

# Policy programme

Adopted by Eurocadres Congress 20-21 October 2021

European Professionals & Managers

**LEADING  
RESPONSIBLY**

FOR A FAIR & SUSTAINABLE RECOVERY

*6th Eurocadres Congress – Madrid – 20-21 October 2021*

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## Executive summary

The world of work has been changing at a very fast rate these last years, the Covid 19 pandemic has expedited the change. Technology is a driving force to this change, but not only, consumer expectations, sustainability requirements and market forces, have also contributed. The pandemic forced companies and workers to adapt new work patterns, and, where possible, workers have been working from home. Once again technology has made this possible.

These rapid changes have brought about **new challenges to professionals and managers, as well as to trade unions**. Working remotely has blurred further the line between work and personal life, impacting the work life balance. Furthermore, professionals and managers had to adapt to managing remotely, which has also taken a toll on their time. Job losses, the way work is organised, and also the increase of atypical work have been amongst the challenges trade unions need to face on a daily basis.

The onus of **leading responsibly** is on professionals and managers, whose role is to represent the company/employer but are also employees within the company. In this respect, professionals and managers, ensure ethical behaviour within organisations. Thus, it would be ideal that they are involved at strategic level in corporate decisions. Nonetheless, of more significant importance is **social dialogue**. It is at the core of trade unions' work, collective bargaining, dispute resolution, and trade union involvement in decision-making processes. Professionals and managers have a significant role in corporate social responsibility, due diligence, and in the greening of companies. It is therefore even more important that the right to information, consultation and participation is upheld.

There are different approaches to participation and consultation in the European Union, nonetheless some instruments are consistently crucial in social dialogue, such as the European Works Councils and the SE works councils. Trade unions should make sure that the competence and skills of the category of professionals and managers are formally represented in EWCs and SE Works Councils, as from their inception (e.g. within the Special Negotiating Body). Eurocadres believes that a new framework for information, consultation and board-level representation in the various European company forms, and in those making use of EU company law instruments enabling company mobility, is needed.

The world of work will continue changing and Eurocadres identifies the following elements that will shape the future of work: **digitalisation, artificial intelligence, teleworking<sup>1</sup>, and health factors**. Digitalisation is

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<sup>1</sup> Teleworking in this document includes all types of remote working

a reality and will continue to affect work, it has sped up remote working but will also be conducive to the green transition. A just transition will ensure that all workers have the required digital skills, since this will be crucial both to realise the potential of digitalisation and new technology.

Artificial Intelligence is increasingly part of the workplace. It has its advantages, but it brings along with it a number of risks, related to: control, privacy, discrimination and bias, dependency and cyber-attacks. Good governance tools are the key to ethical use of AI.

Technology has made teleworking practical and easy during the pandemic. However, teleworking brought about a work-life imbalance. Regulation related to teleworking is even more important now, and this should include the crucial right to disconnect. Furthermore, post-pandemic, a balance between remote work and presence in the workplace is crucial to promote both well-being and productivity.

Stress has become an epidemic, it has been on the increase in the last years. The pandemic has increased the risk of mental health problems. Eurocadres will continue calling on the European Commission (EC) for an EU directive to tackle work related stress.

The **principle of non-discrimination** is enshrined in the EU Charter of Fundamental Rights. The European Pillar of Social Rights underlines the right to equal treatment and opportunities for everyone. Nonetheless, despite efforts and legislation, discrimination on the grounds of age, disability, race and ethnicity, religion or belief, sexual orientation and gender identity remain widespread, both in the workplace and in society.

The country-specific recommendations and the social scoreboard could provide another tool for promoting **gender equality**. The way taxation is calculated, allowances given and childcare provided can be factors that could be more conducive for equality. Furthermore, it is essential that the gender pay gap is eliminated and that proper pay transparency becomes a reality. In this respect the EC's proposal is a good start.

People with **disabilities** consistently report lower living standards than those without disabilities, indeed they are one of the most disadvantaged groups in the EU. Eurocadres proposes a number of initiatives that need to be included in the EC's strategy, these would include amongst others: access to education with the relative support needed; fiscal incentives; enforcement of current legislation; and a targeted approach to occupational safety and health.

Finally, Eurocadres also advocates for a **stronger knowledge-based Europe**. Qualifications and skills are crucial to this aim. However, the responsibility for qualifications and skills development does not only rest on the individual worker, it is a shared responsibility between the individual, employer and government. Each EU member state should guarantee access and the right to education and training for learners of all age and discrimination based on employment status and gender should be removed. Investing in research and innovation has the potential to improve the daily lives of millions of people, both within the European Union and elsewhere, by helping to solve some of the world's largest societal and generational challenges.

Labour **mobility** of highly qualified professionals and managers strengthens a knowledge-based European economy and society. Professional qualifications acquired in any Member State should be recognised all over Europe to enable further movement of people and to capitalise knowledge and experiences.

# I – Introduction

Covid-19 has had a profound impact across Europe and the globe, with far-reaching implications on the way people live and work. Many lessons are to be learned from this pandemic: the necessity of a fair and sustainable transition; the importance of the European industry; the need for an efficient public sector, especially in health; the necessity of better social protection for workers; and the evolution of telework together with the blurring of boundaries between work and private life, leading to considerable challenges in work-life balance. Across sectors workers lost their jobs, while others continued to carry out essential work in difficult circumstances. The importance of the role of professionals and managers is growing, and the pandemic is contributing to its even faster growth.

Professionals and managerial staff have important responsibilities towards both companies, and organisations, and employees. Their role requires them to represent the employer, but at the same time they are employees with their own interests. This, sometimes, results in them being at the heart of conflicting interests.

