



Education and Culture

Leonardo da Vinci



**LEONARDO DA VINCI PROGRAMME
COMMUNITY VOCATIONAL TRAINING ACTION
PROGRAMME**

**Project “Trade Union as defensive mechanism
of labour market in free labour force mobility”**

**TRAINING PROGRAMME FOR THE
MULTIPLICATORS (35 h)**

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PROGRAMME OVERVIEW

The goals of the Programme are to train the trainers capable to work with residents planning to go work to another country.

The tasks of the Programme:

1. to provide theoretical introduction in the basic training methods;
2. to provide practical training on application of the training methods applicable for adult training;
3. to provide necessary basic skills for application of the 12 h Programme;
4. to provide theoretical knowledge on development of case studies and exercises
5. to provide basic information on the countries;
6. to provide knowledge on trade unions;
7. to provide theoretical knowledge on development of case studies and exercises.

The Programme encourages participants to:

- develop their skills and abilities;
- think and act positively when faced with unordinary questions;
- develop a better understanding of how trade unions works.

The Programme requires commitment from participants to:

- attend all training sessions;
- take their development seriously.

There are two distinct features of the Programme, which work together to develop the skills of the participants.

1. Training Sessions

There are five training sessions consisting all together of five days for the trainers. It is expected that trainers will use the materials offered by the Programme for delivering the 12h training for workers.

The Programme provides all necessary materials to enable you to deliver the training of 12h programme, including session notes, exercises and tutor notes. However, it is expected that trainers will reshape materials before training according to their skills and methodological approach used.

2. Individual Assignments

It is expected that participants will invest some efforts in the reshaping training programme of 12h according to the need of auditoria and own skills. Also, it is expected that participants will attend all session of the programme to be ready for delivery of 12h programme later on their own.

HOW THE TEACHING NOTES ARE STRUCTURED

The programme has been designed to be flexible and easy to use. The pack includes all the materials necessary to deliver full programme and to design programme of 12 h. Before use the materials for delivering the programme of 12h, they will need to be customised to the needs of your organisation, and it is recommended that you start to prepare these materials already at participating at the programme of 35 h.

The materials included in the teaching notes are made in such a way, that you can use them as you like or according to the needs of auditoria.

1. Timetable of the programme

The general timetable of the programme is provided. It will give you the order of the sessions with headings, names of exercises, approximate timings. The general timetable of the programme is the main source for building up the programme of 12 h programme.

2. Session plans

The material have been divided into sessions, each session is 45 minutes long. Each session have a detailed plan. The session plans are very comprehensive and have been written to enable trainers with limited experience to deliver the programme of 12 h. Each session description includes at least tools, techniques and material recommended to be used. It is expected that during programme the participants will add comments for own use in the free space foreseen for such purposes.

3. Exercises

All exercises are included in the Annex No. 1. The exercises have been put in the teaching notes to enable you to lift them out for photocopying in preparation for the 12h programme.

4. Handouts

The teaching notes include the masters of all handouts. However, the participants are encouraged to reshape the handout before delivering 12 h programme.

5. Case studies

The teaching notes include case studies of the respective countries. Also, the formula for creating of the case studies is explained in the pack thus participants are encouraged to create their own case studies as well.

6. The country profiles

The country profiles of six countries are included in the pack. All country profiles are structured around the 7 topics so to make the information uniformed. Please note that information is as it was at June of 2008, therefore before delivering of 12h programme you should check the main pieces of information.

7. Reference list

After each country profile, the most relevant web addresses are provided to ensure that you check the information included in the country profiles before delivery of 12h programme.

TIMETABLE OF THE PROGRAMME

DAY 1 – September 8

No of academic hours	Possible timetable	Training Activity
1	9.00-9.45	Introduction and welcoming of participants. Explanation of the purposes of the course.
2	9.45-10.30	Introduction to main pedagogical methods and materials to be used.
	Coffee break 10.30-10.45	
3	10.45-11.30	Introduction to main pedagogical methods to be used for the course overall
4	11.30-12.15	Adult training: some keypoints.
	Lunch break 12.15-13.15	
5	13.15-14.00	Methods and materials to be used for country profiles
6	14.00-14.45	General terminology of the labour protection and rights. Tendencies of the labour market in the EU. Mobility of the work force in the EU.
	Coffee break 14.45-15.00	
7	15.00-15.45	The mechanisms of labour protection – trade unions. Role of trade unions in the global market.
8	15.45-16.30	The position and responsibility of the employers. Role of European Trade Union Confederation (ETUC).

