



Recommendation 804 (1977)¹

Protection of workers against the effects of unemployment

Parliamentary Assembly

The Assembly,

1. Recognising work as a basis of self-esteem and human dignity ;
2. Convinced that prosperity is a result of man's work and that a healthy economy can only be attained in a society of full employment ;
3. Keenly concerned at the alarming proportions which unemployment is assuming in most Council of Europe member states, and believing it to be essential that solutions be sought not only to the effects of unemployment, but also, and in the first place, to its prevention ;
4. Conscious of the international dimensions of this problem and of the inadequacy of isolated action conducted solely at national level ;
5. Taking the view that it is accordingly urgent for Council of Europe member states, after concerting with each other and analysing the different means introduced at national level, to define a common policy of action to increase employment and to reduce the effects of unemployment, with a view to adopting specific economic and social measures to assist the workers concerned who are not responsible for economic trends ;
6. Finding, on the one hand, that the only international instrument guaranteeing a certain amount of protection against unemployment is ILO Convention No. 44, of 1934, whose standards are very much out of date and unadapted to current needs ;
7. Recalling, on the other hand, that Article 1 of the European Social Charter stipulates that the contracting parties undertake "to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment", and regretting that this Charter has not been ratified by all member states of the Council of Europe ;
8. Recalling, moreover, that the provisions of Part IV of the European Code of Social Security and its Protocol, on the subject of unemployment benefits, are limited, solely (code) or mainly (protocol), to the pecuniary aspects of the problem ;
9. Aware, nonetheless, that the magnitude and specific nature of the problem as it currently obtains demands that a series of more complete, detailed and specific measures likely to meet the requirements of a modern policy of unemployment control be put into effect, and including, in particular, an adaptation of educational systems in member states, so as to facilitate transition to working life ;
10. Believing that any current effort at world level by international organisations would necessarily come up against the disparity of socio-economic developments in the various countries, which would delay achieving a rapid and satisfactory solution at European level, and that for this reason the Council of Europe, which includes among its Members both countries which export and countries which import manpower, seems to be the appropriate framework for conducting such an initiative;

1. Assembly debate on 27 January 1977 (25th Sitting) (see [Doc. 3899](#), report of the Committee on Social and Health Questions). Text adopted by the Assembly on 27 January 1977 (25th Sitting).



11. Considering, furthermore, that the grant of pecuniary compensation for loss of employment cannot of itself relieve the state of its responsibility as guarantor of the effective exercise of the right to work, established in the domestic law of numerous member states, as well as in the international treaties to which they are parties ;

12. Welcoming the fact that one of the objectives of the Council of Europe's Intergovernmental Work Programme is to prepare the ground for the conclusion of a multilateral convention on the protection of workers against the effects of unemployment, with specific measures to enable young people to find and keep their places in the world of work ;

13. Considering it a matter of urgency to ensure that this preliminary work is rapidly completed so that such a convention may be framed as soon as possible,

14. Recommends that the Committee of Ministers :

give special consideration to the case of young people taking up employment for the first time ;

conclude a convention on the right to work for everyone and on the protection of workers against the effects of unemployment, after associating with their preparation the parties chiefly concerned, in particular the representatives of both sides of industry ;

bear in mind, when drawing up the text of the convention, the principles set forth in the appendix to this recommendation.

APPENDIX - Principles which should appear in a convention on the protection of workers against the effects of unemployment.

I. Guiding principles

- The contracting states undertake to pursue a policy aimed at creating the stable underlying economic conditions that are necessary for the maintenance of full employment ;

This objective should be achieved as part of an appropriate cyclical and structural economic policy (applied to both regions and sectors) that would entail budgetary, monetary and taxation measures, as well as attention to vocational training and guidance, and to permanent education, within an overall policy for facilitating the retraining of workers ; the governments of the contracting states should seek to promote consensus between the social partners on the policy measures to be taken, in particular with regard to wage, price or fiscal policies ;

- Full employment should be achieved not only nationally but also regionally ;

- All workers should receive equal treatment, regardless of their nationality, sex or age ;

- Measures should be taken to revalue manual skills, in particular craftsmanship, and to give them a better orientation ;

- The contracting states undertake to co-ordinate economic, educational and cultural measures, to abstain from unilateral protectionist action, and to consult one another regularly on the employment policy they will be pursuing.

II. Particular measures

In order to protect workers and those looking for their first job against the effects of unemployment, the contracting states undertake :

1. to ensure that unemployment benefit schemes are made generally applicable to all sections of the working population that face loss of earnings, following the involuntary stoppage of work, resulting in a short space of time in economic and financial difficulties which prevent those concerned and their families from enjoying a decent standard of living (the main emphasis here should be on the need to protect agricultural workers, including farmers, seasonal workers, self-employed persons and in general all who have so far been excluded from protection against unemployment because they presented a "high risk") ;

2. to take special measures to protect unemployed persons who have just arrived on the labour market and have not yet been engaged in any real occupational activity throughout a given period corresponding to the qualifying period that has to be completed before entitlement to unemployment benefit begins ;

3. to relate the level of unemployment insurance benefit to the unemployed person's previous earnings and to the need to reinstate him in working life ;m
4. to relate the level of unemployment assistance benefit so as to guarantee a decent standard of living, and to pay unemployment assistance benefit throughout the period of unemployment ;
5. to introduce more lenient conditions for entitlement and continued entitlement to unemployment benefits ;
6. to adopt measures in accordance with a remedial social policy designed to provide the unemployed not only with financial help, by means of compensation for loss of earnings, but above all with the means enabling them to overcome unemployment, that is to say preventive means, such as the harmonisation of teaching and educational structures in order to take account of the needs of the world of work and of the rapid evolution of social and professional structures (measures to ensure a satisfactory transition from school to work and to facilitate those, in particular young people, taking up employment for the first time ; the inter-relationship of in-school teaching and vocational training ; career guidance, vocational training and the integration of this into a general training system ; placement ; a close co-ordination between guidance, training and placement and also between the services concerned), resettlement means (permanent and recurrent education, retraining, remotivation) and support services (transport for disabled persons, defraying costs of moving house and of travel etc.) ;
7. to enable unemployed persons to continue to benefit at least for a certain time from the protection (sickness, maternity, family allowances, for example) to which they were entitled before they became unemployed, and to continue to come under social security as regards rights for which they are building up entitlement (old-age, disablement, survivors' pensions, for example) ;
8. to create national and regional bodies to be responsible for encouraging concerted action on the provision of employment, and for furthering the implementation of appropriate teaching policies ;
9. to give consideration, where possible, in the context of a policy for leisure and cultural development, to reducing the number of those seeking work by increasing the length of annual holiday entitlement, and reducing the length of the working day and the working week ;
10. to encourage less rigid arrangements governing retirement, taking account of the different trades and occupations, primarily on the basis of the physical demands of the type of work.