Progress must be made to reach high levels of employment, skills and employability, and robust social protection systems to achieve a skilled innovative workforce, capable of adapting to the green and digital transitions.

In relation to jobs and skills the EU set the following targets<sup>2</sup>:

- At least 78% of the population aged 20 to 64 to be in employment by 2030,
- At least 60% of all adults to participate in training every year by 2030.

Eurocadres highlights the need to have good quality traineeships and to apply fair working conditions to facilitate young people's access to the labour market.

The rapid development of technologies, which are changing the way work is done and organised, and the development of atypical work contracts, have brought about new daily challenges for trade unions. Such challenges relate to: working time, growing IT dependence and the associated right to disconnect, work-life balance, corporate social responsibility, social protection, re- and upskilling, diversity, organising, and research and innovation. Professionals and managers have a key role in pursuing trade union goals within a company and to promote a social dialogue relevant to professionals and managers, connecting and engaging

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<sup>2</sup> Laid out by the European Commission on 4 March 2021 in the European Pillar of Social Rights Action Plan, endorsed in the Porto Social Commitment and the European Council Porto Declaration adopted at the Porto summit 7-8 May 2021

professionals and managers and giving them an ambitious role in building a fair and sustainable world of work. It is of utmost importance to involve and support professionals and managers in social dialogue. It is also necessary to combat exclusionary mechanisms put in place by law or by employers denying professionals and managers access to trade union representative mandates.

The management of work time, how it is distributed and its level of flexibility are the key factors that have an impact on health and safety at work, gender equality and work-life balance. Generally, it has also been shown that decreased yearly working hours has a positive impact on productivity.

The massive use of remote working modalities has accelerated the change to new working and organisational models. The Working Time Directive has proved to be insufficient in guaranteeing some level of workforce protection in the European Union. New legislative tools including the right to disconnect and improving existing rules are needed, notwithstanding the existence of good practices and regulations in some sectors at national level.

Only a minority of professionals can freely determine and limit their own working hours. Certain flexibility is needed and could be arranged by collective agreements on different levels.

## II – Professionals and managers leading responsibly

### Professional Responsibility

The ambition to take up professional responsibilities is a fundamental characteristic of professional and managerial staff, but the role does not necessarily mean they influence strategic choices.

It is at a strategic level that there may be a clash between companies' aim for profit maximisation and compliance with ethical rules, the meaning of work and its social, economic, and environmental impact. The criteria for assessing a company's results may conflict with the professional ethics of the employees, such as: drastic reduction of manufacturing costs, at the expense of safety and quality standards; pressure to sell products in the services sector; and intensification of work and increased working hours with no regard for health, wellbeing and safety.

### Due diligence and CSR

Corporate Social Responsibility (CSR) is the result of two decades of regulation at global and European level. It is, however, questionable whether companies genuinely believe in CSR or if it is merely an internal and external communication strategy to portray sustainability.

The Universal Declaration of Human Rights of the United Nations binds states to respect, protect and ensure human rights. However, human rights are not only the responsibility of states. In the past few decades there has been a positive development towards clarifying the responsibilities of enterprises in this respect, as well and moving towards more binding regulation.

The OECD Guidelines for Multinational Enterprises and the UN Guiding Principles for Business and Human Rights are examples of this approach and although it would be wrong to speak of these as voluntary, they cannot be enforced as would be the case with binding regulation.

Several EU member states have put in place binding regulation on Due Diligence. Trade unions and other civil society organisations have been pushing for mandatory Human Rights Due Diligence (HRDD) in the form of an EU directive, which has a good chance of becoming reality.

When companies, through their activities in third countries, have a large impact locally, it becomes vital that Human Rights are not an option. It is also not a matter of financial gains, as the cost for setting up due diligence processes is low while it results in increased profitability, productivity and attractiveness of businesses.

## **Ethics and democracy at work**

Irrespective of the sector (industry, services, commerce, health, social, transport, education, etc.), many engineers, managers and senior technicians are leaving companies to become self-employed, after having suffered, sometimes to the point of burn-out, conflicts that are both ethical and existential.

In the public service, professionals and managers face many challenges when exercising their professional responsibility. They are at the heart of organisations, setting up the outsourcing of public services to commercial companies. They are regularly subject to injunctions aimed at reducing the public service or even simply eliminating it. They are affected both in terms of their professional and civic ethics and also because they organise the loss of employees' skills, particularly those of public service managers.

It is indeed the high skills of the employees that constitutes the strength of the public service and that makes it possible to produce quality services, based on an extensive knowledge of the needs of users and citizens.

The work on whistleblowing is a concrete example of what Eurocadres must continue to work on in collective bargaining to develop more transparency and participation, thus bringing about:

- the right to detailed and diversified information on companies' strategic choices, their motives and the expected effects for the company, its suppliers, subcontractors and customers.
- the right of managerial staff to intervene in the company's strategy, to participate in the decision-making process and being represented in the company's decision bodies
- the strengthening of professional freedom of expression and the freedom to formulate alternative proposals, inseparable from risk-taking, the right to make mistakes and the exercise of management's contributory role.
- the effective right to speak up, extended to any management employee who has serious reasons to believe that the application of the instructions given, or the objectives assigned, present serious risks to health, safety or working conditions, to the quality of products and services or to the environment. The execution of the national law fulfilling the Whistleblowing Directive in enterprises should make it possible to guarantee this right. Eurocadres will continue following the implementation of the directive and train European trade union representatives on how to deal with whistleblowing issues.



