

INTERNATIONAL TRADE UNION CONFEDERATION (ITUC)

**INTERNATIONALLY-RECOGNISED CORE LABOUR
STANDARDS IN THE EUROPEAN UNION**

**REPORT FOR THE WTO GENERAL COUNCIL REVIEW OF TRADE
POLICIES OF THE EUROPEAN UNION**

Geneva, 26 and 28 February 2007

EXECUTIVE SUMMARY

Almost all the 27 European Union Member States have ratified all eight ILO core labour Conventions. The only exceptions are the Czech Republic and Estonia. In certain areas some measures are needed to comply with the commitments the European Union accepted at Singapore, Geneva and Doha in the WTO Ministerial Declarations over 1996-2001, and in the ILO Declaration on Fundamental Principles and Rights at Work.

All EU Member States have ratified both the main ILO Conventions on trade union rights. In general, trade union rights are respected in law and practice in the 15 long-standing EU Member States and in most of the 12 newer Member States. However, in particular in the new member countries violations of trade union rights take place, and labour legislation does not always conform to ILO Conventions. Shortcomings appear particularly with regard to anti-union discrimination and the right to strike.

All EU Member States have ratified both ILO core Conventions on discrimination and equal remuneration. National laws and EU Directives provide for equal pay and equal treatment in employment. In practice, however, economic discrimination against women is still pronounced. Pay differentials exists in all Member States, unemployment rates are often higher among women, and women are disproportionately concentrated in part-time and lower paid service sector jobs. Discrimination has also occurred against ethnic minorities, including against the Roma minority.

All EU Member States except the Czech Republic and Estonia have ratified both ILO core conventions on child labour. However, illegal employment and exploitation of children occurs in many EU countries to some degree, mainly in informal work activities and in agriculture.

All EU Member States have ratified both ILO core conventions on forced labour. Trafficking in persons, primarily women and girls, for the purposes of forced labour and sexual exploitation is, however, a problem to some degree in virtually all countries. In some Member States, prisoners are obliged to work for private enterprises.

INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN THE EUROPEAN UNION

Introduction

This report on the respect of internationally recognised core labour standards in the 27 Member States 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 in 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.

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 26 and 28 February 2007. It was prepared in consultation with the European Trade Union Confederation (ETUC) and the ITUC’s affiliates in the EU.

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 on each country, highlighting any particular problem.

The European Union constitutes the world’s largest economy if considered as a single entity. In 2005, its combined GDP amounted to US \$ 11.7 trillion, which is about one fifth of Gross World Product. The average growth rate of the European Union has been 2% in recent years, and the 493 million citizens have an average per capita GDP of US \$ 28,100.

The EU is the world’s largest trading block. Its share in world trade amounts to 20%. It is the largest exporter in the world, and the second largest importer.

The EU has bilateral and regional trade agreements with some non-EU European countries including Switzerland, Turkey, Ukraine and Norway, as well as with non-European countries such as Algeria, Egypt, Israel, Lebanon, Morocco, Syria, Tunisia, South Africa, Mexico and Chile. It is currently negotiating trade agreements with Mercosur (the trade bloc composed of Argentina, Brazil, Uruguay, Paraguay and Venezuela), the Gulf Cooperation Council, and the Mediterranean countries. In December 2006, the European Commission requested negotiating mandates from Member States for bilateral trade agreements with India, South Korea and the Association of South East Asian Nations (ASEAN), as well as for new agreements with the Central American and the Andean regions.

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, namely the Pacific, the Caribbean region, the Southern African Development Community (SADC), Eastern and Southern Africa (EAS), West Africa and Central Africa.

In its trade policy, the EU promotes the effective application of core labour standards through positive instruments and an incentive-based approach. In all the most recent EU trade agreements, such as the EU-Chile agreement, the Cotonou partnership agreement with the ACP countries or the co-operation agreement with South Africa, the recognition and promotion of core labour standards are integral parts of the agreements, though non-enforceable. In the EU's Generalised System of Preferences (GSP), the possibility of excluding countries from trade benefits is provided and has been used on two occasions, concerning Burma (1997) and Belarus (2006).

I. Freedom of Association and the Right to Collective Bargaining

The 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:

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

Austria

The law provides workers the right to form and join unions without prior authorisation or excessive requirements. Workers exercise this right in practice. No workers are prohibited from joining unions. The law also allows unions to conduct their activities without interference, and the government protects this right in practice. Moreover, collective bargaining is protected in law and is freely practiced. The law does not explicitly provide for the right to strike. The Government, however,

recognises the right in practice. The law prohibits retaliation against strikers, and the government effectively enforces this law.

For several years the ILO's Committee of Experts on the Application of Conventions and Recommendations urged the Government to amend section 53(1) of the Industrial Relations Act (Arbeitsverfassungsgesetz) in order to enable foreign workers to be eligible for election to work councils. Finally in 2006, a Bill was adopted that extended such rights to foreign workers.

Belgium

The law provides workers the right to associate freely, including the freedom to organise and to join unions of their own choosing, and workers exercise this right in practice. The right to bargain collectively is also recognised while the law provides for the right to strike. Workers can generally exercise these rights.

Trade unions, however, are concerned about both legal and practical difficulties when seeking to organise workers in small businesses and retail groups. Moreover, fines for anti-union discrimination are too small to deter anti-union discrimination effectively. This means that employers often prefer to pay fines rather than reinstate workers dismissed for union activities.

Furthermore, the right to strike is often undermined in practice, with many cases in recent years of employers seeking court rulings to ban strikes. This is done by calling into question acts committed in the course of strikes, such as pickets. Civil court judges have often ruled in the employers' favour without giving a hearing to the unions concerned, which is considered a violation of trade union rights by the European Committee on Social Rights (ESCR) of the Council of Europe. Trade union activists have been dismissed following the termination of industrial action, as in the cases of the AGC Automotive company in March 2005 and the papermaking company Stora Enso, based in Ghent, in December 2005.

Bulgaria

The law provides for the right of workers to form or join trade unions of their choice, and workers exercise this right in practice. However, the military are excluded. Public servants are covered by a separate law, which recognises their freedom of association. The law prohibits anti-union discrimination and provides for six months' salary compensation in cases of anti-union discrimination. The Act on Protection Against Discrimination has been in force since January 2004. Trade unions may claim discrimination against their members, if the member requests them to. The burden of proof of, however, rests entirely on the employee.

In recent years, unions have reported frequent cases of discrimination and harassment against trade union activists and members who have been relocated, downgraded or sacked. This has created fear and insecurity, often making workers reluctant to join a trade union. The legal proceedings for the reinstatement of dismissed workers can take a long time, sometimes years, while the sanctions against employers for unfair dismissal are too weak to be dissuasive. In the private sector, some employers have simply banned trade union membership within their enterprise and have forced newly employed workers to sign declarations that they will not establish or join trade unions. Temporary employment contracts are increasingly used

to prevent workers from demanding their rights, as the Labour Code does not properly protect workers on temporary contracts.

The law provides an adequate legal structure for collective bargaining, which is practiced nationally, regionally and at the local level. Nevertheless, this right only regards private sector workers, as the Civil Servants' Act denies the right to collective bargaining for public servants. Where collective agreements are concluded between representative trade unions and employers' organisations at the sectoral level, they can be extended to cover all enterprises in the sector, but only at the discretion of the Minister concerned. The Ministry of Employment and Social Protection has never employed this provision, due to the opposition of some of the employers concerned, as in the chemicals sector in 2006 due to the opposition of certain employers in the cosmetics and pharmaceuticals employers' organisations.

Collective bargaining is not always effective in practice. Employers often refuse to negotiate collective agreements, delay negotiations unnecessarily, or refuse to sign agreements. In other cases, employers sign agreements but do not apply them. Collective bargaining has proved particularly difficult in small and micro enterprises. Some employers refuse to apply agreements signed at the national level on the grounds that they are not members of an employers' organisation. Other employers join more than one employers' organisation, enabling them to refuse to apply an agreement reached by one of those organisations if they consider it contrary to their interests.

Trade union recognition for the purpose of participating in national level collective bargaining and consultative bodies is regulated by a government ordinance of July 2003. A union's representativeness has to be reviewed periodically. However, some unions that sought recognition have not had their applications reviewed, while other unions that were granted recognition in late 2004 were not even required to give any proof of membership. This raised very serious questions about the selection of organisations to represent workers at the State level and caused the two largest trade union centres – CITUB and LC Podkrepa – to leave the National Council for Tripartite Cooperation in March 2005.

Strikes are allowed by the law when negotiations to resolve a collective dispute do not reach agreement - when agreement cannot be reached after resorting to mediation and/or voluntary arbitration, and when the employer does not comply with the process. Employees in the energy, communications – including the postal service – and health care sectors, as well as the military and members of the judiciary, are denied the right to strike. Civil servants do not have the right to strike either – they are only allowed to engage in so-called 'symbolic strikes'. 'Political strikes' are prohibited, as are strikes in essential services, the list of which exceeds the ILO definition. In the railway transport sector, the right to strike is strongly limited, with a 50 percent minimum service required in the case of a strike. The law allows strikes to be declared illegal if the decision is upheld by two courts, i.e. after an initial judgement, and an appeal to a higher court.

The violations of trade union rights in Bulgaria caused the ETUC and its Bulgarian affiliates to launch a collective complaint against Bulgaria at the European Committee on Social Rights (ESCR) of the Council of Europe in early 2006.

Cyprus

All workers, except members of the police and military forces, have the legal right to form and join unions of their own choosing without prior authorisation, and workers do so in practice. Some companies are reported to have company-led unions and to pressure workers to join them. Officials of independent unions have also stated that authorities create rival public sector unions to weaken the independent unions. The law does not prohibit anti-union discrimination, and union leaders claim that private sector employers are able to discourage union activity because the enforcement of labour regulations is sporadic and penalties for anti-union practices – such as reassignment to an undesirable location or denial of promotion – are nominal.

The law provides for collective bargaining, and workers generally exercise this right in practice. However, collective bargaining agreements are not legally enforceable. Although the law provides for the right to strike, employers have an unrestricted right to hire replacement workers in the event of a strike, which limits the effectiveness of the right. The law does not ensure due process for essential service workers and in fact states that members of the armed forces, law officers, judges, members of the police, and civil defence personnel have no right to strike.

The ILO's Committee of Experts on the Application of Conventions and Recommendations have several times insisted on the need to amend sections 79A and 79B of the Defence Regulations which grant the Council of Ministers discretionary power to prohibit strikes in the services that they considered essential. When doing so, the Committee has emphasised that strikes can only be prohibited in essential services in the strict sense of the term, namely services the interruption of which would endanger the life, personal safety or health of the whole or part of the population.

Czech Republic

The law provides workers with the right to form and join unions of their choice and workers exercise this right in practice. The law also prohibits anti-union discrimination but the Government does not enforce this provision effectively, and anti-union discrimination does occur. Common discriminatory practices include firing union leaders, denying union members entry to meetings between employees and management, refusing to provide office space for unions, forcing members to cancel their memberships, offering financial incentives to dissolve unions within companies, disparaging unions in statements to employees, monitoring union members, and refusing to withhold union dues.

Examples of such discrimination since 2005 include the STAMIT manufacturing company in Southern Moravia and the Plus Discount Ltd. supermarket chain (belonging to the German supermarket chain Tengelmann) where the trade union Chairman was fired and union members were offered bribes or pay rises for giving up their union membership. WAKKENHAT SECURITY in Prague pressurised employees into promising, in writing, that they would leave the trade union or would not become trade union members. Under the employer's pressure, and despite the intervention of the industry trade union, union members left the company one by one, until the union organisation ceased to exist.

If found guilty of anti-union discrimination, employers are required to reinstate workers fired for union activity, but the court procedure regarding this is generally very slow.

Collective bargaining is provided for by the law and is generally carried out by unions and employers on a company basis. Collective bargaining in the public sector is regulated by the Labour Code and implementing regulations. Those regulations strictly define salaries. Other than minor exceptions, no collective bargaining on salaries is possible. A new act was due to come into force on January 1 2005, but it has been postponed, for budgetary reasons, until 2007. Workers have the legal right to strike if mediation efforts fail. However, strikes are prohibited in certain essential services, the list of which covers some sectors – such as nuclear energy and oil and natural gas pipelines – that do not conform with the ILO definition of such services. The right to strike is governed by the law on collective bargaining, which only provides for strikes related to the conclusion of a collective agreement. A strike can only be called if it is supported by one half of all employees covered by the intended collective agreement.

Denmark

The law states that all workers, including military personnel and the police, may form or join unions of their choosing. Workers exercise this right fully. Collective bargaining is also protected by law and is freely practiced. The law, moreover, provides for the right to strike, and workers exercise this right by conducting legal strikes.

The ILO's Committee of Experts on the Application of Conventions and Recommendations has since 1989, however, criticised the fact that Danish trade unions are unable to represent workers employed on ships sailing under the Danish flag who are not residents of Denmark. Such workers are also prohibited from being represented in collective bargaining, if they so wish, by Danish trade unions of which they are members. The Committee has requested that the law governing this – section 10 of Act No. 408 of 23 June 1988 which sets up a Danish International Shipping Register – be amended so that it complies with the Conventions. The inability of Danish trade unions to represent foreign workers on ships is also under scrutiny by the ESCR of the Council of Europe. The Danish Government on the other hand, has argued that these provisions do apply with the Conventions.

Estonia

The law provides for the right for workers to form and join a union or employee association, although some workers find it difficult to exercise this right in practice. Anti-union discrimination is also prohibited by law, yet there are continuous reports of anti-union behaviour in the private sector, not least among journalists in the media sector.

