania)

(agenda item 6 b)

8. proposed to hold its next meeting during the first 3 months of 1996. The exact date will be fixed after proper consultation with the social partners.

(agenda item 8)

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The Chair of the Liaison Committee opened the meeting by recapitulating the Council of Europe's development over the past five years. The Organisation had enlarged geographically to encompass Central and Eastern Europe, repositioned itself in the European and international arena and reoriented its intergovernmental programme of activities to bring it nearer to the concerns of the governments and citizens of its member states. For instance, the 1995 Intergovernmental Programme had been marked by the refocusing of the Section on Social Cohesion and Quality of Life, whilst the activities connected with the Social Charter remained one of the Organisation's priorities and a major part of the programme had been devoted to the problems associated with the opening of borders within Europe.

The Deputy Secretary General illustrated the rapid and spectacular enlargement of the Council of Europe with the aid of a few figures and reaffirmed the pan-European role of the Organisation, whose membership had risen from 23 in 1989 to the current 34. A further 8 countries had applied for membership. This progressive enlargement raised the question of the parameters of Europe. Monitoring was needed to ensure that the Council of Europe's founding principles and the undertakings given by member states on accession were not watered down as a result of the enlargement. The Council of Europe had to ensure that the rule of law was established in the new member states and to pursue a rigorous political dialogue with the countries which had applied for membership. For this reason, the Secretary General had launched an "**emergency action plan**" on behalf of the eight applicant countries, to provide support for the changes needed for the establishment of pluralist political institutions. Lastly, he observed that Russia's application had been delayed because of the events in Chechnya.

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Exchange of views on the implementation of the Plan of Action to combat racism, xenophobia, anti-Semitism and intolerance

The Secretariat reported on the implementation of the two main parts of the plan of action: the European Commission against Racism and Intolerance (ECRI) and the European Youth Campaign.

Via a questionnaire which had been sent to all member states, the ECRI had carried out an in-depth study of national legislation and practice in the field of racism and intolerance. On the basis of this information, the Commission had decided to carry out a country-by-country analysis of the situation and to prepare recommendations for each country individually. At international level, the ECRI was considering improvements to Article 14 of the European Convention on Human Rights, particularly the preparation of

a new Additional Protocol prohibiting discrimination. The Secretariat pointed out that the ECRI's terms of reference had provided for a hearings procedure and that management and labour were invited to make use of it in the areas which concerned them.

With regard to the European Youth Campaign against Intolerance, the Committee was informed that around thirty national committees had been recognised and were operating satisfactorily. At European level, the Campaign had led to the production of teaching materials for schools and youth organisations, the organisation of training courses in conjunction with the EYC and the partial funding of pilot projects. Major media events were also to take place, the most important being the **European Youth Trains**. Six trains from different parts of Europe were to converge on Strasbourg on 9 July 1995 for the **European Youth Week** (expected to involve some 1,200 young people). Awareness-raising events would be held on the themes of the Campaign at train stops along the route. The Council of Europe hoped that management and labour would become involved in the Campaign by providing material or practical help; in particular, they could contribute towards the train stop events.

The ETUC and UNICE representatives informed the Council of Europe about their contribution as social partners to the fight against racism and xenophobia. They had set up a group of experts to draft a solemn declaration by management and labour on racism and xenophobia in which they undertook to refer to the Council of Europe Campaign. The declaration will contain a number of recommendations which will directly commit UNICE and ETUC members to certain actions, notably concerning the fight against racism and xenophobia in the workplace. The UNICE representative informed the committee, moreover, that his organisation was gathering examples of good practice in firms. The ETUC representative said the ETUC youth committee had waged its own campaign in 1994. Management and labour also emphasised the need for co-ordination and their interest in establishing contacts with the national committees; they declared that they were ready to consider the form of their participation in the plan of action. The ETUC representative made a more specific commitment to put his organisation's experience at the disposal of the youth trains project and to try to find sponsors through the European works councils.