## **Just Transition and the role of professionals and managers in greening the economy**

Trade unions have long called for climate protection and have taken a number of actions towards a green transition. In 2017 for instance, the EU cross-industry social partners agreed on a statement “Tapping the potential from greening the economy for job creation”, which asserts that fulfilling the Sustainable Development Goals needs further action, in particular greener and more sustainable growth.

The European Green Deal, which came into effect early 2020, is an ambitious project that gives a predominant role to climate protection. It is Europe’s new mission. In this respect the Covid-19 crisis serves as a lesson to build a more resilient and inclusive society and economy so as to collectively withstand other crises. Professionals and managers are on the forefront, since it is the task of managers to build better, more resilient management and supply chains that cope with needs of the crisis.

Infinite growth is impossible in a world of limited resources. The challenge is to selectively reduce pollution, waste and CO<sub>2</sub> emissions, while continuing to increase well-being, health, biodiversity and jobs. Eurocadres will support policies that examine the impact of locally based recovery which could be the most likely to meet challenges in employment, inclusiveness, ecology and resilience. A dynamic local economy, or the ability to respond locally to local demand, determines a third of the prosperity gap between regions around the world.

Sustainable development leads to corporate cultural change, this needs the cooperation not only of professionals and managers, but also of all workers. Everybody has to be involved when proposing a sustainable approach to resources: e.g., to reduce air travel, to sort waste and recycle, to use less paper, and to use less data storage that consumes a tremendous amount of resources. This will also require a massive investment in skills development.

Companies with an extensive network of stakeholders will probably take a better stance. This is one of the reasons that trade unions request, amongst others, sustainable management practices and adequate governance. Taking into account only the needs of shareholders has led to short term action. Other interests beyond the financial goals of shareholders must be contemplated and enforceable regulation can play a vital role in achieving that for listed and unlisted companies. Employees, customers, communities, the consequences on the local and global natural environment, as well as global consequences of the operation of a company, need to be considered.

Sustainability requires balancing economic, social and environmental objectives, and compromises between different stakeholders, therefore the governance system is of utmost importance.

Sustainability goals can only be embedded in a medium-long term strategy to take into account the economic and social impact of company decisions.

Reaching compromises requires negotiations between parties of different interests. Social dialogue is a catalyst in the transition towards a more sustainable economy, by developing a common understanding of the issues of global warming and the much-needed energy transition. Bringing together workers and employers, this dialogue has the advantage of bringing together large parts of society. Sustainable

governance includes other stakeholders such as local communities. Trade unions have been involved, for a long time, in skills development, housing policies, transportation issues and advocating for affordable and clean energy, thus helping to reduce inequalities. Eurocadres considers the role of professionals and managers in these developments, of utmost importance as they are in the forefront.

In the short term many opportunities and challenges stand before professionals and managers. Up-skilling and re-skilling is necessary to fill the current skills gaps and to ensure continuous professional development and employment. Life-long learning must become the norm and not remain merely a theoretical concept.

Climate change threatens our very existence as human beings on this planet. It must be addressed, and professionals and managers have a responsibility to contribute to the growth of a green economy respectful of the environment. Moving to a low-carbon, or net-positive economy requires skilled professionals and managers to drive a just transition.

### **Social dialogue and the right to information, consultation, and participation**

Social dialogue is at the core of trade unions' work. Collective bargaining, dispute resolution, and trade union involvement in decision-making processes are constructed in different ways in countries in Europe. Nonetheless, the treaties give a clear role to social partners in the legislative process. The EU Commission must consult the social partners before putting forward any legislative proposals in the social policy field and the social partners may put forward agreements to the Commission for adoption by the Council. As a recognised EU social partner, Eurocadres deems important that social dialogue is developed at all levels and that social partners actively be part of finding the solutions to the many challenges. Collective bargaining must involve and represent also professionals and managers.

In some countries public service employees, and their unions, are denied the right to be informed and consulted when their employer considers substantial changes to the workplace, or on other matters of significant importance to the working situation. These rights have been the subject for sectoral social dialogue negotiations between the unions and employers' organisations, which in 2015 ended up in an agreement that would ensure these rights. The European Commission has however refused to forward this agreement to the Council for a decision.<sup>3</sup> This refusal jeopardises the social partners' role in the legislative process. All social partners should actively defend the role given to them in the treaties.

In view of managers being both employees and the representatives of the employer (which requires them to inform and carry out decisions), it is within their interest that important decisions are discussed in the consultation process with the workers and their unions in a timely and appropriate manner.

The traditional role of professionals and managers in implementing company strategies has become even more central, with their growing responsibility in terms of ability to transmit company values to employees

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<sup>3</sup> See court case EPSU-European Commission. <https://www.epsu.org/article/opinion-advocate-general-case-epsu-vs-european-commission> and [CURIA](#)

and in particular to remote workers by motivating them and developing updated employee retention strategies.

The representation of professional and managerial staff in company boards and/or supervisory boards should be provided for in the law, e.g., in terms of composition and diversity of the board, or a collective agreement. This could be a lever for strengthening trade union representation

In fact, the specific representation of professionals and managers in boards is within the interest of trade unions, who should, particularly in the case of companies' transnational representative bodies, consistently include in their negotiation strategies.

The legal protection for the right to information, consultation and representation of managers, in their role as employees, should also be strengthened. A minimum level of protection should be established. Eurocadres will continue to pursue its work on the legal definition of managers in the different member states, and assess whether a common definition could be an appropriate way forward to develop the right to information, consultation and representation for managers without losing legal employee status. It is in European Works Councils (EWCs) and SE Works Councils that information, consultation and participation on the most significant company transnational events and strategies can occur.