Collective bargaining is protected by law and is freely practiced. The law provides for the right to strike, and workers generally exercise this right in practice. Public servants working at the state or municipal level are, however, denied the right to strike. The ban applies to all employees, including support staff such as drivers and electricians. The Government has also proposed to extend the notification period of solidarity strikes and to limit the maximum length of such strikes to 24 hours. The Estonian trade unions consider these measures to be excessive restrictions on the right to strike.

Finland

The law allows workers to form and join unions of their own choosing and workers exercise this right in practice. It also allows for the right to organise and bargain collectively, and the government protects this right in practice. It grants employees the right to strike, with some exceptions for public sector employees who provide essential services. An official dispute board can make non-binding recommendations to the cabinet on ending or limiting the duration of strikes when national security is threatened.

Finnish trade unions have criticised the fact that the right to take industrial action by civil servants, municipal and church officials who do not exercise authority in the name of the State, is overly restricted by legislation on collective agreements. Due to lack of information, the ILO's Committee of Experts on the Application of Conventions and Recommendations has commented only that a broad definition of the concept of public servant would lead to a very wide restriction or even a prohibition of the right to strike for these workers, and that the prohibition of the right to strike in the public service should be limited to public servants exercising authority in the name of the State.

France

The law provides for the right to form and join unions of one's choosing. Workers exercise this right in practice. The law provides for the right to collective bargaining, and workers also exercise this right freely. Workers, including civil servants, have the right to strike except when a strike threatens public safety. This right is also exercised.

The Committee of Experts on the Application of Conventions and Recommendations of the ILO has, however, criticised the fact that trade unions are unable to represent seafarers on board vessels registered in the French Southern and Antarctic Territories and to conclude agreements on behalf of these.

Germany

The law provides for the right of employees to form and join unions of their choice and workers exercise this right. The law also protects the right to collective bargaining, which is freely practiced. The law provides for the right to strike. Civil servants (including teachers) and personnel in sensitive or essential positions, such as members of the armed forces, however, cannot strike. Many railway and postal workers (including post delivery workers, counter clerks and telephonists in the postal service) are also included in this category.

The restriction on the right to strike has been criticised by the ILO Committee of Experts on the Application of Conventions and Recommendations since 1959 as well as by the ILO Committee on Freedom of Association. They have asked the Government to ensure the full implementation of the rights recognised by the Conventions. For a long time, various German governments have continued to refuse to accept the distinction made by the ILO between civil servants that exercise the authority of the state and those that do not, and has instead suggested that privatisation

of the functions of many civil servants would give these workers the right to strike. A comprehensive modernisation of the legislation governing the civil service was initiated under the Schröder administration, and it was hoped that this would take ILO recommendations into account. These expectations were, however, not met.

Greece

The law provides that all workers, with the exception of members of the military, have the right to form and join unions of their choice, and workers exercise this right. The law prohibits anti-union discrimination by employers, and there seems to be no major problem with regards to this.

The law generally provides for the right to bargain collectively in the private sector and in public corporations, and unions exercise this right freely. The law also provides for the right to strike, and workers in the private sector and in public corporations exercise this right in practice. Civil servants have the right to organise, to bargain collectively with the Ministry of Public Administration, and to strike. Police staff have the right to organise and to demonstrate but not to strike. There are some legal restrictions on strikes, including a mandatory notice period of 4 days for public utilities and 24 hours for the private sector. Courts may declare a strike illegal and often do so for reasons such as failure of the union to give adequate advance notice of the strike or a union making new demands during the course of the strike. Unions complain that this judicial power deters some of their members from participating in strikes.

Hungary

The law allows workers (in enterprises with a minimum of 10 employees) to form and join unions, and workers can generally exercise these rights in practice. However, cases of anti-union discrimination in recent years arose when the management in the Tiszavasvár plant of ICN Hungary Ltd used the need to reduce staff as a pretext to paralyse trade union activities; with threats of dismissal of members of the local branch of the Chemical Workers' Union at Motim Műkorund Kft; and the dismissal of four union officials by the Pétfürdő Nitrogen Works Co. Ltd., a major chemical fertilizer plant.

Collective bargaining is protected by law and is widely practiced. There are, nevertheless, certain problems in relation to this right. Hence, section 33 of the Labour Code requires trade unions to represent 65 percent (individually) or 50 percent (jointly) of workers to be able to engage in collective bargaining. This exceeds the stipulations of the ILO standards.

Once a union is established, the employer and the union are under an obligation to cooperate. Under a separate law, public servants may negotiate working conditions through a tripartite body for the sector, the Public Sector Interest Reconciliation Council. Under the Law on Civil Servants and Public Employees, the final decision on increasing public service pay rests with parliament.

New legislation that came into force in January 2005 stipulates new rules on membership levels in the public sector that are not connected to the results of works council elections. A single trade union or joint delegation of unions in the public

sector has to comprise at least 25 percent of the workforce to conclude a collective agreement.

With the exception of military personnel and police officers, workers have the right to strike and workers exercise this right in practice. The law permits the unions of military personnel and police officers to seek resolution of grievances in the courts.

Ireland

The law provides workers with the right to form and join unions of their choice, and workers exercise this right in practice. Police and military personnel may form associations, but technically not unions, to represent themselves in matters of pay, working conditions, and general welfare. Furthermore, by law, unions have the right to engage in collective bargaining and also exercise this right in practice. The law provides for the right to strike, and this right is used in both the public and private sectors. Police and military personnel are, however, prohibited from striking.

Italy

The law provides for the right to establish, join, and carry out union activities in the workplace without previous authorisation or excessive requirements. Workers exercise these rights in practice. The law also provides for the right of workers to organise and bargain collectively. This right is also exercised in practice. The law furthermore provides for the right to strike. It, however, restricts strikes affecting essential public services (such as transport, sanitation, and health), requiring longer advance notification and precluding multiple strikes within days of each other.

Latvia

The law entitles workers, except for the uniformed military and police, to form and join unions of their choice, without previous authorisation or excessive requirements. Workers exercise this right in practice, though it has proven difficult to organise workers in new large industrial companies, in the fishing industry and in commerce, due to anti-union practices by employers.

The law also provides for collective bargaining, and this right is also exercised in practice. As there is no time limit for negotiations, employers are nevertheless often able to extend negotiations unduly. The law recognises the right to strike, subject to limitations including prolonged pre-strike procedures and prohibition of some types of solidarity strikes and political strikes. Workers generally exercise the right to strike, but labour regulations prohibit judges, prosecutors, police, fire fighters, border guards, employees of state security institutions, prison guards, and military personnel from striking. A labour law addressing disputes identifies arbitration mechanisms that unions and members of the professions forbidden from striking may use in lieu of striking.

Lithuania

The law allows workers, including members of the police and armed forces, to form and join unions of their choice, and workers exercise this right in practice.

Unions must have at least 30 founding members in large enterprises or a membership of one-fifth of all employees in small enterprises in order to register legally. Although the law prohibits discrimination against union organisers and members, this prohibition is often ineffective in practice and there are frequently cases of employees being punished in different ways for attempting to organise. The judicial system is slow in dealing with unfair dismissal cases. There are no labour courts or judges specialised in labour disputes. Furthermore, the individual trade union organiser has to prove that he or she was dismissed due to trade union activities, which is impossible in most cases. No employer has yet had to face the penal sanctions foreseen by law for anti-union discrimination.

The law protects collective bargaining for all workers except government employees involved in law enforcement and security-related work. Trade unions have the right to negotiate collective agreements at the national, territorial or branch level. The Labour Code, which came into force on 1 January 2003, establishes collective bargaining as the main tool to regulate labour relations. The Law on Trade Unions recognises the right to strike. However, the Labour Code prohibits strikes in essential services, the list of which exceeds the ILO definition. The ILO's Committee of Experts on the Application of Conventions and Recommendations has advised the government to lift the strike ban for heating and gas supply company workers, suggesting that a minimum services requirement might be used instead. A strike may be held only if a decision in favour of the strike is approved by secret ballot by either two-thirds of employees for a strike at the enterprise level, or at least half of the employees of the enterprise for a strike at a structural subdivision of the enterprise. These requirements are overly burdensome as compared with ILO criteria. The employers must be given notice in writing at least seven days prior to the beginning of the intended strike.

Luxembourg

The law provides for the right to form and join unions of one's choice without previous authorisation or excessive requirements, and workers exercise this right in practice. It provides for the right to collective bargaining – a right which is also exercised freely. The law provides for the right to strike, except for government workers who provide essential services. Legal strikes may occur only after a lengthy conciliation procedure between the parties. The government's national conciliation office must certify that conciliation efforts have ended for a strike to be legal.

Malta

The law allows workers to form and to join unions of their choice, and workers do so in practice. Non-civilian military and police personnel are not allowed to join a union. Under the terms of the Employment and Industrial Relations Act, the government can impose compulsory arbitration in the event of an industrial dispute. The ILO has been pointing out for more than 20 years that this is not in line with Convention 87, which states that such recourse should be restricted to public servants exercising authority in the name of the state, essential services, situations of acute national crisis, or cases where both parties request arbitration.

The law provides for collective bargaining, and it is generally freely practiced. Workers, except non-civilian military and police personnel, have the right to strike,

and they exercise this right by conducting legal strikes. Unions have been unduly sued for damages over industrial action, as in the case of Malta Shipyards Limited (MSL) in February 2005, and striking workers have been suspended by their employers.

Netherlands

Workers are entitled to form or join unions of their own choosing without prior government authorisation. They exercise this right in practice. Trade unions have, however, emphasised that the national legislation does not contain any special provision with regard to the protection of workers against acts of anti-union discrimination other than dismissals. Specific laws provide for the right to collective bargaining, which is also exercised in practice. The law provides for the right to strike, except for some civil servants, who have other institutionalised means of protection and redress.

Poland

The law provides that all workers, including civilian employees of the armed forces, police, and border guards, have the right to establish and join trade unions of their choosing. Workers exercise this right in practice. The law sets minimum membership requirements for establishing a trade union to 10 persons to form a local union and 30 for a national union. The law, however, does not give trade unions the freedom to exercise the right to organise all workers. For example, workers on individual contracts cannot form or join a trade union.

The law prohibits anti-union discrimination yet unions report that employers discriminate against workers who attempt to organise or join unions, particularly in the growing private sector. In state-owned enterprises, such as the health, water, and forestry sectors, there have been cases in which workers have had their normal employment contracts terminated and replaced by individual contracts that eliminated their rights to join unions.

Furthermore, discrimination is widespread in the form of intimidation, termination of work contracts without notice, and closing of the workplace. The law does not sufficiently prevent employer harassment of union members for trade union activity. Recent examples of the dismissal of trade union leaders include at POLFA S.A.; “Elektrociepłownia Marcel” in Radlin; the Delia JSC in Zamosc; Breckle Poland Ltd. in Wroclaw; Walbrzych International Production Ltd’ Wytwornia Silnikow Wysokopreżnych “Andoria” JSC in Andrychow; General Electric Powers Controls Polska Ltd. in Klodzko, Uzdrowisko, Krynica, and Żegiestów JSC.

The law provides for and protects enterprise level collective bargaining over wages and working conditions. Key public sector employers (largely in heavy industry and the social services sector), nevertheless, remain unable to negotiate with unions without the extensive involvement of the ministries to which they are subordinate, thereby complicating and politicising the government's labour relations. The law provides for parties to take disputes first to labour courts, then to the prosecutor general, and, as a last resort, to the Supreme Court. During 2005, 916 such disputes reached the Supreme Court.

All workers have the right to strike except for those in ‘essential services’ – security forces, employees of the supreme chamber of audit, and uniformed services (such as the police, border guards, and fire brigades) – who only have the right to protest. In terms of ILO conventions, this category is defined too broadly. Workers in essential services can, however, seek resolution of their grievances through mediation and the court system. A majority of strikes are technically illegal because one or both sides do not follow each step as they should. Labour courts act slowly in deciding the legality of strikes. The laws prohibiting retribution against strikers are not enforced consistently and the small fines imposed as punishment are ineffective deterrents. Organisers of strikes are liable for damages and may face civil charges and fines.

Portugal

The law provides workers with the right to form or join unions of their choice without previous authorisation or excessive requirements, and they exercise this right in practice. The right to organise and bargain collectively is also recognised and exercised freely in practice. The law provides for the right to strike, and workers exercise this right in practice. Surprise strikes are prohibited since, by law, a five-day pre-strike notice must be given, which is extended to 10 days if essential services are due to be affected. Furthermore, in those services the government considers essential (water, energy, communications, firemen, transports, medical services and some concerned with public health), a minimum required service must be maintained during a strike. The level of minimum service must be negotiated and agreed between the union and the employers. If an agreement is not reached the decision is taken by an arbitrage college. If a long strike occurs in an essential sector such as justice, health, energy, or transportation, the government may order the strikers back to work for a specific period. The government has rarely invoked this power – yet did so in October 2005 when it intervened in a two-day judges' strike by calling on indispensable workers to avoid delays in ongoing legal actions and court cases. The justice sector is not named by law as one of the sectors to which civil requisition and minimum required services apply but the legal interpretation classifies it as an essential service, making it possible to have similar treatment to the others sectors mentioned above.

Police officers and members of the armed forces may not strike legally, but they do have unions and the possibility of recourse within the legal system.