The Norwegian Permanent Representative thought that the Council of Europe ought to facilitate management and labour's involvement in the national campaign committees. To this end, it was agreed that the secretariat would forward the addresses and membership lists of the campaign committees.

Exchange of views on the prospects for co-operation with the countries of Central and Eastern Europe

The Committee was informed of recent developments in the programmes of co-operation with the countries of Central and Eastern Europe. 1995 had seen the implementation of the new policy approaches defined in the Spring of 1994, which had established that the role of the programmes was to serve as a political instrument to support the Council of Europe's enlargement strategy. The first tangible change had been the adoption of new programme headings, which now incorporated the concept of democratic security which had been formulated at the Vienna Summit ("Assistance to the development and consolidation of democratic security"). The second major change was that programmes were now differentiated according to the objective situation in each of the beneficiary countries, with a distinction being made between Central and East European countries that were members and those that had applied for membership. A particular effort was being made to involve experts from Central and East European member countries which were well advanced in their reforms in the implementation of programmes to benefit the applicant countries. Lastly, co-operation between the Council of Europe and the European Union in the context of joint programmes in Albania and the Baltic States was developing in an encouraging way, and this was significant. Discussions on expanding this co-operation to include other countries, particularly the Russian Federation and Ukraine, were under way.

The ETUC representative was concerned about economic and social cohesion in the countries of Central and Eastern Europe and stressed the important role which management and labour could play in this regard. Anything which was likely to promote, through the activities of the Council of Europe, a collective relationship between employers and workers was to be encouraged. In particular, a considerable amount of work still had to be done to assimilate and make the best use of Council of Europe instruments, particularly the Social Charter, at national level. The ETUC informed the Committee that it was to hold a seminar in Budapest in October 1995 on the interdependence of the social standards of the ILO, the Council of Europe and the European Union, with particular emphasis on the Social Charter. Ms Samuel, who had played a major part in the Committee on the European Social Charter, was to attend the seminar to share her experience. The ETUC also invited the Council of Europe to make a contribution to the seminar.

The representative of UNICE welcomed the co-operation between the Council of Europe and the European Union. UNICE was itself involved in the European Union's PHARE programme in the context of a project designed to promote the establishment of employers' organisations in Central and Eastern Europe. Management and labour agreed that Central and Eastern Europe needed both trade union organisations and organisations of employers. This was a prerequisite both for the restructuring of industry and for the birth of a modern society.

Exchange of views on the evolution of the European social dimension, the role of the European Social Charter and the reform of the Charter

The Secretariat reported on the state of progress of the work on the European Social Charter in the following areas:

- the Committee on the European Social Charter (Charte-Rel) had completed its work and had unanimously adopted a revised draft of the Social Charter in October 1994. In December 1994, the Committee of Ministers had asked for an opinion from the Assembly (which had been adopted on 15 March 1995 and had been extremely positive) and from the Committee of Independent Experts (which had been adopted on 17 March 1995 and contained proposals for technical amendments). The Secretariat hoped that the Committee of Ministers would adopt the text of the revised Charter before the end of the year.

- the Turin Additional Protocol had currently been ratified by 8 of the 20 Contracting Parties to the Charter. The Secretariat pointed out that, following a decision of the Committee of Ministers, it was being widely applied in anticipation: the Committee of Ministers had adopted a first series of individual recommendations against states in September 1993 and a second series in April 1994. The third series of recommendations was before the Committee of Ministers.

- The Additional Protocol providing for a system of collective complaints was still before the Committee of Ministers for adoption. Two points were posing a problem: the Governmental Committee's participation in the procedure and the parameters within which non-governmental organisations could lodge complaints. The Secretariat hoped that the Protocol would be adopted before the Summer.