Trade unions should make sure that the competence and skills of the category of professionals and managers are formally represented in EWCs and SE Works Councils, as from their inception (e.g. within the Special Negotiating Body).

The more trade unions are involved in EWCs, the better EWCs can represent the workforce at transnational level and be effective in their action, as proven by consolidated analysis and empirical evidence.

In any evaluation and revision of employee participation laws, involvement of employees in restructuring should be at the heart of the discussion: giving them a voice in decisions that have a direct impact on their work, their income and their lives. The defence of fundamental democratic rights must be central.

Eurocadres will work with the European institutions and European trade union actors to include consistent changes in current regulation, with particular reference to the Directive 2009/38EC (on EWCs) and its review, so as to ensure that trade unions have a priority and are fully involved in the composition of EWCs through clear rules on workers' representation.

Eurocadres believes that a new framework for information, consultation and board-level representation in the various European company forms, and in those making use of EU company law instruments enabling company mobility, is needed.

## III – Future world of work

### Digitalisation

The Covid-19 pandemic has sped up the use of digital and remote working modalities, resulting in a profound impact on the present and future world of work.

Digitalisation could be a cause for growing unemployment, with workers and jobs increasingly replaced by machines and/or digitalised services, but it can also improve work-life balance and provide new job opportunities. Technologies are neutral but the political intent governing them, can create different impacts.

A digital just transition should be approached jointly by social partners; with trade unions, employers and governments working together to define the new rules by law and collective agreements.

Remote working modalities, Artificial Intelligence (see below), the right to disconnect, remote performance measurement, evaluation of workloads and working time, are only some of the key elements of the new world of work which need to be regulated in the interest of employees and professionals and managers.

A shift in the qualification level of workers is crucial both to understand and to realise the potential of digitalisation and new technology, and to enable workers to develop the necessary skills. In other words, workers on all levels and in all spheres of the labour market, will need to increase their digital skills in some form; although it is more urgent in the case of elderly workers or those with low skills and qualifications.

### Artificial Intelligence

Artificial intelligence (AI) is everybody's business; increasingly present in society, it is modifying the way work is done and how it is organised.

The new social and environmental challenges raise questions about the new abilities and the new dangers associated with these technologies. A basic issue is about keeping control and mastering the effects of AI and algorithm-based solutions on society and work by means of a framework for their design and use.

Maintaining human control was the basis of the AI chapter of the European Digital Agenda. The European Framework Agreement signed in June 2020 states that:

*“A reliable AI system is characterised by three elements, which must be respected throughout the life cycle of the system and in its deployment in the world of work:*

- it must be legitimate, fair, transparent, safe, secure, comply with all applicable laws and regulations, as well as fundamental rights and non-discrimination rules;

- it must meet ethical standards, ensure respect for EU human rights/fundamental rights, ensure fairness and comply with other ethical principles, and
- it must be reliable and sustainable from both a technical and a social point of view since, even with the best of intentions, AI systems are likely to cause unintended harm.”

Enforceable regulation must be at the top of the European digital agenda to ensure legitimate, fair, transparent, safe artificial intelligence to be implemented at the workplace.

Trade unions work towards digital technologies that are used to provide an emancipatory environment and framework for work, facilitating innovation and creativity by professionals and managers.

To achieve this goal, it is necessary to assess the usefulness and purpose of the projects and technologies deployed, to build a meaningful work environment. This requires, consequently, designing management that is based on collective intelligence, learning work organisations and training. It is a matter of designing tomorrow’s work by knowing how to anticipate social and environmental issues. Digital and organisational solutions go hand in hand. The role assigned to professionals and managers in the new work environment will greatly impact the success achieved.

The use of Big Data and all the technologies relying on them, including AI, must be mobilised to ensure the traceability of the social and environmental conditions under which services are provided and manufactured products are produced. It is essential to re-embed these technologies in the social and societal reality serving the public interest.

The risks of AI systems are multiple:

- Total surveillance with dangerous mass social control;
- Mass profiling;
- “Overconfidence” in AI;
- Direct damage caused by AI in bad faith;
- Weakening of human responsibility (paradox of choice and decision-making fatigue);
- Discrimination and bias.

Trade unions must be engaged in social dialogue which ensures that governance tools guarantee ethical use of AI .

Increasing the implementation of AI systems and other new technologies come with risk factors, especially for women. Among the more profound effects of new technologies is a rise in automation of white-collar workers’ tasks. It should be ensured that women, who already are disproportionately in lower skilled jobs, are not put in a more disadvantaged situation due to automation.

Eurocadres ascertains that three development and orientation axes are necessary, particularly in the application of the European framework agreement on digital technology:

- Developing training and acquisition of new skills;

- Preserving health at work and work-life balance by designing new work organisations and reducing workload; and
- Acting to maintain and strengthen economic, social and environmental cohesion.

## **Telework and work-life balance**

The possibility for professionals and managers to telework has the potential to positively impact work-life balance. At the same time, it does not come without problems. The disassociation from the workplace cuts of social connections and blurs the boundaries between work and free time, these are clear psychosocial risks. A balance between remote work and presence in the workplace is crucial to promote both well-being and productivity. Remote working also creates challenges for trade unions to organise.

A right to telework and the right to office work implies that neither telework nor office work should be discouraged and in both cases, employers should provide necessary and quality materials to employees.