Romania

The law recognises the right of workers to establish and join the trade union of their choice. This right applies to all workers except high-level government and civil service staff, public prosecutors and judges, as well as military, intelligence and police personnel. No worker may be forced to withdraw from or join a union. The law requires a minimum of 15 members to form a union. They have to belong to the same branch of activity, but not the same enterprise. Anti-union discrimination is prohibited by law. The protection of trade union leaders is strengthened by the new trade union law. Throughout the duration of the mandate and two years after its completion, the working contract of the trade union leader cannot be terminated for unjustified reasons, unless the elected leadership of the trade union agrees.

The right to form trade unions, however, is not always practicable. Some employers try to block the creation of trade unions within companies. Others create controlled 'unions', to counteract the activities of independent trade unions. In some cases, employers seek to destroy independent trade unions, which is punishable by law but difficult to prove. It is reported that the most anti-union employers – usually foreign companies – make employment conditional upon the worker agreeing not to create or join a union.

Collective bargaining is a recognised right under a 1996 law. Collective agreements must be renewed every year. The state may not interfere in the collective bargaining process. No sector is excluded by law from collective bargaining. However, collective agreements can only be negotiated in workplaces where there is a minimum of 21 employees. Public employees may bargain for everything except salaries, which are set by the government. It is reported that many employers do not respect the right to collective bargaining and do not conclude collective agreements with the trade unions. Many do not form part of employers' organisations, particularly with regards to multinational companies in Romania.

The right to strike is recognised by law. However, employees in sanitary services, pharmacies, schools, communications, radio and television, transport and the supply of essential services (gas, electricity and so on) must provide a minimum service of one third of normal activity in the event of a strike. The ILO's Committee of Experts on the Application of Conventions and Recommendations has emphasised that restrictions on the right to strike can only be justified in the case of 'services the interruption of which would endanger the life, personal safety or health of the whole or part the population'. The Commission has also criticised the fact that the management of a production unit may demand the suspension of a strike, for a maximum period of 30 days, if it endangers the life or health of individuals, and that the management of a production unit may submit a dispute to an arbitration commission where a strike has lasted for 20 days without agreement being reached and if continuing it would affect life or health. In its critique it asks for transparent criteria relating to 'the life or health of individuals' and emphasises that it should not be up to the management of the production units to evaluate whether the continuation of a strike affects humanitarian interests.

Strikes may be held only if all means of possible conciliation have failed. The employer must be given 48 hours' warning. Furthermore, strikes can only be held to defend the economic interests of workers and must not be used for political reasons. The same people who are prohibited from joining and forming trade unions are also prohibited from striking. The 1999 Act on the settlement of disputes allows the management of a production unit to submit a dispute to arbitration unilaterally. The arbitration committee may take irrevocable decisions, bringing a dispute to an end. In 2005 the ILO's Committee of Experts on the Application of Conventions and Recommendations criticised this practice, recalling that according to the convention, restrictions on the right to strike by the imposition of compulsory arbitration can only be justified in respect of workers working in essential services and public servants engaged in the administration of the State. Thus, the practice is incompatible with the Convention.

Strikes are illegal if a collective agreement is in existence, even if the dispute concerns an emerging problem not covered by the existing agreement and the employer refuses to negotiate the new problem with the union. Strikes can be

declared illegal on grounds of procedural irregularities. If a strike is declared illegal the trade union leader can legally be fired, even if the strike is ended immediately after being declared illegal.

Slovakia

All basic trade union rights are recognised in law. Workers are free to form and join trade unions, with the exception of the military, and anti-union discrimination is banned. Workers exercise the right to form unions and anti-union discrimination is limited.

The Labour Code provides for the right to collective bargaining and workers also exercise this right. Amendments to the act on collective bargaining which came into force in December 2004 strengthened bargaining at the shop floor level by restoring provisions which oblige employers to be actively involved in collective bargaining. At the same time, however, the bargaining rights were weakened by provisions which state that higher level collective agreements (covering a whole industry, sector or region) only apply to those employers who specifically agree in writing.

The law provides for the right to strike if agreement cannot be reached through collective bargaining, but not if an employer fails to respect a clause in a collective agreement. Solidarity strikes are permitted. The right to strike is restricted in services that are considered as essential. The list of such services exceeds the ILO definition, by including, among others, workers in the oil or gas production sector and in the nuclear sector. The law also prohibits dismissal of workers legally participating in strikes, while strikers are not ensured protection if a strike is considered illegal or unofficial.

Slovenia

The law allows workers to form and join unions of their choice without previous authorisation or excessive requirements, and workers do so in practice. All workers, except police and military personnel, are eligible to form and join labour organisations. The law also provides for the right to bargain collectively, and it is freely practiced. There are, nevertheless, some restrictions on this right, primarily the fact that the law requires that 10 percent of the workers in an industry sector be union members before collective bargaining can be applied to the sector as a whole. The law provides for the right to strike, and workers also exercise this right in practice. The law prohibits retaliation against strikers, and the government is credited with effectively enforcing this provision in practice. The law restricts strikes by some public sector employees, primarily the police and members of the military services, and provides for arbitration to ensure due process and protect these workers' rights.

Though Slovenia generally complies, by law and in practice, with regards to the central trade union rights, the ILO's Committee of Experts on the Application of Conventions and Recommendations has, however, criticised the fact that the laws do not contain any provision on protection against other acts prejudicial to workers for anti-union reasons (transfer, relocation, demotion, dismissal, etc.), including procedures of redress and remedies applicable where such acts occur. The Committee

has stressed that although unfair dismissals based on anti-union grounds are prohibited, there are no sanctions for violations of this prohibition.

Spain

The law allows workers, except those in the military services, judges, magistrates, and prosecutors, to form and to join unions of their choice without previous authorisation or excessive requirements. This right is exercised in practice by workers. The law prohibits discrimination by employers against trade union members and organisers. However, unions often experience discrimination by employers that refuse to renew the temporary contracts of workers engaging in union organising. Various statistics confirm that Spain is the European Union country with the highest percentage of workers on temporary contracts - 32.5 per cent in 2004, with 63 percent of the people in such contracts being migrants. This clearly influences the working conditions of these workers. Taking advantage of these workers' uncertainty about their future employment, employers have made them accept working conditions that are not in line with legal standards. Whilst in theory temporary workers' contracts are covered by sectoral agreements fixing their terms of employment, in practice collective bargaining is often replaced by individual agreements between managers and employees, who are obliged in practice to accept what they are offered.

The law provides for collective bargaining, including for all workers in the public sector except military personnel. It is generally freely practiced. Public sector collective bargaining includes salaries and employment levels, but the government retains the right to set these if negotiations fail. The Constitution provides for the right to strike (article 28.2) and workers exercise this right by conducting legal strikes. A strike in nonessential services is legal if the union gives five days' notice. The jurisprudence of the Tribunal Supremo and the Tribunal Constitucional determines the minimum service requirements in case of a strike.

Sweden

The law entitles workers to form and join unions of their choice, without previous authorisation or excessive requirements. Workers exercise this right in practice. The law also provides for collective bargaining, and workers exercise this right in practice too. The law provides for the right to strike, as well as for employers to organise and to conduct lockouts. Public sector employees also enjoy the right to strike, subject to limitations protecting the public's immediate health and security.

United Kingdom

The law provides for the right of workers, except those in the armed forces, public sector security services, and police forces, to form and join unions. Workers exercise this right in practice although companies employing fewer than 21 workers are excluded from the statutory recognition provisions of the Employment Relations Act (ERA) 2004.

Collective bargaining is protected in law and is freely practiced. Under the law a strike must be confined to workers and their own employers - secondary picketing is prohibited, and there is no immunity from civil liability for workers taking part in

sympathy strikes. The dispute must be wholly or mainly about employment-related matters (for example, pay and conditions). Workers must be properly and secretly balloted before striking (with notice to the employer), and mass picketing is prohibited.

The ILO's Committee of Experts on the Application of Conventions and Recommendations has criticised the Government for interfering in trade union activities. This criticism has been presented in relation to sections 64-67 of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRA), which prevent trade unions from disciplining members who refuse to participate in lawful strikes and other industrial action or who seek to persuade members to refuse to participate in such action. Addressing the government, the Committee has repeatedly recalled that unions should have the right to draw up their rules without interference from public authorities and should be able to determine whether or not it should be possible to discipline members who refuse to comply with democratic decisions to take industrial action. The Committee has therefore requested that the legislation be changed so as to ensure the rights of unions to draw up their rules and formulate their programmes without Government interference.

Conclusions

While it is clear that freedom of association and the right to collective bargaining are observed in law and in practice in the majority of EU Member States, it is equally clear that in certain countries difficulties remain. These problems are most marked in some of the new Member States such as Bulgaria, the Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia, but also in countries like Germany, and mainly concern insufficient penalisation of anti-union behaviour by employers and the right to strike, particularly in the form of excessively wide definitions of 'essential services' where basic trade union rights are restricted.

II. Discrimination and Equal Remuneration

The ratifications by EU Member States of ILO Convention No. 100 (1951), the Equal Remuneration Convention, and Convention No. 111 (1958), the Discrimination (Employment and Occupation) Conventions, are as follows:

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

Austria

Although the law provides for equal treatment of men and women in employment, the wage structure is marked by clear discrimination against female workers. In 2005, the median income of women was 33 percent lower than that of men, according to the Chamber of Labour. To a large part, the pay gap is due to the fact that women are disproportionately over-represented in part-time jobs. The ILO's Committee of Experts on the Application of Conventions and Recommendations has expressed concern that the massive prevalence of part-time work among women may exacerbate existing gender inequalities in the labour market, since part-time jobs are often at lower skill levels.

Trade unions have stressed that the amount of damages payable as compensation for violation of the principle of equal treatment in employment is insufficient, and have questioned whether some of the Austrian states are fully implementing the Equality of Treatment Act in the areas of agriculture and forestry.

Women have remained underrepresented in the civil service, especially in high-level positions. The law requires the Government to hire women of equivalent qualifications ahead of men in all civil service areas in which less than 40 percent of the employees are women. However, there are no penalties for agencies that fail to attain the 40 percent target. Women are also more likely than men to remain unemployed for extended periods.

Discrimination in employment has also been faced by ethnic minority groups.

Belgium

Under the law, women enjoy the same rights as men, and the Institute for the Equality of Men and Women is authorised to initiate lawsuits if it finds that equality laws have been violated. However, there is still a considerable pay gap between men and women, with gross average salaries of women only amounting to 85 percent of the national gross average salary.

Discrimination in employment against immigrant communities has increased, most notably against persons of Moroccan and Turkish origin, according to reports of the Centre for Equal Opportunity and the Fight against Racism (CEOOR).

Bulgaria

Under Bulgarian law, women enjoy the same rights as men. However, women face discrimination in terms of job recruitment and pay. According to an ILO survey published in 2004, women's salaries in the private sector are 24 percent lower than men's. In November 2004, a national council on equality between women and men, headed by the Minister of Labour and Social Policy, was established. A number of programmes to address economic discrimination of women have been enacted since then.

Discrimination against the Roma minority is widespread. People of Roma origin face disproportionately high levels of unemployment and poverty. Some employers simply refuse to hire Roma and ask local labour offices not to send Roma applicants for advertised positions. However, it is reported that Roma increasingly have been able to find redress in court in cases of employment discrimination.

Cyprus

The law provides for equal pay for men and women performing the same work. According to the ILO Committee of Experts on the Application of Conventions and Recommendations, the practical enforcement of the equality legislation has contributed to a gradual decline in the wage gap. However, it has nonetheless remained high – in 2003 the monthly pay differential between men and women stood at 33.7 percent. Complaints relating to pay discrimination may be dealt with by a committee under the Equal Pay Act.

The Government has indicated further measures to ensure that the wage gap continues to decrease. In particular, it commissioned a project in 2006 for the purpose of defining the reasons, occupations and sectors responsible for the current pay differentials. The labour force participation rate of women is still lower than that of men, although the ILO Committee of Experts on the Application of Conventions and Recommendations has noted an increase in the number of women employed in higher skilled occupations, such as managers, professionals and technicians. Nevertheless, there is still a high concentration of women with tertiary education in clerical occupations.

Czech Republic

Discrimination is prohibited by law, including discrimination on the basis of gender, race, religion, national origin, and disability. However, women, Roma and people with disabilities do face discrimination in employment. Although Czech legislation requires that all workers receive equal pay for work of equal value, women's salaries are approximately 25 percent lower than men's. Moreover, the unemployment rate for women is higher than that for men, and a disproportionately smaller number of women hold senior positions. The Council for Equal Opportunities for Men and Women monitors gender issues and has advised the government on its efforts to enforce equal rights for women.

The law prohibits sexual harassment. However, it remains a problem and the Government does not effectively enforce the provision in practice. A survey commissioned by the Labour and Social Affairs Ministry in August 2005 found that 28 percent of women and 22 percent of men had experienced sexual harassment in the workplace.

The Roma in the Czech Republic have been, and continue to be, discriminated against. Estimates of unemployment among Roma vary, but the ILO's Committee of Experts on the Application of Conventions and Recommendations has reported that between 30 and 70 percent of the persons registered by the labour offices as 'persons with job placement difficulties' are Roma.

Denmark

The law requires equal pay for equal work, but in practice female workers earn approximately 14 percent less than their male counterparts. Much of the difference between men's and women's wages is due to education, job, branch, and labour market experience. Although women hold positions of authority throughout society, they are underrepresented in senior business positions and as university professors. Since 2002, a gender equality section has been working on the implementation of a gender-mainstreaming strategy. An action plan was executed for the period of 2002-06 to promote gender equality.

