Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1329 (2003)[1]
Final version

Status of collaborating partners in family businesses

Parliamentary Assembly

1. In spite of the European Social Charter and women's changing role in our society, collaborating partners in family businesses still have no clearly defined status: nearly all collaborating partners are women.

2. The Parliamentary Assembly regrets this absence of status, which means that the work they do is not recognised.

3. Very often, collaborating partners do not have a work contract and do not receive wages, nor do they necessarily benefit from the firm's profits. Moreover, many collaborating partners depend on the self-employed owner of the business for social security, and have only derived social rights. Pension rights in their own name are also not guaranteed for collaborating partners.

4. In these circumstances, collaborating partners who become pregnant or fall ill cannot take time off without harming the business, and so many continue to work. When they reach retirement age, they often receive only a very small pension, if they receive one at all.

5. Collaborating partners should have access to the training they require. This would make for easier reintegration on the employment market, if necessary, and might make family businesses more profitable.

6. The Assembly points out that Recommendations No. R(91)2 of the Committee of Ministers and 1321 (1997) of the Parliamentary Assembly contain many proposals on the subjects of social security for workers without professional status, and on improving the situation of women in rural society.

7. The Assembly congratulates member states which have passed laws on collaborating partners, but considers that the problem of their status has not been solved.

8. It accordingly calls on the governments of the member states to:

i. ensure that collaborating partners in family businesses are offered either work contracts and wages, or a share in the profits of the family business, thus giving them financial independence;

ii. encourage collaborating partners to join social protection schemes in their own name (possibly as self-employed persons), inform them of the benefits of such action, and introduce tax incentives;

iii. ensure that collaborating partners have the opportunity or the obligation to earn pension rights in their own name;

iv. improve, develop and expand training for collaborating partners, tackling the problems of the cost of training and the time needed to follow it;

v. reserve part of the estate of deceased self-employed workers for collaborating partners, and provide for compensatory payments in cases of divorce or separation;

vi. increase the number of collaborating partners in decision-making bodies (for example, trade associations, chambers of commerce and industry and other professional organisations), and make it easier for collaborating partners to be elected to representative positions;

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1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 27 May 2003 (see Doc. 9800, report of the Committee on Equal Opportunities for Women and Men, rapporteur: Mrs Err).

vii. establish observatories to survey collaborating partners and inform them of their rights;

viii. consider the status of other family members working in family businesses.