The rules and legislation related to telework will be even more important upon coming back from the pandemic and in the new world of work. Working time legislation cannot and should not be circumvented through the implementation of remote work. Employees must be involved in discussions on working time regulation and how to set up telework; and managers must be trained to deal with these challenges and particularly with the impact of physical and mental (de)connection on the health, safety and psychosocial wellbeing of workers. Eurocadres promote reflection on contemporary time monitoring systems while considering the demand for work flexibility amongst professionals and managers. Employers are responsible for occupational health and safety also during telework, which must also be reflected in insurance coverage, risk assessments etc. Rules and legislation will also have an impact on gender equality in the years to come, so it is very important to consider as many factors as possible to prevent further gender inequality. If teleworking is not regulated in such a way that allows for work-life balance, the organisational form of working will become a trap for every worker and especially for women: not only do women stay at home to work, but they will also take care of all the family tasks. Tools and measures that take into consideration differences between member states and regions, something that sharply increased during the Covid-19 crisis, need to be established.

A legally binding right to disconnect must be put in place, so that teleworkers can have their hours of rest and leisure. Under no circumstances should teleworking and distance working be conceived as solutions for work-life balance, because in the way it has been practised over the year, it has clearly harmed women more.

To keep women in the labour market as well as to ensure a career path for women the work environment needs to be reassessed, to prevent psychosocial risks and mental health related hazards. Adequate company policies on flexible working time and workplace flexibility arrangements for men and women as well as equal sharing of parental leaves are needed.

Social dialogue cannot be overruled when privacy is at stake; privacy and human resources management must be at the agenda of social dialogue by default; data must be transparent and available to be able to make surveillance and privacy policy assessments.

Surveillance at work takes new forms. This does not only cover video surveillance at the workplace and GPS in cars, but even electronic access cards in offices, audio surveillance, examination of e-mails usage etc. All these parameters can be used to make estimations on how “effective and productive” an employee is.

Surveillance tools must be transparent and proportional to the surveillance aims. Privacy must be respected. Workers must be informed about the data, be made aware at all times when and how their work is being recorded and used, and having access to their personal records.

## **Psychosocial Health Risks**

Stress has become an epidemic. More than half of all workers in the EU, 51%, report that work-related stress is common in their workplace. As much as 60% of all lost working days can be attributed to work-related stress and psychosocial risks.

79% of managers express concern about work-related stress. In Europe, the cost of depression due to work is estimated at 617 billion euros per year.

Europe was in the midst of a stress epidemic well before the Covid-19 pandemic, the latter has only contributed to worsening the mental health situation. Too little is done in European workplaces to improve the situation.

42% of managers find it more difficult to tackle psychosocial risks than other Occupational Safety & Health issues. 61% of female managers have sleep problems. 20% of all managers experience anxiety – the highest share of all occupations.

Managers experience the highest level of work-life balance conflict and they have the highest work intensity and longest working days. The autonomous framework agreement on work-related stress has not managed to improve the situation other than increase the awareness about stress and psychosocial risks.

Even though legislation is a strong driving force for employers to assume their responsibility for occupational health and safety, there is very little legislation that addresses psychosocial risks directly and only in a few member states. There is no dedicated legislation at an EU level. In the Framework Directive on Occupational Safety and Health there is only one somewhat clear reference to work organisation.

EndStress.EU is Eurocadres' campaign that calls on the EU Commission to propose a new EU directive to tackle the stress epidemic. It addresses psychosocial risks, violence and harassment and methods to improve work organisation. Eurocadres will continue working with the campaign partners for better protection of professionals and managers.

This directive should clarify the obligation to assess and mitigate psychosocial risk factors. This includes the obligation of the employer to limit the exposure to the risk by putting in place measures regarding the way work is organised.

## IV – Europe of Equality

### Gender Equality

Gender equality is a fundamental EU value. It is also a drive for economic growth. At an EU level, gender equality is expected to have a series of positive impacts on the GDP of the EU, the competitiveness and balance of trade of the EU economy, and job supply. Today almost 60% of graduates in the EU are women. This is a huge resource, and the EU should enable and improve gender balance, women's participation and progress in all economic sectors and occupations.

Nonetheless the strive for gender equality has not provided much improvement in the last century. Furthermore, the Covid 19 crisis has had a significant impact on women. Not only has it changed the world of work for everyone (including women) but it has had significant socio-economic effects on the female gender:

- It has increased violence and harassment towards women, especially domestic violence and at the same time access to and availability of support services have been limited;
- It has blurred further the boundary between professional and personal life due to teleworking, and since often it is women who have a larger share of family care responsibilities;
- It has caused an increase in unemployment, which could have a significant impact on women, in re-entering the labour market. At senior level posts this will result in a loss for companies, who cannot afford to lose the knowledge and input of women leaders.
- It highlighted the urgency of addressing the gender pay gap since women are overrepresented in the frontline.

In this therefore a matter of great importance that the principles and policy measures laid out in ILO Convention No. 190 and Recommendation No. 206 guide the design in the implementation of Covid-19 emergency and recovery responses need to be ensured. Furthermore, the post-pandemic strategies must take gender equality into account.

The country-specific recommendations and the social scoreboard could provide another tool for promoting gender equality. The manner in which some welfare allowances and taxation systems are set disincentivise the second person of a marriage to enter the labour market. Obstacles such as joint taxation of spouses (particularly in tax systems with a high rate of progressivity), and how parental allowances are calculated, should be identified and addressed nationally.



## **Women in leadership: Empowering women with equal opportunities**

Both vertical and horizontal segregation need to be tackled. Women continue to be underrepresented in decision-making positions at all levels, even in female-dominated sectors and occupations such as education and healthcare. Also, better targeted measures to attract more women into male-dominated fields such as STEM (Science, Technology, Engineering and Mathematics) and ICT (Information and Communication Technology) are needed. Such measures would entail, among other things, changing stereotypical norms of the work women do, and eliminating discriminatory values and systems.