Estonia

Legislation provides for equal pay for equal work. In practice, however, women generally earn less than men even though their level of education is higher on average. According to the Government's report to the ILO Committee of Experts on the Application of Conventions and Recommendations, women only earned 75.8 percent of the average hourly wage paid to men in 2003. The Committee has expressed concern that the pay gap has not significantly narrowed since 2001, although the situation has improved since the country's independence. The Government has established a Gender Equality Council to function as an advisory body within the Ministry of Social Affairs in order to approve the general objectives of gender equality policy and advise the Government in this regard.

According to a recent Amnesty International report, discrimination against ethnic Russians is widespread, including repercussions regarding discrimination in the labour market.

Finland

Although women and men have identical rights in Finland, women's average earnings are approximately 80 percent of the equivalent earnings of men. The gross wage differential is lowest among manufacturing and local government workers, and highest for salaried manufacturing employees. The central Government and private sector employees have a wage differential of approximately 25 percent.

According to a 2002 study entitled "Gender Wage Differentials in the Finnish Labour Market", about half of the gap between male and female earnings is due to differences in job descriptions and careers and the fact that women more often work in lower-paid sectors and occupations. The proportionately biggest group of women lagging behind their male counterparts in terms of remuneration consists of well-educated and older women in demanding jobs, especially in the private sector. Since pay parity problems arise from the gender division by occupation, a narrowing of the wage gap will only be possible if imbalances in the gender ratio in different occupations are corrected.

In April 2005, parliament passed a law amending existing legislation to increase gender equality in the workplace and to promote the principle of equal pay for equal work. The Government has moreover adopted a range of measures to influence the mechanisms behind people's choice of occupation with a view to encouraging men and women to achieve a more equal distribution in the various occupations. The collective agreements concluded for the state and municipal employees between 2001 and 2005 sought to reduce pay differentials between men and women.

France

The law requires that women receive equal pay for equal work, but in practice, sizeable gaps between men's and women's earnings exist. According to statistics provided by the Government, the pay differential between men and women stood at 24.8 percent in the private sector and at 14.2 percent in the public sector in the year 2002. Moreover, unemployment rates have been higher for women than for their male counterparts. According to a study by INSEE, the government's statistical agency, less than 20 percent of executives in the private sector are women, and they are underrepresented in managerial jobs and positions of responsibility.

The Government has been committed to addressing the pay gap. In 2004, a National Charter for Equality between Men and Women was adopted. The Government has moreover established cooperation with the social partners and negotiated the National Inter-Occupational Agreement, which commits employers to undertake concrete action to improve pay equality between men and women. Proposals for modifications to the Labour Code have included a five-year target date for the complete elimination of the remuneration gap.

According to the ILO Committee of Experts on the Application of Conventions and Recommendations, discrimination has also persisted on the basis of race and national origin. In particular, people of Maghreb or African origin have encountered serious difficulties during the hiring stage. Unemployment among young

graduates with migrant backgrounds is reported to be four to five times higher than among other graduates.

Germany

Under the law, women enjoy the same rights as men, and there are provisions on equal pay for equal work. However, since women are underrepresented in well paid managerial positions and overrepresented in some lower wage occupations, their average monthly incomes continue to be much lower than those of men.

The media and reports from other sources indicate that societal and job-related discrimination against homosexuals has occurred, as well as discrimination against persons with HIV/AIDS. According to the U.S. Department of State, by 2005 the Government had not implemented a 2000 EU directive establishing a general framework (the antidiscrimination act) for equal treatment in employment and occupation.

Greece

The law provides for equal pay for equal work. However, according to official 2004 statistics, women's pay amounts to only 75.8 percent of men's pay. A 2004 central bank report moreover noted that unemployment was much higher among women than men, and that women's employment in part-time jobs was 8.1 percent while men's was 2.3 percent. Relatively few women have occupied senior positions, although they continue to enter traditionally male dominated professions such as law and medicine.

Roma and other ethnic minority groups continue to face discrimination in employment. The Government has implemented various programmes to address the problem, such as an Integrated Action Programme for Greek Roma for the period 2003-08, which covers employment, vocational training, and education.

Hungary

Under the law, women enjoy the same rights as men. However, economic discrimination against women occurs. According to data from the National Employment Office for 2002, the salaries of women in the private sector were 12.5 per cent lower than those of men working 'in comparable jobs'. For the public sector, the differential stood at 14.4 percent. According to statistical data compiled by the ILO, however, the overall differential of monthly earnings is much higher, especially in manufacturing and the financial services, where it reached 28.6 percent and 47.8 percent in 2001.

In 2003, a law was adopted which prohibits discrimination in private and public employment. In January 2005, the Equal Treatment Authority (ETA) was established to investigate discriminatory treatment. Moreover, a National Action Plan on Equal Opportunities for Men and Women was implemented over the period 2003-06.

Sexual harassment has remained a widespread problem. Women's groups have reported that there has been little government support for efforts to criminalise sexual

harassment and that sexual harassment in practice is tolerated by women due to their fear of unemployment.

Discrimination against the Roma community, who constitute at least 4 percent of the population, makes their conditions of work and life significantly worse than the general population's. Roma are considerably less educated, with lower than average incomes and life expectancy. The unemployment rate among Roma people is estimated at 70 percent.

Persons with disabilities have also faced discrimination in employment. This is illustrated by the fact that approximately 90 percent of persons with mental disabilities who are of working age are not employed.

Ireland

Women enjoy the same legal rights as men. Nonetheless, inequalities regarding pay and promotions are persistent in both the public and the private sector. Women constitute 42 percent of the labour force but are underrepresented in senior management positions. In 2001, their average earnings were only 85 percent of those of men.

Discrimination against the approximately 25 thousand indigenous nomadic persons called 'Travellers', as well as against people with disabilities, also remains a problem, according to the U.S. Department of State. In July 2004, the Equality Act came into operation, representing an important development in ensuring protection from discrimination for all workers and improving working conditions. The Equality Act moreover included a new requirement for employers to take appropriate measures to make sure that people with disabilities had access to employment and training and opportunities to advance.

Italy

Under the law, women enjoy the same rights as men. However, the gap between salaries for men and women continues to exist. Research undertaken in 2001 by the Ministry of Labour showed that women's salaries were 24 percent lower than men's. In 2003, male unemployment was 6.8 percent, while female unemployment was 11.6 percent. Youth unemployment (ages 15 to 24) was 30.2 percent for men (53.5 percent in the south) and 39.0 percent for women (66.9 percent in the south).

Women are underrepresented in many fields, such as management, entrepreneurial business, and the professions, although female participation in management positions has increased in recent years. However, women still remain markedly underrepresented in upper management positions and in the public service.

A number of government offices have worked to ensure gender equality and there is an equal opportunity commission in the office of the prime minister. The Labour Ministry has a similar commission that focuses on women's rights and discrimination in the workplace. The Government has moreover taken measures to increase women's participation in the labour market.

However, the ILO Committee of Experts on the Application of Conventions and Recommendations has noted that employment of women in atypical work has

risen disproportionately and the professions are still segregated, with women frequently occupying lower status and lower remunerated positions.

Discrimination in employment has also occurred against people with disabilities. Of the 500,000 workers with disabilities registered at public employment centres in 2005, only 4.8 percent found work.

Latvia

Discrimination between men and women is prohibited, but in practice women earn considerably less than men. Women also face discrimination in hiring, especially in the private sector, and they have fewer opportunities for promotion. According to the U.S. Department of State, some local NGOs have questioned the ability of the government to enforce gender equality laws adequately. A Programme for the Implementation of Gender Equality was, however, adopted for the period 2005-06.

Statistical data provided by the Government for the period between 2001 and 2003 indicates that the gender wage gap in the public sector decreased from 20.5 percent to 18.5 percent, while it increased from 21.1 percent to 22.9 percent in the private sector. According to the Latvian Central Statistical Bureau's Survey on Occupations of 2003, the gross average hourly wage for all groups of occupations was 1.12 lats for men and only 0.94 lats for women.

Although prohibited by law, sexual harassment of women in the workplace has reportedly been common. Cultural factors have reportedly tended to discourage women from coming forward publicly with complaints.

Lithuania

Discrimination between men and women is prohibited and the law provides for equal pay for equal work. In practice, however, women face discrimination in pay, and they are significantly underrepresented in some professions and in management positions. According to statistical information provided by the Government, the average private sector wage received by women in 2004 was 19.4 percent lower than that for men. In the public sector, women earned on average 33.7 percent less than men. In both the private and the public sector, a slight increase in this difference from the previous year has been observed.

The Government has taken measures to promote women's equal access to employment, such as training programmes on business organisation and skills training, as well as public awareness-raising measures to combat stereotypes regarding women's role in society that impact negatively on their employment.

The law also prohibits discrimination based on race or ethnic background. However, according to the ILO Committee of Experts on the Application of Conventions and Recommendations, the employment data for the different national minorities indicate substantially higher unemployment rates of Lithuanians of Russian or Polish origin as compared to other Lithuanians. People of Roma origin also continue to face difficulties in entering the labour market. The Government has taken various measures to better integrate minority groups into the society, such as the Programme for the Roma Integration into Lithuanian Society.

Luxembourg

The law mandates equal pay for equal work. However, according to a study carried out in the context of the project “Equal pay – challenge for democratic and economic development”, the average hourly wage differential between men and women was 28 percent in the year 2000. Of this figure, 16 percent represented structural differences in employment for women and men, leaving 12 percent of the differences unexplained. The study moreover noted that women do not have the same types and levels of qualifications as men, that they are occupied in low-paid jobs, that they occupy only 22 percent of managerial posts and that they represent only 16 percent of the membership of boards of directors.

The law prohibits discrimination against persons with disabilities in employment and other areas. Quotas have been established which require businesses that employ more than 25 persons to hire workers with disabilities. However, according to the U.S. Department of State, these provisions have not been enforced consistently, and there has been a particular problem in the case of persons with mental disabilities.

Malta

The law prohibits discrimination based on race, gender, disability, language, or social status. However, women earn less than their male counterparts and they are underrepresented in management positions. In December 2003, the Equality for Men and Women Act was adopted, prohibiting direct and indirect discrimination based on sex or family responsibilities. Moreover, the National Commission for the Promotion of Equality for Men and Women has been set up, which is responsible for identifying, establishing and updating all policies directly or indirectly related to issues of equality for men and women workers and for investigating and mediating any claim of discrimination.

Discrimination against persons with disabilities is prohibited, and the Act for Persons with Disabilities requires the private sector to apply equal employment guarantees already in place in the public sector.

Netherlands

The ILO’s Committee of Experts on the Application of Conventions and Recommendations noted from a 2004 survey of the labour inspectorate that the remuneration gap between men and women had slightly decreased from 23 percent in 2000 to 22 percent in 2002 in the private sector, and from 15 percent to 14 percent in the public sector. The survey explained that gender differences in remuneration may be partially ascribed to the fact that women workers are generally younger, less highly educated and often work part-time. Moreover, they are employed more often than men in administrative or caring jobs and low-level jobs, more often have flexible or fixed-term contracts, and are employed in the health and welfare sector rather than the building or industry sector. However, the survey showed that there is still an unexplained wage gap of 7 percent in the private sector and of 3 percent in the public sector, and that pay inequalities also continued to exist with respect to the same jobs performed by men and women working in the same enterprise.

The government has provided affirmative action programmes for women, and collective labour agreements usually include provisions to strengthen the position of women. An equal treatment commission has investigated complaints of discrimination against women.

The law requires employers to take measures to protect workers from sexual harassment; however, a 2003 study showed that 5.3 percent of female workers were sexually intimidated in the workplace. The government has funded an ongoing public awareness campaign and has taken measures to counter harassment among civil servants.

Various reports referred to by the ILO Committee of Experts on the Application of Conventions and Recommendations have expressed concern about the weakened position of ethnic minorities in society and the labour market. This is mainly attributed to the expiration of the Employment Minorities (Promotion) Act, under which employers were required to report on the ratio of ethnic minority employees and on the measures to achieve a greater proportional representation of ethnic minorities in their enterprise. A sharp increase in the unemployment rate of ethnic minorities from 9 percent in 2001 to 16 percent in 2004 has been reported.

Poland

The Constitution provides for equal rights regardless of sex and includes provisions on equal compensation for work of equal value. In practice, however, women are frequently paid less for equivalent work, they mainly hold lower level positions than men, and they are fired more readily and are less likely to be promoted. According to statistical data provided by the Government, women received 83.1 percent of the earnings of men in October 2002. Women earned less than men in all occupational groups, even though they were generally better educated and performed more frequently work requiring higher qualifications. According to a 2001 statistical bulletin, women have a lower employment rate (39 percent) than men (52.5 percent).

The National Plan of Action for Women (2004-05) addressed women's economic activities and envisaged activities aimed at promoting women's right to equality of opportunity and treatment. However, the ILO Committee of Experts on the Application of Conventions and Recommendations has observed that the factors used in job evaluation schemes often tend to favour men. Moreover, job advertisements have frequently indicated a gender preference.

The law prohibits sexual harassment. The NGO Centre for Women's Rights nevertheless believes that sexual harassment is a serious and underreported problem. Many victims either do not report the crime out of shame or fear of losing their job. Social awareness of the problem has increased as more reports of sexual harassment cases have appeared in the media.

In 2001, the Central Bureau of Statistics reported that the unemployment rate among the disabled was 17 percent, equal to the national unemployment rate, although others estimate this percentage to be higher. A number of laws protect the rights of the disabled. However, implementation of those laws has been insufficient.

The Roma community, numbering around 30,000, also faces disproportionately high unemployment, societal discrimination, and has been hit hard by economic restructuring.