The Secretariat concluded by emphasising the important part which management and labour could play in encouraging countries, especially in Central and Eastern Europe, to ratify the Charter as soon as possible. Indeed, the Charter and its case law could help these countries to assess the extent to which their legislation and social policy corresponded to European standards. In this connection, it was pointed out that national management and labour representatives were still involved in the seminars organised under Vote IX.

The ETUC representative was concerned about the future of the work on the reform of the Charter. With regard to the Additional Protocol providing for a system of collective complaints, he thought that it was unhealthy for the Governmental Committee to be involved in the supervision system, since this meant that states would be both judges and judged. He wondered about the ETUC's participation in the work of the Governmental Committee if the Additional Protocol providing for system of collective complaints were not adopted. The representative of UNICE felt that the fact that Europe had only one basic text concerning economic and social rights to guarantee the coherence of international standards, was an extremely important issue.

Discussion on intergovernmental activities

The Secretariat reported on the intergovernmental activities planned for 1995 in the fields of social cohesion and quality of life, under the Intergovernmental Programme of Activities. Management and labour reviewed the activities that were of particular interest to them and in which they wished to play a more active role. The Chairs of the steering committees gave additional information on the progress of the particular activities of their committees. In order to ensure that contact was maintained with management and labour, hearings could be held, if necessary, with the committees of experts concerned.

Management and labour also wished to be involved in the preparation of the forthcoming Ministerial Conferences:

- . 6th Conference of European Ministers Responsible for Social Security (Lisbon, 29-31 May 1995);
- . 24th Session of the Conference of European Ministers Responsible for Family Affairs (Helsinki, 26-28 June 1995);
- . 6th Conference of European Ministers Responsible for Migration Affairs (Poland - 1996);
- . 4th Ministerial Conference on Equality Between Women and Men (Turkey, 1996 or 1997);
- . Conference of European Ministers of Labour (Romania).

With regard to the preparation of the latter conference, the representative of the ETUC suggested that the initial plan to set up a Committee of Senior Officials would not be sufficient and that a tripartite seminar should be organised with management and labour.

Date of the next meeting

The Committee agreed to hold its next meeting during the first three months of 1996.



**APPENDIX I**

**LIST OF PARTICIPANTS**

**Representatives of the Committee of Ministers (Bureau)**

Mr Jiří MALENOVSKÝ, Ambassador Extraordinary and Plenipotentiary,  
Permanent Representative of the Czech Republic to the Council of Europe,  
Chairperson of the Ministers' Deputies, Chairperson

Mr Svetlozar RAEV, Ambassador Extraordinary and Plenipotentiary,  
Permanent Representative of Bulgaria to the Council of Europe

Mr Costas PAPADEMAS,  
Deputy Permanent Representative of Cyprus to the Council of Europe

Mr Tõnu MILLER, Chargé d'Affaires a.i.,  
Deputy Permanent Representative of Estonia to the Council of Europe

**European Trade Union Confederation (ETUC)**

Mr Jean LAPEYRE, Deputy Secretary General  
Mr Gérard FONTENEAU, Official Representative of the ETUC

**Union of Industrial and Employers' Confederations of Europe (UNICE)**

Mr Nils TRAMPE, Director of Social Affairs

**Representatives of the steering committees**

Steering Committee for Employment and Labour (CDEM):

Mrs Katalin NAGY (Vice-President of the CDEM), Deputy Director General, Department of International Programmes, Ministry of Labour, BUDAPEST

European Social Security Committee (CDSS):

Mr Hakan Martin RAHM (Vice-President of the CDSS), Assistant Under-Secretary, Ministry of Health and Social Affairs, STOCKHOLM

Steering Committee on Social Policy (CDPS):

Mrs Martine COURTOIS, (President of the CDPS), Division of International Affairs, Ministry of Social Affairs, Health and the Town, Paris