### **Promote education, training and professional development for women: changes in the workplace**

True gender equality includes:

- Workplace policies and programmes to broaden access for women at all levels and across all business areas, and encouraging women to enter non-traditional job fields and positions
- Ensuring equal access to all company-supported education and training programmes
- Career advancement processes being evaluated from an equality perspective.
- Implementation and practices of gender-sensitive or anonymous recruitment and retention practices
- Measurements, responsibilities and feedback mechanisms that have to be developed and implemented. Employee representatives should have access to required information and possibilities to influence the recruitment process.
- Policies and practices to interfere in the case of discrimination or unequal treatment.
- An EU directive proposal on gender balance on boards of directors, supervisory boards and/or equivalent decision-making and control bodies.

### **Equal pay & pay transparency: To eliminate gender pay gap of professionals and managers**

The principle of equal pay for work of equal value is enshrined in the European Treaties (article 157 TFEU) since 1957. With a gender pay gap of 14,1%<sup>4</sup>, the EU gender pay gap has been reduced by only 1% over the last eight years. At this rate women in the EU will achieve equal pay in the next century, by the year 2104. New means and tools as well as a strong legal framework are required in order to speed up the progress and to tackle the gender pay gap.

There are different forms of direct and indirect pay-discrimination: this includes women being paid less than men for the same work, and women being paid less for a job of equal value in occupations dominated by women. The consequences, over the lifetime, contribute to an even bigger gender pension gap.

Professional recognition should be equal between men and women as the position in the hierarchy influences the level of pay: less than 7%<sup>5</sup> of top companies' CEOs are women (The glass ceiling). A third of

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<sup>4</sup> [Difference of hourly average earnings 2019. Eurostat.](#)

<sup>5</sup> [https://ec.europa.eu/info/sites/info/files/aid\\_development\\_cooperation\\_fundamental\\_rights/2020\\_factsheet\\_on\\_the\\_gender\\_pay\\_gap.pdf](https://ec.europa.eu/info/sites/info/files/aid_development_cooperation_fundamental_rights/2020_factsheet_on_the_gender_pay_gap.pdf)

women in the EU in 2019 had part-time jobs and women are most likely to have non-standard work contracts as well as temporary contracts. Higher education does not protect women from earning less. Women with a tertiary degree face a higher pay gap of 25%. As they move up the career ladder, the pay gap widens.

Around two-thirds of the gender pay gap in the EU remains unexplained – this is partly due to lack of data on certain worker characteristics and partly due to discrimination in the labour market that goes beyond individual characteristics. It is especially female professionals and managers, that face the unexplainable pay gap. As salaries are often individually negotiated, it can be nearly impossible to get the facts when suspecting pay discrimination.

It is necessary to increase pay openness and transparency in companies of all sizes. Pay surveys are needed to ensure that there are no unjustified pay differences between women and men who are working for the same employer and engaged in either the same work or work of equal value. The trade union representatives' and also the individual employee's right to request and get information on pay and the basis of the pay system has to be secured.

The European Commission's proposal for a directive on pay transparency is a good starting point, but reinforcement is still needed to close the gender pay gap.

The obligation to make a salary report and assessment for an employer with a minimum of 250 employees should be lowered or alternatively the threshold be removed altogether. To ensure transparency effectively, there is a need for change that will require the employer to provide information on average pay levels, which is broken down by sex, for the different categories of workers and for the organisation as a whole. All concepts included in any given salary must be taken into account to establish wage categories and aim at transparency. Reporting this thoroughly and by giving detailed information must be made on a regular basis. Also, the restrictions on pay transparency on individual level must be removed. There is a need for an amendment to provide that workers can discuss and disclose their pay to their colleagues, and not only in pay discrimination cases. Trade unions should have a guarantee that they can be involved in job assessment and bargaining to close the pay gap.

### **Childcare and gender equality**

The availability of affordable childcare is linked to gender equality. Childcare must not only be available during "office hours" or a minor part of the day. Since working hours in many professions also include evenings, nights and weekends, there must be childcare available that meets these needs.

The necessity of childcare has been emphasized in the Barcelona Objectives and is also included in the European Pillar of Social Rights (EPSR) and the Social Scoreboard. In 2018, the European Commission stated that the Barcelona Objectives are still highly relevant as care responsibilities are the main reason for low

female labour market participation, for which the cost is estimated to be 370 billion Euro in the EU member states.<sup>6</sup> In 2022 the Barcelona targets will be updated.<sup>7</sup>

## **Diversity**

Discrimination on the grounds of age, disability, race and ethnicity, religion or belief, sexual orientation and gender identity remain widespread, both in the workplace and in society.

The principle of non-discrimination is enshrined in the EU Charter of Fundamental Rights. The European Pillar of Social Rights underlines the right to equal treatment and opportunities for everyone. The EU secondary law, in particular the Employment Equality Directive and the Race Equality Directive, prohibit discrimination on the grounds of age, religion, disability, sexual orientation and racial/ethnic origin at the workplace. Both directives call on Member States to ‘take adequate measures to promote dialogue between the social partners, with a view to fostering equal treatment’.

Combating discrimination at work is a priority for the trade union movement especially for Eurocadres representing Professionals and Managers who are often placed in key positions allowing them to promote changes at European workplaces.

The ‘LGBTIQ Equality Strategy 2020–2025’ is the first-ever European Commission strategy on equality for lesbian, gay, bisexual, trans, non-binary, intersex and queer (LGBTIQ) people.