Portugal

The civil code provides women with full legal equality with men. However, in practice women experience economic and other forms of discrimination. The UGT trade union centre reports that Portugal is the country in the European Union with the greatest inequalities. A woman is reported to earn on average 77 per cent of the remuneration of a man, with this proportion falling to 67 per cent for women manual workers. Female unemployment rates continue to be higher than those of men, despite the fact that school attendance rates for women are higher for all age categories up to 24 years. As a result, poverty indices are also higher amongst women. It is reported that discrimination by employers against pregnant workers and new mothers is also a common problem.

The Government has made efforts to eliminate discrimination in employment. In particular, a new Labour Code was adopted in 2003, as well as a Second National Plan for Equality for the period 2003-06. The Plan envisages various stages and measures to promote equality between men and women. These measures cover the reconciliation of work and family life, training, education and information and social integration.

Romania

The Constitution forbids discrimination based on race, nationality, ethnic origin, language, religion, sex, opinion and political allegiance, wealth or social background. However, in practice these provisions are not enforced effectively, and women, Roma and other minorities are subject to various forms of discrimination.

The law prohibits any act of gender discrimination, including sexual harassment. Despite the laws as well as women's equal levels of education, women have a higher rate of unemployment than men and occupy few influential positions in the private sector, where they earn lower wages. Few resources are made available to deal with economic discrimination against women.

The ILO's Committee of Experts on the Application of Conventions and Recommendations has called for measures to ensure that women are protected against discrimination in 'work of equal value' as well as when they perform equal work, to reduce the still considerable wage gaps between men and women.

The Committee has noted that it remains concerned about the still very high percentage of Roma falling into the category of 'economically inactive'. In particular, it noted that within the Roma population, the percentage of economically inactive persons between 25 and 49 years of age is twice as high as the percentage of such persons in respect to the entire population. With respect to the distribution of Roma workers in the various occupational groups and economic activities, it once again noted the absence of Roma in better paid or higher level jobs and their concentration in certain fields of activity, such as agricultural work, construction and the fishing industry.

The Government is aware of the problems and adopted, at the turn of the Millennium, a 'Strategy for improving the conditions of Roma' for the period 2001-10 with a medium-term plan of action covering the years from 2001 to 2004. Real progress, however, still remains to be seen.

Slovakia

Women and men are equal under the law, including family law, property law, and in the judicial system. However, discrimination against women remains a problem in practice. The equal opportunity office in the Ministry of Labour works in an advisory capacity to ensure the legal rights of women. The Labour Code provides that 'wage conditions' must be equal for both men and women without any discrimination on grounds of sex and that women and men are entitled to equal wages for work of an equal level of complexity, responsibility and difficulty, performed under the same working conditions and upon achievement of the same efficiency and work results.

In the view of the ILO's Committee of Experts on the Application of Conventions and Recommendations, this does not reflect fully the principle of the Convention regarding equal remuneration for work of equal value. The Committee has also noted that although prohibiting sex-based discrimination with respect to remuneration, neither the adoption of the Anti-Discrimination Act nor the amendment of the Labour Code has led to the inclusion of a provision expressly providing for equal remuneration for men and women for work of equal value.

The law does not prohibit sexual harassment, and there are no statistics available to measure the frequency or severity of its occurrence. The government took no action in 2005 to combat sexual harassment.

Women, particularly those aged 35 to 39, typically earn 25 percent less than men. Experts believe that the wage differential is due to large numbers of women working in low-paid occupations, such as the education or social services sectors. The ILO's Committee of Experts on the Application of Conventions and Recommendations has noted that despite the increase in the number of women in the labour market and the increase in their average wage, the wages of women nevertheless continue to be significantly lower than those of men, and that there are differences in remuneration in each age category. The data on average earnings show that, in the private sector, women's earnings as a share of men's have decreased from 77.4 per cent in 2001 to 75.5 per cent in 2004; in the public sector, the female/male ratio stabilised at around 84 per cent over the same period. In both the public and private sector the wage gap is the lowest for workers up to 20 years of age in the private sector, it is highest for the age categories between 30 and 39 years of age and those over 60 years of age (71 and 72 per cent respectively). In the public sector, wage differences are the highest in the age category from 50 to 54 years of age (77 per cent), while the earnings of women over 60 years of age are 90 per cent of those of men. When looking at average earnings according to occupation, statistics on for 2004 show that the female/male ratio is the lowest for legislators, managers and managerial staff (63 per cent in the private sector and 77 per cent in the public sector), craftspersons and qualified workers in affiliated professions (63 per cent in the private sector and 83 per cent in the public sector), servicing machines and equipment (72 per cent in the private sector and 77 per cent in the public sector) and operating staff in services and trade (78 per cent in the private sector and 72 per cent in the public sector).

The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) has continuously expressed concern over the discrimination in employment and education against the Roma community and the

serious problems related to their integration in the labour market. Although Roma constitute the second largest ethnic minority, estimated at between 350,000 and 400,000, employers are frequently reported to refuse to hire Roma, whose unemployment rate exceeds 95 percent in many settlements. It is also reported that ethnic segregation in schools continues. The Slovak national centre for human rights reports that of the 217 complaints of discrimination against Roma filed during 2005, the most frequent claim (cited in 54 of the 217 cases) regarded discrimination in labour-related issues, including access to work.

The CEACR has with interest noted the adoption of a National Action Plan on Social Exclusion 2002-06, which includes a comprehensive approach to tackling exclusion of the Roma communities, comprising a set of short-, medium- and long-term solutions and concrete steps to support the inclusion of the Roma communities in the areas of education, employment, welfare, housing, health, human rights and culture. With respect to employment, programmes under the 'Sectoral Operational Programme - Human Resources' primarily focus on creating equal opportunities for Roma in the labour market, with an emphasis on women, in the areas of skills development, job creation and alternative employment services.

Slovenia

The Constitution prohibits discrimination on various grounds, including race, gender, language and disability. While legislation provides for non-discrimination in employment, some groups continue to face discrimination in employment, including women and Roma. The law provides for equal rights for women, and there is no official discrimination against women in family law, property law, or the judicial system. The office of equal opportunities protects the legal rights of women. Although both sexes have the same average period of unemployment, women frequently hold lower paying jobs. On average, women's earnings are 90 percent of those of men. The law does not explicitly prohibit sexual harassment. However, it may be prosecuted under the law that prohibits sexual abuse. Sexual harassment remains a widespread problem in the country.

The Roma population suffer disproportionately higher unemployment than other groups, and are essentially absent from the formal labour force in many areas, limited instead to casual work either on farms or in construction, or informal work such as collecting scrap metal. While Slovenia has implemented programmes aimed at eliminating discrimination against Roma, the success of such programmes has varied between different regions. The post 1991 closure of the large industrial factories in some areas of Slovenia left Roma communities with unemployment rates as high as 90 percent. As in other countries with Roma populations, much of the de facto discrimination in employment is a result of generally lower levels of education among Roma children. In Slovenia, the incidence of Roma children in special schools for mental and physical disabilities is ten times that of non-Roma children.

Spain

The law prohibits sexual harassment in the workplace and such provisions stand to be strengthened through a new draft law, the "Ley Orgánica para la Igualdad Efectiva de Hombres y Mujeres". However, sexual harassment is reported to be a

problem. From January to November 2004, the Women's Institute reported 419 complaints of sexual harassment.

Under the law women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. However, the level of unemployment of women is 5% higher than that of men, discriminatory wage differentials continue to exist, and women hold fewer senior management positions than men. In 2005, the average annual pay of women stood at 12,800 euros while that of men stood at 18,231 euros. The difference is considered to result from a combination of outright discrimination, problems of promotion for women, and the fact of women being concentrated in sectors with lower remuneration.

To counter this situation, a General Secretary in the Ministry of Labour and Social Affairs works to ensure the legal rights of women, as well as to combat economic discrimination and integrate women into the mainstream of society and the economy. There are numerous government programmes at central, community and local levels to achieve effective gender equality.

Spanish unions state that labour inspections with respect to equal remuneration are insufficient both in quantity and in quality. They consider that the labour inspectorate should act not only upon the request of the parties, but also on its own initiative and that the Government should give particular attention to the inspectors being trained to detect indirect discrimination which might exist with regard to remuneration. They also point out that it is necessary for all public servants of the labour authority to have a deeper understanding of the principle of equal remuneration for work of equal value.

There is discrimination against foreign workers in the labour market. According to a government survey, the Encuesta de Población Activa (EPA), in 2004 61.4% of foreign workers only had temporary contracts. 19% of the workers with temporary contracts were immigrants.

Sweden

The law prohibits sexual harassment, and the government generally enforced this law in practice. Employers who do not investigate and intervene against harassment at work may be obliged to pay damages to the victim. Women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. But some sectors of the labour market still show significant gender disparities. In 2005 women's salaries averaged 85 percent of men's salaries, adjusting for age, education, and occupational differences. The annual report published by the National Mediation Office in 2004 notes that over the past ten years, the pay gap between the sexes has remained largely unchanged and that this difference primarily reflects gender segregation in the labour market and the fact that jobs traditionally dominated by women are lower paid.

The equal opportunity ombudsman (EEO), a public official, investigates complaints of gender discrimination in the labour market. Complaints may also be filed with the courts or with the employer, with mediation by the employee's trade union. During the year the EEO's office registered 170 cases. Women filed approximately 80 percent of the cases, 39 percent of which concerned salaries. The number of discrimination complaints related to pregnancy increased to 35, compared with 19 in 2004.

The Government has introduced the requirement for employers, for enterprises with more than ten employees, to prepare wage mapping on an annual basis as part of their annual equal opportunities plan in order to detect any wage differences due to gender. And employers have to prepare an action plan to remedy any identified pay discrimination and, in particular, have an obligation to remedy any wage inequalities within three years at the latest.

Most collective agreements expressly provide that the principle of equal pay shall apply. Certain agreements also prescribe the co-ordination of local level wage mapping and analysis of women's pay in relation to men's, prior to the commencement of negotiations.

United Kingdom

Although women enjoy the same rights as men, including rights under family and property law and in the judicial system, in practice women experience some discrimination. The 2005 annual earnings survey produced by the Office of National Statistics shows that women's average hourly pay (excluding overtime) was 17.2 percent less than men's. The report also indicates that the pay gap between men and women remained smaller in the public sector than in the private sector – 9.8 percent and 22.5 percent respectively in 2003. Since the Equal Pay Act became operational in 1975, the pay gap has only moderately declined, by 10.7 per cent. The Equal Opportunities Commission has expressed concern regarding the latest pay gap figures, which it considers to be grim. According to information provided by the EOC, the Act has now reached the limits of its usefulness and radical new action is required to protect another generation of women from the injustice of unequal pay.

The report points out that the hourly wage gap between part-time female workers and full-time male workers is even more significant – 38.5 percent in 2005. 78 percent of part-time workers are women, who hence suffer the most in terms of the effect on earnings, which reinforces the pay gap between men and women. Over the past 30 years of equal pay legislation, the percentage by which part-time female workers earn less per hour than full-time working men has not meaningfully changed (from 41.6 per cent in 1975 to 38.5 per cent in 2005).

The Government is of the opinion that new policies on shortening pay ranges, developing transparent pay progression systems and addressing pay issues in recruitment and promotion will have an immediate impact on further reducing the relatively small pay gap in the civil service. With regard to the private sector, the Government continues to favour voluntary pay reviews and has taken measures aimed at further reducing the pay gap such as the development of an equal pay review kit for employers and an equal pay questionnaire procedure for employees, the creation of a statutory right to request flexible working time and the adoption of new regulations to streamline equal pay tribunal cases. The ILO's Committee of Experts on the Application of Conventions and Recommendations, however, reports that two-thirds of employers have no plans to review their pay systems to see if they deliver equal pay. The EOC is of the view that the Government must take more proactive steps to address this persistent problem through the introduction of a duty on employers to promote gender equality and eliminate sex discrimination in the workplace. The Committee also remains concerned about the slow progress in reducing the pay gap between men and women.

Conclusions

With regard to equality between men and women in the labour market, a wide gap between law and practice remains in all EU Member States. Women in Europe earn up to 40 percent less than their male counterparts, they face higher unemployment rates, and are underrepresented in senior positions. Economic discrimination against women is particularly severe in some of the Eastern European Member States, where wage differentials in the public sector are often even higher than in the private sector. However, the increasing concentration of women in part-time jobs and the services sector has also unfavourably changed the situation of women in some Western European countries. Discrimination against ethnic minorities, particularly against the Roma community, is a serious concern. Unemployment is much higher among Roma compared to other groups of other ethnic origin. In many countries, sexual harassment is a problem.

III. Child Labour

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

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

Austria

Child labour is prohibited in Austria and the minimum legal working age is 15 years. The employment of children exclusively for the purposes of instruction or education, as well as the engagement of one's own children in light household activities for a limited period of time are not considered as child labour and are therefore allowed. The Labour Inspectorate of the Ministry of Social Affairs has

effectively enforced the law in practice. However, there are reports that children have been forced into prostitution and trafficked for the purpose of begging and stealing.

Belgium

There are laws and policies to protect children from exploitation in the workplace and the required minimum age for the employment of children is 15 years. Children aged 15 to 18 years may participate in part-time work and study programmes, and they may work full time during school vacations. The labour courts monitor compliance with national laws and standards.

Bulgaria

The Labour Code sets the minimum age for employment at 16 years, but children between 13 and 16 years of age may engage in light work and perform certain jobs with the approval of the Government. Children under 18 years of age are prohibited from hazardous work, overtime, and night work. However, the ILO Committee of Experts on the Application of Conventions and Recommendations has noted that there are no provisions in the Labour Code to ensure that employment in light work does not prejudice the young workers' attendance at school or vocational training, as required by Convention No. 138.