DAY 2 – September 9

No of academic hours	Possible timetable	Training Activity
1	9.00-9.45	How to build 12 h programme: approach and methods
2	9.45-10.30	How to build 12 h programme: approach and methods
	Coffee break 10.30-10.45	
3	10.45-11.30	The country profile: Latvia (according to 7 topics)
4	11.30-12.15	The country profile: Latvia
	Lunch break 12.15-13.15	
5	13.15-14.00	The country profile: Latvia

6	14.00-14.45	The country profile: Latvia
	Coffee break 14.45-15.00	
7	15.00-15.45	The country profile: Sweden
8	15.45-16.30	The country profile: Sweden

DAY 3 - September 10

No of academic hours	Possible timetable	Training Activity
1	9.00-9.45	The country profile: Sweden
2	9.45-10.30	The country profile: Sweden
	Coffee break 10.30-10.45	
3	10.45-11.30	The country profile: Germany
4	11.30-12.15	The country profile: Germany
	Lunch break 12.15-13.15	
5	13.15-14.00	The country profile: Germany
6	14.00-14.45	The country profile: Germany
	Coffee break 14.45-15.00	
7	15.00-15.45	The country profile: Ireland
8	15.45-16.30	The country profile: Ireland

DAY 4 – September 11

No of academic hours	Possible timetable	Training Activity
1	9.00-9.45	The country profile: Ireland
2	9.45-10.30	The country profile: Ireland
	Coffee break 10.30-10.45	
3	10.45-11.30	The country profile: Spain
4	11.30-12.15	The country profile: Spain
	Lunch break 12.15-13.15	
5	13.15-14.00	The country profile: Spain
6	14.00-14.45	The country profile: Spain
	Coffee break 14.45-15.00	
7	15.00-15.45	The country profile: Denmark
8	15.45-16.30	The country profile: Denmark

DAY 5 – September 12

No of academic hours	Possible timetable	Training Activity
1	9.00-9.45	The country profile: Denmark
2	9.45-10.30	The country profile: Denmark
	Coffee break 10.30-	

	10.45	
3	10.45-11.30	Summarizing the country profile: main findings regarding pedagogical methods and materials. Evaluation of the course

HOW TO TEACH- BASIC TEACHING METHODS

TRAINING INSTRUMENTS

The Programme is build around the set of training instruments:

1. Presentations

The presentation of the trainer is the most conventional form of teaching. Usually, the presentation is based upon slides and whiteboard notes.

Powerpoint slides

Participants learn more when they view fewer slides but have more time to analyze and interpret them. Discussions, short writing assignments, and application exercises will reinforce concepts and increase learning from slides.

Whiteboard or Chalkboard Notes

The guiding principle of board work is to look at your writing as though you were a participant in your own auditoria. Almost anything you write will be clear to you. The participants must be able to see and to read what you have written.

Talking about what you are writing gives your students the material in both visual and auditory modes. Please make sure to speak loudly enough.

<p>Strengths:</p> <ul style="list-style-type: none">• presents factual material in direct, logical manner• contains experience which inspires• stimulates thinking to open discussion• useful for large groups	<p>Weaknesses:</p> <ul style="list-style-type: none">• experts are not always good teachers• audience is passive• learning is difficult to gauge• communication in one way
<p>Preparation:</p> <ul style="list-style-type: none">• needs clear introduction and summary• needs time and content limit to be effective• should include examples, anecdotes	

2. Discussions

Discussion is an easy form how to involve the auditoria in the training process. In addition, it allows, the participants not get bored by presentation or lecture.

