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The future of work is here: revisiting labour rights

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A. Draft Resolution

1. Across Europe and worldwide, work has been and is likely to remain central to human life. It ensures subsistence, access to autonomous living and enjoyment of various benefits and rights. Work can also give meaning to one's life and underpin one's dignity by offering a role in society and contributing towards shared prosperity: work binds us all together. In recent years, new technologies and the Covid-19 pandemic have radically transformed the world of work, affecting the organisation of work, workers and workplaces. As we see a massive shift towards atypical forms of employment and increased teleworking, some fundamental aspects of labour rights and policies require an open societal debate to correct imbalances so that no-one is left behind and economic security is guaranteed to all.

2. The Parliamentary Assembly notes that this new reality has led to substantive changes in working conditions and relations between employers and employees, with direct and indirect effects on health, well-being, and socio-economic rights of people at work. While it acknowledges the possibility of positive productivity effects, it views with concern many situations of precarious employment and discriminatory practices at work, in particular regarding women with care-giving responsibilities. The changing nature of jobs also impacts workers' rights to organise and to bargain collectively, as well as the functioning of trade unions, and amplifies the risk of abusive recourse to surveillance or worker control technologies. Furthermore, given that globalisation of work weakens the reach of national social protection systems and individual protections across borders, the Assembly sees an urgent need to mainstream higher minimum labour standards worldwide, including basic occupational health and safety norms, under the guidance of the International Labour Organization (ILO).

3. Moreover, the societal emphasis on paid work fails to mirror the complexity of human nature and life. It turns a blind eye to the huge amount of unpaid work that billions of women around the globe offer to society by caring for children and other household members (usually the elderly): in most countries women still do two-thirds of all unpaid care work, a trend further worsened during the pandemic. Such an approach also depreciates paid care work, as well as volunteer work. The Assembly therefore advocates for a rehaul of labour policies to ensure a better recognition of unpaid work and build a more socially just society.

4. Telework has stormed like a tidal wave into the world of work during the Covid-19 pandemic. The Assembly is convinced that telework will stay a permanent feature of work organisation for knowledge workers, mostly in the form of hybrid arrangements which combine online and physical presence at the workplace. Governments and their social partners (employers, employees and professional associations/trade unions) are therefore called upon to facilitate and better accommodate increased recourse to telework on a permanent basis by

Amendment 2
Tabled by Mr Norbert KLEINWÄCHTER, Mr Harald WEYEL, Mr Martin GRAF, Ms Nicole HÖCHST, Mr Sorin-Titus MUNCACIU, Mr Petr BYSTRON

In the draft resolution, paragraph 4, delete the first sentence.

providing a level playing field and maximum flexibility for both workers and their employers through legislative measures, while guaranteeing that socio-economic rights are well protected. In this context, the Assembly insists on telework policy orientations that maintain and enhance the protection of socio-economic rights as set out in the European Social Charter (ETS No. 35) and the revised European Social Charter (ETS No. 163).

5. The Assembly notes research and data evidence that point to the changing work culture with a new generation of workers who value flexibility of working hours and location and a reduction of working time much more than their predecessors. The Assembly further notes a need to better define "the right to disconnect" through national legislation, as well as at European and international levels. Greater autonomy for workers, and more regard to workers' own preferences, has been shown to result in higher productivity, which is beneficial to all social partners – workers, employers and society at large.

6. The Assembly is concerned that stress levels have been escalating in many workplaces, with dramatic consequences for both individuals and society at large. Recognising stress at work as our collective challenge, it reiterates the recommendations formulated in its Resolution 2267 (2019) "Stress at work", in particular as regards "a stress-reducing organisation of work with shorter, four-day weeks (with 28 to 32 work hours per week), flexible work time options, greater autonomy, teleworking possibilities and job-sharing schemes, notably for working parents and carers".

7. As automation, artificial intelligence applications and digital labour platforms progress further, they could present new forms of inclusion by offering additional job opportunities for persons marginalised in traditional labour markets. To embrace this trend with confidence and avoid any precariousness that could result for workers concerned, the Assembly believes that member States should introduce essential legal safeguards regarding irregular working hours and income, remedy a lack of access to basic social protection and collective bargaining rights and to the judicial system where relevant, as well as discrimination caused by the use of opaque algorithms. The Assembly also notes that the growing cross-border mobility of labour, including teleworking with the employer and employee based in different countries, has implications on labour and tax laws across jurisdictions that need to be addressed.