It sets out a series of targeted actions relating to four pillars: tackling discrimination, ensuring safety, building inclusive societies and leading the call for LGBTIQ equality around the world.

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<sup>6</sup> (EUR-Lex - 52018DCo273 - EN - EUR-Lex (europa.eu))

<sup>7</sup> The European Pillar of Social Rights Action Plan, p 26

## Disability

Evidence from national surveys and studies reveal high levels of disability-based discrimination. Combined with shortcomings in the education system, which can place people with disabilities at a disadvantage, discriminatory practices and attitudes in the recruitment process contribute to a disability employment gap of around 20%<sup>8</sup> in the EU.

An analysis of the European Quality of Life Survey shows that people with disabilities consistently report lower living standards than those without disabilities and identified this part of the population as one of the most disadvantaged groups in the EU. This is linked to challenges in accessing the labour market and associated lower employment rates, as well as difficulties in accessing other public services.

Eurocadres asks the EU Commission to include in its strategy:

- the right to access high level education and lifelong learning for people with disability;
- support during education periods, e.g. accommodation needs, professional care staff, and help from volunteers;
- enforcement of the implementation of the existing EU Directives on non-discrimination in employment, with a particular focus on non-discrimination to access employment (recruitment);
- measures for the integration of people with disabilities in the labour market and access to managerial positions;
- obligations to adapt the workplace for a worker with a disability;
- targeted action for Occupational Safety and Health risks affecting disabled workers. A preventive approach should be taken when supporting the recruitment and return to work of people with disabilities;
- Periodic consultation of workers' representatives on the integration policies pursued at sectoral and company level;
- Participation and involvement of workers' representatives in social dialogue for recruitment and career progressions of workers with disabilities;
- Fiscal incentives, specific public funds for companies for adaptation of workplace; and
- Mutual recognition of disability status (<https://ec.europa.eu/social/main.jsp?catId=1139>)

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<sup>8</sup> Eurofound 2018

# V – Stronger knowledge-based Europe

## Qualifications and skills

It is of great importance that the responsibility for qualifications and skills development does not only rest on the individual worker. Rather, it is a shared responsibility between the individual, employer and government. Furthermore, it must be stressed that without necessary support structures, lifelong learning and skills development are less likely to occur.

The way towards digitalisation and an ecologically sustainable economy starts with education and knowledge. The transformation will succeed only if Europe invests sufficiently in high quality education and training conducive to a large knowledge society. The European Green Deal and Horizon Europe are policy programmes set in the right direction.

There are several other initiatives at EU level that support lifelong learning and professional development: the European Pillar of Social Rights, the European Skills Agenda and the European Education Area.

Different reports from the OECD, the ILO and the ETUI have shown that 32% of current jobs are likely to see significant changes in how they are carried out.

The OECD states that many adult learning systems are insufficiently prepared for the challenges ahead and the EU figures from 2017 show that only 11% of EU working age citizens participate in lifelong learning.

Thus, accessibility to employee training varies massively across the Single Market, depending on contractual status, gender, and socio-economic background of the workers. Training rights differ depending of the different sizes of companies, industries and services, public and private companies, and the geographic areas in Europe.

Each EU member state should guarantee access and the right to education and training for learners of all age and discrimination based on employment status and gender should be removed. Mobile professionals and managers (the most mobile category of employees in the EU) particularly face discrimination and obstacles when trying to get their formal and informal qualifications recognised in the host Member State.

It is essential to support the implementation of the first principle of the European Pillar of Social Rights with sustainable public investment and incentives to education and training, enhanced by companies taking financial responsibility towards workers' training.

An EU-level initiative to set up “individual learning accounts” for people of working age may be one of the tools to help guarantee these rights and may provide a good solution to portability of training rights. However, any initiative should combine individual access to training with collective rights to ensure that

individual training accounts fall under the joint responsibility of employers and authorities, in accordance with national practices.

Eurocadres has constantly called for better re-skilling and up-skilling possibilities for workers, including the highly educated ones, who are in need of new skill sets. A good transition support system to follow along the rapid changes on the labour market is needed. Elements of such a support system include the following principles:

- Access to adequate training is a right for the employee and the self-employed;
- Adequate financial resources are put in place. These could be provided by the government, with public investments and fiscal incentives, and together with joint funds managed by the social partners with enough financial means provided by the employers and with a limitation of costs for employees.. It must be possible to finance and to free up sufficient time for education leave as well as safeguarding financial security of the individual during the training period;
- Skills acquired at work, non-formal and informal, need to get official recognition by the setting up of certification systems;
- Training possibilities provided throughout the whole career, particularly in view of the aging European workforce. Given the profound and rapid changes in work, lifelong learning must be guaranteed in order to facilitate the cohabitation and transfer of know-how between generations;
- Women and men need to participate equally in lifelong learning;
- Social partners and other labour market actors must be involved in planning suitable programmes with higher education institutions. It is important to ensure that the education chain is working and that people with the right skills for the right jobs are being trained; and
- Higher education institutions need to contribute to re-skilling and up-skilling by providing flexible education, also tailored to the needs of high-skilled employees.

## **Mobility**

Labour mobility of highly qualified professionals and managers strengthens a knowledge-based European economy and society. For individuals, mobility must be a free choice and mobility experiences should lead to personal and professional enrichment and foster career opportunities.

In 2019, one in three EU-28 mobile workers was high-skilled, compared to one in four in 2008. 55% of such workers are women<sup>9</sup>.

The most important EU destination countries for these highly skilled workers are Germany, Spain, France, Belgium and Austria. Prior to its exit from the EU, the UK was the destination with the most popular destination. Major sending countries are Poland, Romania and Italy, but also Bulgaria and Portugal.