Amendments to the Criminal Code in 2004 stipulate 6 months imprisonment and a fine for the illegal employment of children under 18 years, and one year imprisonment and a fine for the illegal employment of children under 16 years. The Family Code establishes legal protection for children working in family businesses, including situations when a parent "jeopardises the personality, upbringing, health or property of the child".

Few official statistics on child labour are available. In 2000, however, the ILO estimated that 14 percent of children between 5 and 17 years of age were working. Children were engaged in the commercial and service sectors, in agriculture, forestry, transportation, communications, industry, and construction. According to the ILO, children's workdays often exceeded the seven-hour legal maximum, and sometimes they did not receive overtime pay for additional hours worked. Moreover, local NGOs have reported that children also work on farms for meagre monetary or in-kind wages, such as food, and that children in institutional care often seek modestly paid agricultural labour during periods when they are allowed out of residential facilities.

Children have also been employed in heavy physical and hazardous jobs on family tobacco farms, particularly among the ethnic Turkish minority. Widespread poverty has led many Roma children to turn to begging, prostitution, and petty crime on the streets.

The Government has continued programmes to eliminate the worst forms of child labour. In March 2005, it negotiated a Memorandum of Understanding with the ILO, establishing a Child Labour Unit within the Ministry of Labour and Social Policy. The Child Labour Unit coordinates child labour issues and a national child labour database.

Cyprus

The minimum age for employment in industrial work is 16 years, but children may be employed in apprentice positions at the age of 15. The government has effectively enforced the laws and policies to protect children from exploitation in the workplace. However, it is common for children to work in family run shops after school, and children as young as 11 years have worked in orchards during school holidays. The ILO's Committee of Experts on the Application of Conventions and Recommendations has noted that occasional or short-term domestic work in a private household is excluded from the scope of application of the minimum age legislation, and that the Domestic Servants Law permits the employment of children who have attained the age of 14 years – provisions which do not conform to the country's obligations under the conventions.

Czech Republic

The government of the Czech Republic has not ratified ILO Convention No. 138, the Minimum Age Convention. The Labour Code, however, sets the minimum age for employment at 15 years and requires that young persons between the ages of 15 and 18 receive special care and protection. Overtime and night work is prohibited for minors. Enforcement of the child labour laws is carried out through workplace inspections and monitored jointly by the Ministry of Health and the Ministry of Labour and Social Affairs.

In recent years, the press has cited incidents of commercial sexual exploitation and trafficking of children, and government reports indicate that child prostitution has been a growing problem. The Government is making an effort to increase the enforcement of the legislation on the sexual exploitation of children, but victims' fears of reprisals often hinder the process.

Denmark

The required minimum working age is 15 years for full-time employment, and 13 years for part-time employment. The law contains provisions which limit the working hours of children and set occupational health and safety restrictions. However, the ILO's Committee of Experts on the Application of Conventions and Recommendations has noted that the law permits certain types of work for young persons under the age of 18 which they should not perform according to the Conventions. Moreover, minors below 16 years of age can be employed in hazardous work under certain conditions. As this does not fully comply with Article 3 of the Convention No. 138, the Committee has requested the Government of Denmark to revise the respective provisions in the law.

Estonia

Estonia has not ratified ILO Convention No. 138, the Minimum Age Convention. The Employment Contract Act sets the minimum age for employment at 18 years, while children aged 15 to 17 years may work with the consent of a parent or guardian, and children between 13 and 15 years with the additional consent of a labour inspector. Children under 18 years may not perform hazardous or dangerous

work. The Working and Rest Time Act moreover limits the working hours for children below 18 years of age and prohibits overtime or night work.

There are some reports of children peddling goods and begging on the streets. Children have also been engaged in prostitution, and girls have been trafficked to Western Europe, the United States, and Asia.

Finland

The government has implemented laws and policies to protect children from exploitation in the workplace. Children under 16 years of age may not work more than 6 hours a day and are not allowed to work at night. The law also sets occupational health and safety restrictions for children.

No complaints about the exploitation of children in the workplace have been reported. However, according to the U.S. Department of State, there are cases where Russian girls have been trafficked to the country for the purposes of prostitution.

France

Children under the age of 16 may not be employed in France. There exist, however, a few exceptions for those enrolled in certain apprenticeship programmes or working in the entertainment industry. In general, minors are prohibited from performing work considered arduous and from night work. Recently, the Government has adopted a decree which defines the arrangements for work placements for children under 16 years of age and for pupils following vocational training.

The laws with regard to the employment of children have generally been well enforced through periodic checks by labour inspectors, who are authorised to take employers to court in the case of non-compliance with the law. However, according to the U.S. State Department, in 2005 three to eight thousand children were forced into prostitution, domestic labour, petty crime and begging. Most of them were trafficking victims from Eastern European countries, in particular from Romania.

The Government has taken efforts to combat the various forms of exploitation of young persons under 18 years of age. In March 2003, a provision was introduced to the Penal Code which prohibits the trafficking of human beings and particularly young persons under 18 years of age. The Labour Code moreover provides for cooperation between several state agencies to combat hidden forms of child labour.

Germany

The law prohibits the employment of children under the age of 15 with a few exceptions: those 13 or 14 years of age may do farm work for up to 3 hours per day or may deliver newspapers for up to 2 hours per day; and those 13 to 14 years of age may take part in cultural performances. The Government has enforced the laws and policies to protect children from exploitation in the workplace. Violations have however occurred, mainly in small family-owned businesses such as pubs, restaurants, and grocery stores.

Abuse of children for the purpose of producing and publishing pornographic material has been a problem. In 2004, 199 such cases were reported. The law provides

for the protection of children against pornography and sexual abuse. The maximum sentence is one year's imprisonment for possession of child pornography and five years in prison for distribution. However, the ILO Committee of Experts on the Application of Conventions and Recommendations has requested the Government to take further measures to ensure that effective and dissuasive penalties are provided for the use, procuring or offering of a child for prostitution.

Greece

The Greek government has implemented laws and policies to protect children from exploitation in the workplace. However, the protection of children employed in family businesses or agriculture is not adequate, and many children have been engaged in abusive child labour. The minimum age for employment in the industrial sector is 15 years, with higher limits for some activities. With regard to hazardous work, the ILO Committee of Experts on the Application of Conventions and Recommendations has noted that there are provisions in the laws which do not fully comply with ILO Convention No. 138.

In family businesses, cultural performances, and agriculture the minimum age for admission to work is 12 years, which is a clear violation of ILO Convention No. 138. The age limit is enforced by occasional spot checks. Yet violations are common and families engaged in agriculture, food service, and merchandising often have younger family members assisting them, at least on a part time basis.

Trafficking of children for the purpose of forced labour or sexual exploitation is a problem. The majority of children trafficked for begging and stealing are of Albanian Roma descent.

Hungary

The Labour Code states that persons entering into an employment relationship must be at least 16 years of age, although children who are 14 years old are permitted to work if the work does not interfere with schooling. All children under the age of 16 must obtain the consent of a legal guardian before entering into an employment contract. The Labour Code moreover prohibits children under the age of 18 from working in jobs that may be detrimental to their physical well-being or development, and they may not work at night or overtime. It has been reported that to a minor extent, children have been working in family businesses, on farms, and as beggars on the streets and that children, some as young as 12 or 13 years, have also been forced into labour and sexual exploitation.

Ireland

Under Irish law, employers may not employ children under the age of 16 years in a regular, full-time job. Employers may hire children aged 14 to 16 for light work on school holidays, or as part of an approved work experience or educational programme. Children over the age of 15 years may be employed part-time during the school year. Employers are required to keep specified records for workers under 18 years of age. Few violations have occurred; according to the Government, 1,593

inspections were conducted in 2003, which led to the prosecution of 20 persons under the Protection of Young Persons (Employment) Act. Of the 20, 19 were convicted.

Italy

Italian law prohibits the employment of children under the age of 15, and there are specific restrictions on employment in hazardous occupations for males under age 18 and females under age 21.

The scale of child labour is however alarming. According to national statistics, some 144,000 minors have been working in Italy. In its report to the ILO Committee of Experts on the Application of Conventions and Recommendations, the Government stated that out of 3,000 businesses inspected during the year 2003, 1,636 irregular child workers were found. The majority of these cases involved non-compliance by employers with the rules on performance of periodic medical examinations or failure to observe the maximum permitted working hours, rest periods and holidays. However, there were 242 cases of employment of a minor below the required minimum working age.

Violations of the minimum working age or other child protection laws are even more widespread in the extensive underground economy. An independent research centre has estimated that approximately 460,000 children were working at least occasionally during the year 2005, while 70,000 children worked for at least four hours per day. Illegal immigrant child labourers from northern Africa, the Philippines, Albania, and China have continued to enter the country in large numbers. Many children have work alongside the rest of their families to produce scarves, purses, and other such items.

The Government, employers' associations, and unions have continued their tripartite cooperation on child labour. In 2002, the Government adopted a law which aims at ending all labour, including child labour, in informal and unprotected activities.

There is evidence that some of the worst forms of child labour have also occurred. Trafficking of children is a problem with approximately 8 to 10 percent of the trafficking victims believed to be underage.

Latvia

Laws and policies protect children from exploitation in the workplace and require acceptable working conditions. The statutory minimum age for the employment of children is 15 years, although children between the ages of 13 and 15 may work in certain jobs outside school hours. The law moreover restricts employment of those under the age of 18 by prohibiting night shifts or overtime work. It is reported that the government has implemented these laws and policies in practice. However, child prostitution and trafficking in young girls has occurred.

Lithuania

The Law on Employment Contracts sets the minimum working age at 16 years, but allows the employment of children at the age of 14 to perform light work on

condition of the written consent of the child's parents and school. Working hours, however, may not conflict with school. The Law on Labour Protection prohibits children below the age of 18 from working in hazardous jobs and from night or overtime work. It moreover mandates shortened working hours for children between 14 and 18 years of age.

The authorities have generally enforced these laws. In a report to the ILO Committee of Experts on the Application of Conventions and Recommendations, the Government indicated that in inspecting compliance with the national laws which enforce the provisions of Convention No. 138, 122 companies employing 408 young persons were visited in 2004. Seven cases of violation of guarantees for young persons were discovered in six companies. However, the Committee noted that self-employment appears to be excluded from the scope of application of the Minimum Age Convention, which means that work performed by children and young persons in the absence of a contractual employment relationship might not be covered by the provisions on the minimum age for employment.

There is evidence that children have been illegally employed in agriculture. In May 2005, the media reported that a number of school-age children were performing farm fieldwork without contracts for meagre wages.

Luxembourg

The law prohibits the employment of children under the age of 16. Workers under the age of 18 enjoy additional legal protection, including limits on overtime work and the number of hours which they can work continuously. The ministries of labour and education have effectively enforced the child labour laws in practice.

Malta

The law prohibits the employment of children below the age of 16 and protects young persons, adolescents and children from occupational health and safety hazards at the workplace. It also prescribes the hours of work, breaks and rest periods. Violations of the child labour regulations are however common. The Government has reported to the ILO Committee of Experts on the Application of Conventions and Recommendations that from May 2000 to May 2002, inspectors of the Employment and Training Corporation carried out 108 inspections in connection with the employment of under-age persons. During these inspections, 130 under-age persons were found working.

Netherlands

National laws and policies provide for the protection of children from exploitation in the workplace. The minimum age for employment is 16 years and the law prohibits persons under the age of 18 from working overtime, at night, or in areas dangerous to their physical or mental well being. Holiday work and after school jobs are subject to strict laws and the social ministry's labour inspection office oversees observance of the rules. However, in 2004 labour inspections found that 28 percent of the companies inspected violated the regulations applying to holiday work, including by employing children as young as 13. The report on child trafficking in the

Netherlands published by the Dutch National Committee of UNICEF provides evidence that children are trafficked and forced into domestic service, labour exploitation and criminal activities in the Netherlands.

Poland

The Polish law prohibits the employment of persons under the age of 15. Children between the ages of 15 and 18 may be employed if they have completed primary school and if the proposed employment constitutes vocational training. Moreover, the employment may not be harmful to their health. The age requirement for employment in potentially dangerous jobs is 19 years.

The state labour inspectorate (PIP) has reported that increasing numbers of minors have worked and that many employers have violated labour rules by underpaying them or paying them late. During the year 2005, the PIP conducted 732 investigations involving almost 3,930 possible underage employees. Fines were levied in 428 cases. Violations were found in restaurants, in agriculture, and in a few small private businesses and factories.

Portugal

The minimum legal working age is 16 years. However, children may be employed in apprenticeship programmes at the age of 15. Light work may be performed by children below the age of 16 years, provided they have completed their mandatory education and either have a professional qualification already, or, if they do not have a qualification, if they reserve 40% of their working time to training and education.

Legislation went into force in July 2004 to regulate work by young persons of 16 years and over in certain types of hazardous work.

According to the Government's last major study on child labour in 2001, approximately 48,900 children between ages 6 and 15 were engaged in some form of economic activity. Of that number, 85.3 percent were unpaid family workers, and 14.7 percent worked for third parties. The vast majority worked 15 hours or less per week; however, about 11 percent worked more than 35 hours per week.

Child labour tends to be geographically concentrated. The greatest problems were reported in Braga, Porto, and Faro and were found in the clothing, footwear, construction, and hotel industries. However, the ILO Committee of Experts on the Application of Conventions and Recommendations has observed that the number of working children has been declining significantly in recent years.

Romania

Although a law to protect children from exploitation came into effect on 1 January 2004, child labour has remained a serious problem in Romania. The Government has not efficiently enforced the provisions in practice.