8. Drawing lessons from the pandemic, the major trends in the world of work and selected examples of good practice in member States, the Assembly emphasises the importance of increasing flexibility (in terms of workplace location and working hours) in the organisation of work in order to serve the new needs of workers, employers and labour markets in a balanced manner. With a view to adjusting their existing regulatory frameworks and labour policies, better protecting socio-economic rights,

Amendment 1
Tabled by Mr Norbert KLEINWÄCHTER, Mr Harald WEYEL, Mr Martin GRAF, Ms Nicole HÖCHST, Mr Sorin-Titus MUNCACIU, Mr Petr BYSTRON

In the draft resolution, paragraph 4, second sentence, replace the word "permanent" with the following words:

"not insignificant"

enhancing public health and ensuring personal well-being at work, the Assembly recommends that member States:

8.1. improve minimum labour standards and defend essential socio-economic rights, in particular basic occupational health and safety norms, worldwide, and:

8.1.1. ensure full implementation of the ILO's core conventions and guidelines;

8.1.2. pursue implementation of the United National Sustainable Development Agenda 2030, in particular its Goal 8 seeking to achieve inclusive and sustainable economic growth, full and productive employment, as well as decent work;

8.1.3. seek harmonisation of regulatory frameworks across different jurisdictions for platform work, notably concerning employment status, social protection, access to basic social rights, as well as working time, pay, dispute resolution, personal data protection and privacy;

8.1.4. guarantee adequate corporate social responsibility of multinational enterprises operating on their territory and beyond;

8.1.5. update national strategies in this regard to cover new forms of work and fragmentation of work;

8.1.6. build up institutional capacity to ensure that national labour inspectorates have sufficient powers, resources and training to better control occupational safety in the new era of work by prioritising prevention and risk-based approaches;

8.1.7. ensure that national laws and collective agreements clearly define the responsibility of the employer for the protection of the occupational health and safety of employees, and, in the context of teleworking, takes into account both the psychosocial and ergonomic risks;

8.2. screen, assess and adjust their labour legislation and policies in the light of the European Social Charter requirements and the evolving needs of labour markets, in particular:

8.2.1. concerning work organisation, examine options for shortening work weeks and/or daily working hours while maintaining the same pay, so as to shift focus from hours worked to results, to cater more flexibly for those multitasking at work and using job-sharing arrangements, to enable high-intensity work, to accommodate atypical forms of work while protecting socio-economic rights, to support working parents and to contribute to a socially and environmentally sustainable development;

8.2.2. with regard to telework and hybrid work:

8.2.2.1. ensure that specific legislation is in place to balance the needs and priorities of workers, employers and society as a whole, while giving as much autonomy as possible to workers and their individual work preferences;

8.2.2.2. define and codify in law the right to disconnect from work, and the obligation for employers to prevent occupational burnout;

8.2.2.3. study environmental and public health benefits of enhanced teleworking and consider schemes for mandatory teleworking a few days a week for knowledge workers, aimed at alleviating local transport flows, reducing pollution and saving energy and other resources;

8.2.2.4. provide adequate equipment and compensate incremental costs for workers engaged in telework, and achieve fair sharing of productivity and cost benefits accrued through remote or hybrid work;

8.2.2.5. ensure that workers teleworking full-time or in a hybrid set-up are not penalised or discriminated against;

8.2.3. with a view to optimising the national social partnership structure and dialogue:

8.2.3.1. include self-employed workers, reach out to those involved in unpaid care work and migrant workers, and correct the (mis)definition of employment status of those involved in the platform economy;

8.2.3.2. improve access of workers in atypical forms of employment and in platform work to collective bargaining and professional associations/trade unions, information and training and protection from intrusive surveillance technologies;

8.2.3.3. negotiate all legal frameworks with all social partners and formally institutionalise these social dialogue mechanisms;

8.2.3.4. study options for using digital instruments and public policy to improve freedom of association and to support labour organisations;

8.2.4. as regards action fostering decent work and quality employment for decent and dignified living, while ensuring that digital transformation of work benefits all and no one is left behind:

8.2.4.1. launch a public debate to upgrade the social contract to a society centred on human needs, solidarity, public interest and rights;

8.2.4.2. invest public resources and engage private enterprises in strengthening people's employability through lifelong learning schemes, reskilling and upskilling programmes, and institutional efforts for the creation of decent and sustainable work, in line with the ILO's Centenary Declaration for the Future of Work;