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<sup>9</sup> [Annual Report on Intra-EU Labour Mobility 2020, published 2021.](#)

Eurocadres aims to promote mobility in Europe, avoiding social dumping. We defend fair mobility, which means decent and equal working conditions, employment according to a person's qualifications together with equal labour rights, portability of social and pension rights as well as transparent income taxation rules. However, mobility is not a one-way path. Employment and social protection when returning to one's home country need to be ensured, also for family members. Mobility rights should also include right to retirement pensions.

Economic hardship and bad working conditions can often be strong motivators for mobility. If these are the reasons for an individual to leave their country, as shown in the economic crisis, there is a large risk of brain drain in the home country as well as underutilisation of human capital in the host country. High-skilled workers are most commonly professionals in business and administration, science and engineering or teaching. However, overqualification appears to be quite prevalent, with around a third (34%) working in an occupation that requires a lower skill level than that of their qualifications (28% in medium-skilled and 6% in low-skilled jobs).

Professional qualifications acquired in any Member State should be recognised all over Europe to enable further movement of people and to capitalise knowledge and experiences.

Employers and trade unions, at a national and European level, must assume joint responsibility towards employees coming from abroad and guaranteeing equal treatment and equal rights at the workplace and in education. Eurocadres calls upon the social partners to deal with obstacles and inequalities related to worker mobility, taking into account that the conditions of mobile workers are not the same and taking place under different circumstances.

Eurocadres welcomes the Commission's approach in the Action Plan of the European Pillar of Social Rights on mobility of workers and the launch of a digital solution (European Social Security Pass) to facilitate interaction between mobile citizens and national authorities, and improve the portability of social security rights across borders, building on the initiative for a trusted and secure European e-ID.

The mobility aspect in free trade agreements is essential for professionals. Such agreements must not weaken working conditions.

## **Research & innovation**

Investing in research and innovation has the potential to improve the daily lives of millions of people, both within the European Union and elsewhere, by helping to solve some of the world's largest societal and generational challenges.

The new EU research and innovation programme has a budget of around €95,5 billion for the period 2021 to 2027. This includes €5,4 billion from the NextGenerationEU programme, to boost the EU recovery and to make it more resilient for the future, furthermore there is an additional reinforcement fund of €4,5 billion. This represents a 30% increase vis-à-vis the previous research and innovation programme, Horizon 2020.

Horizon Europe aims at developing new technologies, innovative economic and social transformations and accompanying or enabling policies and investments, including reinforcing social and economic resilience and sustainability. However, the pandemic highlighted the need to finance long-term research while project-based funding and programming seem to favour short-term adjustments, to the detriment of a sustained and prolonged scientific strategy, for which results may be slow to appear.

The European Research Area (ERA) is a cornerstone that will make Europe competitive and sustainable and open up new opportunities through innovation while aiming for social, economic and environmental objectives. Trade unions need to be much more involved in shaping the working conditions of employees in the ERA.

Quality in higher education and research is assured through good working conditions of academic staff. Those who dedicate a career to the academic world face highly precarious working conditions, not only in the beginning of the career. The academic profession is exposed to short-term and project-based contracts with high job insecurity. Evidently trade unions need to improve activities in this sector. Thus, trade unions ought to reach out to students and graduates far before the start of their academic career.

## **Intellectual property rights**

Highly skilled professionals actively contribute to research, development, and innovation during their work life. The social partners need to enhance legal protection for all the parties involved: companies, employees and public authorities.

Since it is quite clear that creative work in general, and inventions in particular, are done by employees, collective bargaining and social dialogue are crucial: labour contracts, wage levels and developing codes of conduct are all part of the process.

Intellectual Property Rights should offer authors and producers incentives in the form of recognition of created work as well as economic compensation. To guarantee compensation, it is essential to clarify the ownership of intellectual property.

Digitalisation and platforms have changed the way work is done, how innovations are created, and how information is searched for and distributed. It is therefore necessary to keep the legislation up-to-date and to clarify the ownership of IPR.

Eurocadres welcomes the Commission's initiative for a Unitary Patent System (UPS) as a one-stop-shop for businesses as well as the Unified Patent Court. This will definitely improve IP protection and speed up all the processes leading to a EU's share of global patent increase.

Heterogeneous policy management of intellectual property is a hindrance to cooperation. Eurocadres encourages the Commission to facilitate accessibility and affordability to Intellectual Property Protection. Support measures, more clarity and less administrative burdens are needed especially for the self-employed.

AI systems should not be treated as authors or inventors. As mentioned in the study on "Trends and Developments in Artificial Intelligence: Challenges to the IPR framework", fully autonomous creation and



invention by AI does not exist and will not exist for the foreseeable future. AI systems are sophisticated tools in the hands of human operators. However, harmonised rules of authorship and copyright ownership are needed for AI assisted work.

Financial support, know-how and tailored advice should be offered to SMEs, the self-employed and entrepreneurs. Costs need to be reduced. Training programs are needed for IPR management especially for entrepreneurs.

Publicly funded IP should be used in a fair and effective manner to benefit the public interest. A balance between the need to foster data-sharing and the need to be able to safeguard legitimate interests need to be found especially in crisis periods and/or when public funds are used. For example, in the context of a global pandemic, patents on vaccines must become part of the common properties.

Fighting IPR infringements must be a priority. Regulations are needed, especially in the new forms of piracy and counterfeiting, including all involved parties and different intermediaries. SMEs should be able to effectively defend themselves against infringements.

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