The minimum age for employment is 16 years. However, young persons can be employed at the age of 15 with the consent of a parent or a legal guardian, on condition that the work performed is in accordance with their health and abilities and

does not interfere with schooling. Children aged 15 to 18 years may not work more than 6 hours per day, and their school attendance may not be affected. Minors are prohibited from working in hazardous conditions and may only be employed between 2 p.m. and 6 p.m. Under the law, working children under the age of 16 have the right to continue their education, and employers are obliged to assist the children in this regard. In practice, however, many children are reported to forego school attendance occasionally while working on family farms, especially in rural areas and in Roma communities.

It is reported that an estimated 3.9 million of the 5.6 million children in the country were 'economically active' in the year 2005. Over 300,000 were working without any contractual arrangements in agriculture or low-skilled jobs, and 900,000 worked in their own households, especially in rural areas. Approximately 300,000 were engaged in physically demanding work, and 70,000 were victims of the worst forms of child labour, including hazardous work, sexual exploitation, forced labour, trafficking, or criminal activity.

The law allows for the punishment of parents violating child labour laws by fines or imprisonment of 2 months to 7 years. However, the government has not consistently applied these provisions, claiming that the punishment would further harm children in certain cases. During the year 2005, the government imposed fines on only 52 sets of parents. None were sentenced to prison. Factories have also been implicated in most cases of child labour exploitation. Under the law, the national authority can close factories for the illegal employment of children, but enforcement tends to be lax. Despite the prevalence of child labour, there are no reports of any employer having been charged or convicted under any of the child labour laws.

According to statistical data provided by the International Organisation for Migration, child victims of trafficking represented 25 percent of the overall number of trafficking victims repatriated in the year 2003

The Law on Child Rights Protection entered into force in January 2005 and addresses the prevention and elimination of the worst forms of child labour, including trafficking in children.

Slovakia

The Labour Code sets the minimum age for employment at 15 years. Children under the age of 15 may perform light work in cultural or artistic performances as long as the work does not affect their health, safety, further development or full-time schooling. There is provision for a limit of the working hours of minors, and for acceptable working conditions.

It is reported that laws and policies to protect children from exploitation in the workplace have been implemented effectively. If a district inspection unit determines that a child labour law or regulation has been broken, the case is turned to the national inspection unit of the Ministry of Labour. There are, however, isolated reports that children have been engaged in begging and forced into prostitution. Under the Criminal Code, which prohibits the sale and trafficking of persons, such crimes can be penalised more severely when the victim is under the age of 18, and a person convicted of selling a child under the age of 15 for the purpose of prostitution can receive a penalty of up to 12 years' of imprisonment.

Slovenia

The minimum age for employment is 15 years. The law, moreover, limits working hours and sets occupational health and safety standards for children.

According to Government reports to the ILO Committee of Experts on the Application of Conventions and Recommendations, inspectors found two violations in 2004 in connection with the work of children below 15 years of age, of which one was in catering and the other in wood processing activities. However, the Government added that work performed by children under 15 years of age seems to be more frequent than labour inspectors are ascertaining, mainly in artistic and cultural activities. There are moreover reports that rural children have worked during the harvest season and on other farm chores.

Spain

The statutory minimum age for the employment of children is 16 years. The law prohibits the employment of persons under the age of 18 at night or in sectors considered hazardous, and they may not work overtime. The Ministry of Labour and Social Affairs is responsible for the enforcement of the law and it is enforced effectively in major enterprises.

However, it has been more difficult to enforce the law on small farms and in family-owned businesses, where child labour has persisted. Save the Children, Spain, believes that 5000 minors are being exploited by prostitution rings in Spain. Children who are victims of sexual exploitation are mainly foreign girls aged 17-18 years old, who are brought into the country illegally by organised prostitution rings.

Sweden

Laws and policies protect children from exploitation in the workplace. They include provisions with regard to acceptable working conditions. Full-time employment is permitted at the age 16, but requires the supervision of the local authorities. Employees below age 18 may not work at night. Union representatives, police, and public prosecutors effectively enforce the legal provisions.

United Kingdom

The law prohibits employment of children under the age of 13 in any capacity. Children aged 13 to 16 years may work as part of an educational course provided it does not interfere with school attendance. The authorities generally enforce these laws effectively.

The ILO Committee of Experts on the Application of Conventions and Recommendations reported in 2005 that a survey on school-age employment in England and Wales had revealed that approximately 75 percent of children aged between 10 and 16 years worked on either Saturdays or Sundays, and 30 percent on both days. Moreover, 65 percent of children aged from 10 to 16 years worked at least one weekday. Over 20 percent of the working children had missed school hours due to their work.

There are reports that children have been trafficked into the country and forced to work as domestic servants, beggars, pickpockets, drug couriers, or in sweatshops and restaurants. Children have also been subject to sexual exploitation. There are reports that at least one thousand children are estimated to be sexually exploited each year in London alone.

Conclusions

The economic exploitation of children is a problem in the European Union. Child labour has occurred in almost all Member States. Although it is concentrated in informal activities, in agriculture, and in family businesses, violations of the minimum legal working age and other child labour regulations have also been found in formal employment relationships, most notably in Bulgaria, Poland, Romania, Italy and Portugal. Children have moreover been engaged in prostitution and forced into domestic service, into criminal activities and begging. Particularly vulnerable groups are Roma and other minority groups.

IV. Forced Labour

The 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:

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

Austria

Although the law prohibits forced or compulsory labour, including by children, such practices have occurred. Most notably, the ILO's Committee of Experts on the Application of Conventions and Recommendations has criticised Austria for more than a decade for the treatment of prisoners hired to private companies. In

particular, it has pointed out that the lack of a free employment relationship, the absence of a labour contract, wages vastly below market rates, and the exclusion from the pension system constitute violations of ILO Convention No. 29.

Trafficking of persons for the purposes of sexual exploitation and domestic service is also prevalent. Children have moreover been trafficked for begging and possibly for sexual exploitation.

Belgium

The law prohibits forced or compulsory labour and criminalises trafficking in persons. However, the country has been both a transit and destination point for trafficking in women and children. According to the U.S. Department of State, there has been a continuing rise in the trafficking of women and minors for the purpose of sexual exploitation, with victims coming primarily from sub-Saharan Africa, Central and Eastern Europe, and Asia.

Bulgaria

Forced or compulsory labour is prohibited by law but the ILO Committee of Experts on the Application of Conventions and Recommendations has recently expressed concern that the legal provisions with regard to prison labour may not comply fully with Convention No. 29. In particular, it has noted that the Execution of Punishment Act expressly provides for an obligation of prisoners to perform work assigned to them by the prison administration, and imposes disciplinary sanctions for the non-performance of the obligation to work.

There is a provision against trafficking in the Bulgarian Criminal Code. However, trafficking remains a serious problem. The country is primarily a point of transit, and to a lesser extent of origin and destination, with most victims trafficked for the purpose of sexual exploitation. Police have reported an upward trend in the number of persons trafficked from the country.

Cyprus

Forced or compulsory labour, including by children, is prohibited. However, there are reports that such practices have occurred and that legal and illegal migrant workers have been subject to the non-payment of wages, reduced payment of wages, beatings, and the threat of deportation.

Moreover, the ILO Committee of Experts on the Application of Conventions and Recommendations has expressed concern that under the Defence Regulations 79A and 79B for the purpose of maintaining, controlling and regulating supplies and services, the participation in strikes may be punishable with penalties involving compulsory labour.

The law does not specifically prohibit trafficking and trafficking of women for the purpose of sexual exploitation has occurred.

Czech Republic

Forced or compulsory labour is prohibited by law and the Criminal Code prohibits the trafficking of women and children. However, trafficking to, from, and within the country for sexual exploitation and forced labour is a problem. Although many trafficking victims are destined for the sex trade, labour trafficking has been the most common form of trafficking in the country. There are no estimates on the number of victims, but both Government and NGO sources have conceded that the problem is widespread. A study released by the International Organisation for Migration and the NGO La Strada has found that victims are both male and female and come from a wide variety of countries. Employers range from single families to local subsidiaries of major multinational European retail chains.

Denmark

Forced or compulsory labour is prohibited in Denmark, as is trafficking in persons. According to the U.S. Department of State, however, women and children have been trafficked for forced prostitution. The country is both a destination and a transit point for persons trafficked from the former Soviet Union, Eastern Europe, Thailand, and Africa.

One of the Danish unions, the Danish Masters' Association (Dansk Magisterforening, DM) has recently expressed concern about the Government's 2004 reforms of the labour market policies, particularly the introduction of obligatory 'job offer' and labour 'activation' schemes, and their impact on unemployed persons receiving benefits under existing unemployment insurance and social assistance programmes. Among the concerns expressed was that, under the new policies, an unemployed person stands the risk to lose his or her rights to unemployment benefits or social assistance if one rejects an offer of a job or an activation measure. In the view of the union, the Government's new policies amount to forced or compulsory labour within the meaning of the Convention. The ILO Committee of Experts on the Application of Conventions and Recommendations has requested clarification from the Government with regard to the functioning of the unemployment insurance system.

Estonia

Forced or compulsory labour has occurred in Estonia. There have been reports that the country is a source, transit point, and a destination for a small number of internationally and domestically trafficked women and children for the purpose of forced prostitution. A recent study carried out by the International Organisation for Migration estimates the number of women and children trafficked into, through, and from the country between 2001 and 2004 at about 100.

Finland

The law prohibits forced or compulsory labour, including by children. It also prohibits trafficking in persons, but persons are frequently trafficked to and through the country. Most trafficking cases have involved women and girls from the former Soviet states, but increasing numbers of Asian women have also been trafficked

through the country to other parts of Europe. Most victims have been trafficked for sexual exploitation, but some persons have also been coerced into restaurant work, construction, or domestic work. They are often forced to work long hours for low pay.

France

The law prohibits forced or compulsory labour, including by children. It also prohibits the trafficking of persons. However, there are reports that women and children have been trafficked for sexual exploitation, forced domestic labour, and petty crime. The country is a destination for trafficking victims from Eastern Europe, the Balkans, the former Soviet Union and West Africa. The police have estimated that 90 percent of the 15,000 to 18,000 female prostitutes working in the country are trafficking victims, and that 3,000 to 8,000 children are forced into prostitution and labour, including begging.

Germany

The ILO Committee of Experts on the Application of Conventions and Recommendations has repeatedly criticised German law and practice with regard to prison labour. While some prisoners enjoy free employment relationships, others are obliged to work, without their consent, in workshops run by private enterprises within state prisons. This constitutes a clear violation of Article 2(2) (c) of the Convention No. 29, which expressly prohibits convicted prisoners from being hired to or placed at the disposal of private enterprises. The Committee has repeatedly requested the Government to take the necessary measures to bring into force the provision for the consent of prisoners to work in private workshops.

Persons have been trafficked to and through the country and forced to work as prostitutes. Most trafficking victims are women and girls between the ages of 16 and 25 years, mainly from Eastern Europe and the former Soviet Union, but also from Africa and Asia.

Greece

The law prohibits all forms of forced or compulsory labour, and it also prohibits trafficking in persons. However, such practices have been reported. The country is both a transit and a destination country for significant numbers of women, children, and smaller numbers of men trafficked for the purposes of sexual exploitation and forced labour. NGOs have estimated the number of trafficking victims in the country at 13,000 to 14,000.

Hungary

The law prohibits forced and compulsory labour, but Hungary has been criticised by the ILO Committee of Experts on the Application of Conventions and Recommendations with regard to the employment of prisoners. In particular, the Committee has noted that Law-Decree No. 11 of 1979 on the execution of prison sentences provides for an obligation of convicts to work. Moreover, under the national provisions, law enforcement authorities may conclude agreements concerning the

employment of prisoners not only with public institutions, but also with private companies. These provisions clearly constitute violations of the Convention No. 29.

The law also prohibits trafficking in persons. However, trafficking in women and girls has remained a serious problem in Hungary which is a source, transit point, and destination for trafficking in persons. The annual number of trafficking victims from the country was estimated at 3,000 to 4,000 in the year 2005.

Ireland

Forced or compulsory labour is prohibited in Ireland, as is trafficking in persons. However, there have been anecdotal reports of practices of forced or compulsory labour in the country. According to NGO sources, women have been trafficked into the country primarily for sexual exploitation, while men may have been smuggled for work in the construction industry or in the agricultural sector.

Italy

The law prohibits forced or compulsory labour, including by children. The law also prohibits trafficking in persons, however, there are reports that persons have been trafficked to, from, and within the country. According to Government and NGO sources, approximately two thousand new victims were trafficked to and within the country in 2004 and approximately 8 to 10 percent were believed to be underage.

There have been cases of forced labour regarding undocumented migrants, as when what the Italian police branded a 'slave labour camp' in the south-eastern region of Apulia was discovered in August 2006, where dozens of Poles were kept under lock and key by gangmasters who forced them to work in nearby tomato fields. Subsequent reporting, notably by the Italian weekly *L'espresso* and the British *The Guardian*, uncovered conditions of extreme exploitation in the region, where migrants (mainly from Eastern Europe and sub-Saharan Africa) were picking tomatoes for 14 hours/day for about €1 an hour. Partially in response, the Italian government issued a decree in November 2006 granting residence permits to undocumented migrants who reported conditions of forced labour and exploitation.

Latvia

The law prohibits forced or compulsory labour, including by children. It also prohibits trafficking in persons. However, trafficking in persons for the purpose of sexual exploitation has occurred increasingly in recent years. Women, homeless teens, and minors graduating from orphanage boarding schools are among those most at risk of falling trafficking victims.