<p>Strengths:</p> <ul style="list-style-type: none">• involves audience at least after the	<p>Weaknesses:</p> <ul style="list-style-type: none">• time may limit discussion period
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lecture <ul style="list-style-type: none"> • effective after a presentation, film or experience that needs to be analyzed • audience can question, clarify & challenge • pools ideas and experiences from group • allows everyone to participate in an active process 	<ul style="list-style-type: none"> • is time consuming • quality is limited to quality of questions and discussion • audience is passive or few people can dominate while others may not participate • not practical with more than 20 people
Preparation: <ul style="list-style-type: none"> • requires that questions be prepared prior to discussion • requires question outline • requires careful planning by the trainer to guide discussion 	

3. Exercises

Exercises usually are used in presentation in order to explore difficult or specific issues. As a rule, in the adult training, exercises are practically oriented so to test theoretical knowledge in the practice.

Strengths: <ul style="list-style-type: none"> • opportunity to explore difficult and complex issues 	Weaknesses: <ul style="list-style-type: none"> • people may not do exercise
Preparation: <ul style="list-style-type: none"> • the trainer must prepare questions • 	

4. Teamwork

Teamwork is another option how to make presentation more attractive and to explore specific issues allowing participants to test “on the own skin” possible solutions.

Strengths: <ul style="list-style-type: none"> • introduces problem situation dramatically • provides opportunity to practice skills • provides opportunity for people to assume roles of others and thus appreciate another point of view • 	Weaknesses: <ul style="list-style-type: none"> • people may not involve in teamwork - people may feel threatened • people may be too self-conscious • not appropriate for large groups
Preparation: <ul style="list-style-type: none"> • the trainer has to define problem situation and roles clearly • trainer must give very clear instructions 	

5. Case studies

Case studies are very helpful instrument in adult training. Case studies allow to explore very specific situations and apply them to experience of the participants.

<p>Strengths:</p> <ul style="list-style-type: none">• develops analytic and problem solving skills• provides opportunity to practice skills• allows for exploration of solutions for complex issues• allows participants to apply new knowledge and skills	<p>Weaknesses:</p> <ul style="list-style-type: none">• people may not involve in case study solution• people may not see relevance to own situation• insufficient information can lead to inappropriate results
<p>Preparation:</p> <ul style="list-style-type: none">• cases study must be prepared	

The structure of the case study to used for development of the new cases are provided in the Annex No. 4. In addition, cases from several countries are included in the Annex No.5.

BLOOM'S TAXONOMY

Blooms taxonomy is widely used in adult training. This includes the recall or recognition of specific facts, procedural patterns, and concepts that serve in the development of intellectual abilities and skills. In general, there are six major categories, which are listed in order below, starting from the simplest behavior to the most complex.

Category	Key words and the main questions
<p>Knowledge: Recall data or information</p>	<p>Defines, describes, identifies, knows, labels, lists, matches, names, outlines, recalls, recognizes, reproduces, selects, states.</p> <p>Who, what, when, where, how ...?</p>
<p>Comprehension: Understand the meaning, translation, interpolation, and interpretation of instructions and problems. State a problem in one's own words.</p>	<p>Comprehends, converts, defends, distinguishes, estimates, explains, extends, generalizes, gives Examples, infers, interprets, paraphrases, predicts, rewrites, summarizes, translates.</p>
<p>Application: Use a concept in a new situation or unprompted use of an abstraction. Applies what was learned in the classroom into novel situations in the work place.</p>	<p>Applies, changes, computes, constructs, demonstrates, discovers, manipulates, modifies, operates, predicts, prepares, produces, relates, shows, solves, uses.</p> <p>How is...an example of...? How is...related to...? Why is...significant?</p>
<p>Analysis: Separates material or concepts into component parts so that its organizational structure may be understood. Distinguishes between facts and inferences.</p>	<p>Analyzes, breaks down, compares, contrasts, diagrams, deconstructs, differentiates, discriminates, distinguishes, identifies, illustrates, infers, outlines, relates, selects, separates.</p> <p>What are the parts or features of...? Classify...according to... Outline/diagram... How does...compare/contrast with...? What evidence can you list for...?</p>
<p>Synthesis: Builds a structure or pattern from diverse elements. Put parts together to form a whole, with emphasis on creating a new meaning or structure.</p>	<p>Categorizes, combines, compiles, composes, creates, devises, designs, explains, generates, modifies, organizes, plans, rearranges, reconstructs, relates, reorganizes, revises, rewrites, summarizes, tells, writes.</p>