8.2.4.3. enhance public investment in digital infrastructure so that quality digital tools be accessible to all;

8.2.4.4. consider implementing personal training accounts for all workers, entailing positive obligations for all employers to set up skills development plans or training for current workers and potential workers including young NEETs ("not in education, employment or training"), persons in unpaid work or in unemployment, and the retired persons who wish to continue working but need to upgrade their skills;

8.2.4.5. give labour policies a more prominent role in managing the economy and mitigating socio-economic inequalities, based on better policy coherence and support for

fundamental rights at national, European and international levels;

8.2.4.6. if they have not yet done so, ratify the European Social Charter and its Additional Protocol Providing for a System of Collective Complaints (ETS No. 158), lift any existing reservations to the Charter, scale up political support to the implementation of the Charter and the European Convention on Human Rights (ETS No. 5) and promote the full application of these fundamental treaties across Europe, including to the Council of Europe's own staff;

8.2.4.7. root out abusive employment practices such as unpaid employment trials and zero-hours contracts, harmonise the protection of rights for different categories of workers by reducing differences in tax treatment for different types of contract and guarantee universal minimum social coverage for all;

8.2.4.8. seek better recognition of unpaid work by making it more visible, by providing more family-friendly policies (such as working hours adaptation and affordable and accessible childcare for working parents, with extra financial support for the vulnerable), by clarifying the monetary value of such work (measuring and estimating monetary worth) and by better supporting it through social benefits or a basic income approach alongside public provision of quality healthcare services accessible by all;

8.2.4.9. update national legislation and strategies on occupational health and safety to better cover new forms of work, different categories of workers (including the self-employed) and increased mobility of workers between workplaces and across borders;

8.2.4.10. ensure that workplaces are free from all kinds of harassment and online surveillance;

8.2.4.11. design new policies with a multidimensional equality focus and revisit the age-related nature of work so as to guarantee the inclusiveness of the labour market and effective implementation of non-discrimination principles;

8.2.5. consider the need for new institutional structures and build public capacity so as to identify trends, emerging risks, and regulatory needs, and to assess the impact of the structural transformation of work in terms of environmental and social sustainability (including gender, age, skills diversity, etc.) as well as professional evolution (the quality of work).

Amendment 3
Tabled by Mr Geraint DAVIES, Lord Alexander DUNDEE, Mr Jeremy CORBYN, Mr Frank SCHWABE, Ms Mariia MEZENTSEVA-FEDORENKO

In the draft resolution, after paragraph 8.2.5, insert the following paragraph:

"encourage local authorities to provide online market platforms for businesses in their region to sell online, with next day delivery, to help local businesses, with profits going to local authorities, helping them to pay for public services and to lower local taxation."

Sub-amendment 1 to amendment 3
Tabled by the Committee on Social Affairs, Health and Sustainable Development

In amendment 3, delete the following words:

"with next day delivery, to help local businesses, with profits going to local authorities, helping

them to pay for public services and to lower local taxation."

B. Draft Recommendation

1. The Parliamentary Assembly refers to its Resolution … (2022) "The future of work is here: revisiting labour rights" and underscores the need for member States to accommodate the wide-ranging societal, economic, and technological transformations in the world of work through law and practice. The Assembly believes that member States should contribute to the shaping of the future of work based on societal progress through a more flexible organisation of work strengthened by enhanced access to socio-economic rights, quality employment, inclusive social dialogue and sustainable development.

2. The Assembly appreciates the Committee of Ministers' guidance to member States in the framework of its Ad hoc Working Party on improving the European Social Charter system (GT-CHARTE) as regards longer term substantive issues relating to the Charter, in particular the feasibility of adding new provisions to the Charter for enhanced protection of workers in non-standard forms of employment and for tackling challenges arising from new forms of work such as platform work and work involving artificial intelligence. In this context, the Assembly draws the attention of the Committee of Ministers to the recommendations it has formulated in the above-mentioned Resolution, notably those relating to work hours, telework and hybrid work, the right to disconnect, better recognition of unpaid work, occupational health and safety, training and skills policies, public institutional capacity building, the need for both national social dialogue as well as international minimum and harmonised labour standards and the promotion of the full application of the European Social Charter (ETS No. 35) and the revised European Social Charter (ETS No. 163) across Europe, including to the Council of Europe's own staff.