Lithuania

The Constitution of Lithuania prohibits forced labour and trafficking in persons is prohibited by the Criminal Code. Trafficking in women and children for the purpose of sexual exploitation has however occurred. Europol has estimated that over 1,200 women and girls from Lithuania are victims of human trafficking every year.

The ILO Committee of Experts on the Application of Conventions and Recommendations has recently observed that the statutory provisions preventing termination of career military service are not fully compatible with the Convention No. 29.

Luxembourg

The law prohibits forced or compulsory labour, including by children. It also prohibits trafficking in persons. However, the country is a destination for women trafficked from Eastern Europe for the purpose of sexual exploitation and there were two confirmed reports of trafficking during the year 2005.

Malta

Forced or compulsory labour, including by children, is prohibited by law in Malta. The law also prohibits trafficking in persons. However, such practices have been reported and the country is a destination for persons trafficked for sexual exploitation.

Netherlands

The law prohibits forced or compulsory labour, including by children, but the ILO Committee of Experts on the Application of Conventions and Recommendations has repeatedly criticised the legislation in force with regard to the work of prisoners for private individuals or companies as it is not fully compatible with the Convention No. 29. The Committee has pointed out that the work of prisoners for private companies requires the freely given consent of the workers concerned.

The law criminalises trafficking in persons. However trafficking for labour has occurred. Estimations of the number of women and girls trafficked for the purpose of sexual exploitation in the year 2005 range from 1,000 to 3,600.

Poland

The law prohibits forced or compulsory labour, including by children. The ILO Committee of Experts on the Application of Conventions and Recommendations has recently criticised the practice with regard to prison labour. Under the Punishment Execution Code, which governs the employment of prisoners, inmates may be employed on the basis of an order assigning them to a specific job, which is not in conformity with the Convention No. 29.

The law also prohibits trafficking in persons for the purposes of both sexual and nonsexual exploitation and imposes sentences of 3 to 15 years imprisonment. Nonetheless, Poland is a source, transit point, and destination for trafficked persons, primarily women and girls from Ukraine, Bulgaria, Romania, Belarus, and Moldova. Internal trafficking for the purpose of sexual exploitation has also occurred. The extent of the problem is unclear, however, the international NGO La Strada previously estimated that 75 percent of the foreign women working as prostitutes in the country were trafficking victims. In addition, La Strada reported that as many as 10,000 Polish women were trafficked out of the country annually.

Portugal

Forced or compulsory labour, including by children, is prohibited by law, as is trafficking in persons. However, such practices occur. The country is a destination for men and women trafficked from Ukraine, Moldova, Russia, Romania, and Brazil for the purposes of forced labour and sexual exploitation. Most trafficked persons are Eastern European males who end up working in construction or in other low-wage industries, such as textile manufacturing, woodworking, metalworking, and marble cutting. Some trafficked women, mostly from Eastern Europe and Brazil, work as prostitutes. Immigrant children have been used for street begging.

Romania

The law prohibits forced or compulsory labour, including by children. It also prohibits trafficking in persons. However, trafficking in persons continues to be a serious problem. The country is an origin and transit point for trafficked women and girls from Moldova, Ukraine, and other parts of the former Soviet Union for the purpose of sexual exploitation. In 2005, the International Organisation for Migration reported assisting 100 trafficking victims, all of whom were female and 26 were minors.

Slovakia

The law prohibits forced or compulsory labour, including by children. The ILO Committee of Experts on the Application of Conventions and Recommendations has repeatedly criticised the legislation in force with regard to the work of prisoners for private individuals or companies as it is not compatible with Convention No. 29.

The Criminal Code prohibits the sale and trafficking of women, and these crimes can be penalised more severely when the victim is underage. However, the International Organisation for Migration estimates that between 100 and 200 persons are trafficked annually from or through the country, mainly for the purpose of sexual exploitation. Most of the victims trafficked through the country come from the former Soviet republics and the Balkan countries.

As of 1 January 2007, a new Slovak law on foreigners became effective, harmonising Slovak legislation with the European norms. Under the new regulation, trafficked persons will be able to gain extension of their residence permit and receive a residence and a work permit.

Slovenia

The law prohibits forced or compulsory labour, including by children. The law also prohibits trafficking in persons. Trafficking in women and teenage girls has however remained a significant problem in Slovenia.

Spain

The law prohibits forced or compulsory labour, including by children. The law also prohibits trafficking in persons. However, such practices do occur. The country is both a destination and transit point for trafficked persons for the purpose of sexual exploitation. Trafficking victims are typically Latin American, Eastern European, sub-Saharan African and Asian women aged 18 to 30 years, but also girls as young as 16.

Sweden

The law prohibits forced or compulsory labour, including by children. The law also prohibits trafficking in persons and provides for sentences of two to ten years' imprisonment for persons convicted of trafficking. It moreover criminalises attempting to traffic, conspiracy to traffic, and the failure to report such crimes.

The country continues to be a transit point, and to a lesser extent, a destination for trafficked women and children. The number of trafficked women has been estimated at approximately 500 per year. Victims come primarily from the Baltic region, Eastern Europe, or Russia.

United Kingdom

The law prohibits forced or compulsory labour, including by children, as well as trafficking in persons. However, trafficking in persons for the purposes of forced labour and sexual exploitation has remained a problem.

The Government has estimated that between 140 and 1,400 women and children from Central and Eastern Europe and Asia are trafficked each year into the United Kingdom for the purposes of sexual exploitation. Women, men, and children are also trafficked for labour exploitation in domestic service, agricultural and rural labour, construction, and catering. Trafficking victims are often subject to debt bondage, the withholding of travel documents, false information about law enforcement and immigration penalties, or threats of violence against them or their families. Organised international gangs allegedly were responsible for most trafficking for commercial sexual exploitation.

The UK government has now announced its intention to repeal legislative changes introduced to allow migrant domestic servants to change employers, which enabled them to have a chance of escaping abuse without being deported. It appears that the government intends to go back to tying entry and residence of the worker to the employer. Domestic workers' organisations in the UK are very concerned that this will mean closing the escape routes for abused workers so that at the end of their contracts they will have to raise their own funds to return to their own homes, finding themselves in a serious debt trap and susceptible to further trafficking in consequence.

A recent study prepared by COMPAS in collaboration with the Trade Union Congress (TUC) recognises that the Government has done much to combat forced labour. Specifically, it has adopted relevant anti-trafficking legislation that offers protection to victims of trafficking for sexual exploitation. However, as noted by the U.S. Department of State's Trafficking in Persons Report 2006, there is no specialised immigration status available for trafficking victims. The UK government has now

announced its intention to ratify the new European Convention and to introduce 30 day reflection periods, which is a start.

Conclusions

In virtually all Member States of the European Union, trafficking of persons for the purposes of forced labour and sexual exploitation is a problem to some degree. Furthermore, some countries of the European Union oblige prisoners to work for private enterprises in conditions which do not approximate to a free employment relationship, as required by ILO Convention No. 29. They are hired without their consent, at below national minimum wage levels, and without social security coverage, thus clearly violating Article 2(2) (c) of the Convention.

Conclusions and Recommendations

1. EU external trade policy regarding its GSP system for developing countries provides an important link to respect for Core Labour Standards in the areas of forced labour, freedom of association and child labour. At the same time, in certain areas law and practice in several European Union Member States require further government efforts in order to respect the commitments to fundamental workers' rights supported by the European Union in the Singapore WTO Ministerial Declaration and in the ILO Declaration of Fundamental Principles and Rights at Work.
2. The two Member States, the Czech Republic and Estonia, which have not yet ratified all eight core ILO Conventions must do so. They should, moreover, bring their legislation in line with the Conventions and ensure effective enforcement.
3. There remain problems with regard to the right to freedom of association and the right to collective bargaining in some EU countries which have not yet been tackled, requiring further changes to the labour laws in those countries on the basis of the recommendations formulated by the trade union centres concerned. This is primarily with regards to the right to strike and representation of all workers within the countries. There is also a widespread – and in some countries increasing – problem with anti-union discrimination in practice, which must be more actively tackled.
4. The EU must explicitly recognise the right to cross-border secondary action as an integral aspect of the right to strike.
5. Measures are needed to address gender discrimination in the EU's Member States. Wage differentials between men and women are still pronounced, and women are underrepresented in senior positions and often face higher unemployment rates, as well as increasing concentration in part-time jobs. The European Commission and national governments should ensure more effective implementation of the principles of equal remuneration for work of equal value and equal treatment in employment. Measures are needed to address indirect forms of discrimination.
6. Discrimination against the Roma ethnic minority is widespread in almost all of the new Member States, as well as in other countries. More coordinated efforts should be taken to prevent discrimination and to increase the level of access of Roma to education and employment.
7. More progress must be made to eliminate child labour in the European Union. In some countries, legislation on the minimum legal working age and the protection of children in the workplace does not fully conform with the core ILO conventions on child labour. Enforcement of the laws and policies should moreover go beyond formal employment relationships, as most violations have occurred in family businesses, small-scale farming and restaurants. The Czech Republic and Estonia should ratify ILO Convention No. 138. In most countries, particularly determined measures are needed to eliminate the worst forms of child labour.
8. The effective elimination of forced labour and sexual exploitation must be an absolute priority. As trafficking in human beings for these purposes is an EU-wide problem, there is an urgent need for better cooperation between the

Member States in order to eradicate all forms of trafficking in persons. In some countries, better protection of trafficking victims is crucial.

9. Some Member States of the European Union use prisoners to work for private companies. This is a clear violation of ILO Convention No. 29. These practices must be ceased and the legislation must be brought into conformity with Article 2(2) (c) of the Convention.
10. In line with the commitments accepted by the EU at the Singapore, Geneva and Doha WTO Ministerial Conferences and its obligations as a member of the ILO, the EU should provide regular reports to the WTO and the ILO on its legislative changes and implementation programmes of all the core labour standards.
11. The WTO should draw to the attention of the EU the commitments they undertook to observe core labour standards at the Singapore and Doha Ministerial Conferences. The WTO should request the ILO to intensify its work with the EU in these areas and provide a report to the WTO General Council on the occasion of the next trade policy review.

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ANNEX: AFFILIATED ORGANISATIONS OF THE ITUC IN EUROPEAN UNION MEMBER STATES

Country	Organisation
Austria	Österreichischer Gewerkschaftsbund (ÖGB)
Belgium	Centrale générale des Syndicats libéraux de Belgique (CGSLB) Confédération des Syndicats Chrétiens (CSC-ACV) Fédération Générale du Travail de Belgique (FGTB)
Bulgaria	Confederation of Independent Trade Unions in Bulgaria (KNSB) (CITUB) Confederation of Labour PODKREPA (PODKREPA)
Cyprus	Democratic Labour Federation of Cyprus (DEOK) Cyprus Turkish Trade Unions Federation (TÜRK-SEN) Cyprus Workers' Confederation (SEK)
Czech Rep.	Czech-Moravian Confederation of Trade Unions (CM-KOS)
Denmark	Akademikernes Centralorganisation (AC) Funktionærernes og Tjenestemaendenes Faellesrad (FTF) Landsorganisationen i Danmark (LO)
Estonia	Confederation of Estonian Trade Unions (EAKL)
Finland	Confederation of Unions for Academic Professionals in Finland (AKAVA) Suomen Ammattiliittojen Keskusjärjestö (SAK) 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)
Germany	Deutscher Gewerkschaftsbund (DGB)
Great Britain	Trades Union Congress (TUC)
Greece	Greek General Confederation of Labour (GSEE)
Hungary	Autonomous Trade Union Confederation (ATUC) Democratic Confederation of Free Trade Unions (LIGA) National Confederation of Hungarian Trade Unions (MSZOSZ) National Federation of Workers' Councils (NFWC/MOSZ)
Ireland	-
Italy	Confederazione Generale Italiana del Lavoro (CGIL)

	Confederazione Italiana Sindacati Lavoratori (CISL)
	Unione Italiana del Lavoro (UIL)
Latvia	Free Trade Union Confederation of Latvia (LBAS)
Lithuania	Lithuanian Federation of Labour (LDF)
	Lithuanian Trade Union "SOLIDARUMAS" (LPS" S")
	Lithuanian Trade Union Confederation (LPSK)
Luxembourg	Confédération Générale du Travail du Luxembourg (CGTL)
	Luxemburger Christlicher Gewerkschaftsbund (LCGB)
Malta	Confederation of Malta Trade Unions (CMTU)
	General Workers' Union (GWU)
Netherlands	Christelijk Nationaal Vakverbond (CNV)
	Federatie Nederlandse Vakbeweging (FNV)
Poland	“Solidarnosc” Niezależny Samorządny Związek Zawodowy (NSZZ)
	Ogólnopolskie Porozumienie Związków Zawodowych (OPZZ)
Portugal	União Geral de Trabalhadores (UGT P)
Romania	Blocul National Sindical (BNS)
	CNS Cartel Alfa
	Confédération des Syndicats Démocratiques de Roumanie (CSDR)
	National Confederation of Free Trade Unions of Romania - Fratia (CNSLR-FRATIA)
Slovakia	Confederation of Trade Unions of the Slovak Republic (KOZSR)
Slovenia	-
Spain	Confederación Sindical de Comisiones Obreras - Acción Sindical Internacional (CC.OO)
	Eusko Langileen Alkartasuna - Solidaridad de Trabajadores Vascos (ELA-STV)
	Unión General de Trabajadores (UGT)
	Unión Sindical Obrera (USO)
Sweden	Landsorganisationen i Sverige (LO)
	Swedish Confederation of Professional Associations (SACO)
	Tjänstemännens Centralorganisation (TCO)