**Permanent Representatives of member states**

Mr R. STÜRM	Deputy Permanent Representative of Austria to the Council of Europe
Mr J. SVOBODA	Deputy Permanent Representative of the Czech Republic to the Council of Europe
Mrs V. DICOPOULOU	Deputy Permanent Representative of Greece to the Council of Europe
Mr A. NAMAVICIUS	Deputy Permanent Representative of Lithuania to the Council of Europe
Mr K. Van SPRONSEN	Deputy Permanent Representative of the Netherlands to the Council of Europe
Mr S. KNUDSEN	Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Norway to the Council of Europe
Mr C. VELOSO DA COSTA	Deputy Permanent Representative of Portugal to the Council of Europe
Mrs B. TUHOVCAKOVA	Deputy Permanent Representative of Slovakia to the Council of Europe

**Secretariat**

Mr P. LEUPRECHT	Deputy Secretary General
Mr H.-P. FURRER	Director of Political Affairs
Mr L. DAVIES	Secretary of the Committee of Ministers
Mr A. ZARDI	Principal Administrator, Secretariat of the Committee of Ministers
Mr J.-L. LAURENS	Head of the Division of Co-operation Programmes with the countries of Central and Eastern Europe
Mrs G. BATTAINI DRAGONI	Principal Administrator, Research and Planning Unit
Mrs M. PAULUS-LEVY	Principal Administrator, Research and Planning Unit
Mrs E. LEJARD-BOUTSAVATH	Administrator, Research and Planning Unit
Mrs R. MORITZ	Assistant, Research and Planning Unit
Mrs H. GIRARD	Press Attachée, Directorate of Information

**Private Office of the Secretary General:**

Mr P. BLAIR	Principal Administrator
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**Directorate of Social and Economic Affairs:**

Mr R. GUTHRIE	Director of Social and Economic Affairs
Mr S.G. NAGEL	Head of the Social Security and Employment Division
Mrs A. GILLETT	Principal Administrator, Division of Health and Social Policy
Mr K. FUCHS	Principal Administrator, Drugs Division
Mr S. TONELLI	Administrator, Social Security and Employment Division

**Directorate of Human Rights:**

Mrs J. DINSDALE

Deputy Director of Human Rights

Mr J. SCHOKKENBROEK

Co-Secretary of the Ad Hoc Committee for the  
Protection of National Minorities

Mrs L. KAYACIK

Administrator, Social Charter Section

**Youth Directorate:**

Mrs A. DERRIEN

Deputy Director of Youth

**Directorate of Legal Affairs:**

Mrs M.-O. WIEDERKEHR

Deputy Director of Legal Affairs

Mr G. TESSÉNYI

Administrator, Division II (Public Law)

Mrs A. CAPELLO-BRILLAT

Principal Administrator, Division II (Public  
Law)

**Clerk of the Assembly:**

Mrs D. COIN

Secretary of the Committee on Social, Health  
and  
Family Matters

## APPENDIX II

### AGENDA

1. Opening of the meeting by the Chairman of the Liaison Committee.  
Introductory statements by the Deputy Secretary General:  
"Elements of reflection on the recent enlargement of the Council of Europe".
2. Exchange of views on the implementation of the Plan of Action on combating racism, xenophobia, anti-Semitism and intolerance (Docs SG/INF(95)3, LCML(95)1).
3. Exchange of views on perspectives for co-operation with countries of Central and Eastern Europe (Doc. SG/INF(95)2).
4. Exchange of views on the evolution of the European social dimension, the role of the European Social Charter and the reform of the Charter.
5. Exchange of views on the report by the Secretary General on hearings held in 1994 (CM/INF(95)6).
6. Discussion of the intergovernmental activities of the Council of Europe, in particular as regards social cohesion and quality of life.
  - a. Exchange of views with the Presidents of the steering committees on current activities (to be specified) which will be proposed by management and labour (Intergovernmental Programme of Activities for 1995, Doc. MEP(95)2);
  - b. Preparation of the outline programme of hearings to be held in 1995;
  - c. Proposals of management and labour on future activities.
7. Other business.
8. Date of next meeting.