	<p>What would you predict/infer from...? What ideas can you add to...? How would you create/design a new...? What might happen if you combined...? What solutions would you suggest for...?</p>
<p>Evaluation: Make judgments about the value of ideas or materials.</p>	<p>Appraises, compares, concludes, contrasts, criticizes, critiques, defends, describes, discriminates, evaluates, explains, interprets, justifies, relates, summarizes, supports.</p> <p>Do you agree...? What do you think about...? What is the most important...? Place the following in order of priority... How would you decide about...? What criteria would you use to assess...?</p>

Source: Learning Domains or Bloom's Taxonomy.

<http://www.nwlink.com/~Donclark/hrd/bloom.html> (last viewed July 4, 2008.) and o

<http://officeport.com/edu/blooms.htm> (last viewed July 4, 2008.)

HOW TO BUILD 12 HOURS PROGRAMME

The 12 h programme is intended for the persons who are going to work abroad. Thus, some basic steps should be taken into account.

1. Training needs assessment. This step is tailored to find out what kind of information exactly participants need. This information can be obtained in two ways – asking the participants and asking the national employment agency.
2. According to the training needs, it is necessary to reshape slides and case studies of the respective country.
3. Suggested time schedule for the 12h programme. It is advised to divide all 12h into two sessions.

DAY 1

No of academic hours	Possible timetable	Training Activity
1	12.00-12.45	Introduction
2	12.45-13.30	General description of the labour market
3	13.30-14.15	Legislation
	BREAK	
4	14.45-15.30	Legislation
5	15.30-16.15	Advantages of labour markets – a practical guide to access the labour market
6	16.15-17.00	Advantages of labour markets – a practical guide to access the labour market

DAY 2

No of academic hours	Possible timetable	Training Activity
1	12.00-12.45	Advantages of labour markets – a practical guide to access the labour market
2	12.45-13.30	Specifics of the trade union work
3	13.30-14.15	Most important parts of a collective agreement at an enterprise and a branch level
	BREAK	
4	14.45-15.30	Practical guide to some useful issues: institutions (incl. addresses, telephones, e-mails) where to turn in case of any difficulties;
5	15.30-16.15	Practical guide to some useful issues: what to do facing most typical problems
6	16.15-17.00	Questions and answers.

THE LAYOUT OF THE PROGRAMME

DAY 1- Academic hour 1 - Introduction and welcoming of participants. Explanation of the purposes of the course.

Activity	Detailed Explanation
Introduction to trainer	The trainer welcomes the group and introduces him-/herself
Introduction of the multipliers	Group exercise No.1.
Overview of this module	Trainer provides a brief overview of the course; General agreements on practical matters such as smoking, participation, breaks etc. Short discussion if necessary.
Participants' expectations	Trainer asks participants to share their expectations and consider two questions for the groupwork. The expectations are written down on the small post-it sheets. Trainer lists expectations on flipchart. If it is possible then small post-its are structured around the most popular expectations.
Necessary materials	Post-its A flipchart Markers in the different colours Sufficient copies of exercise No.1.
Comments and notes:	

DAY 1- Academic hour 2, 3 - Introduction to the main pedagogical methods and materials to be used.

Activity	Detailed Explanation
Tools and techniques	<p>Presentation of the trainer and discussion</p> <p>The main methods are:</p> <ul style="list-style-type: none"> ▪ Presentations ▪ Discussions ▪ Exercises ▪ Teamwork ▪ Case studies. <p>Detailed description of the main methods is given under “Training instruments” in the teaching notes.</p>
Introduction to the materials	The trainer introduces the teaching notes and the structure of teaching notes.
Necessary materials	Projector and screen A flipchart Markers in the different colours
Comments and notes:	

DAY 1- Academic hour 4 – Adult training: some keypoints.

Activity	Detailed Explanation
The specific of adult training	The adult training is based upon Bloom`s taxonomy or cognitive levels. See detailed description of Bloom`s taxanomy in the teaching notes
Necessary materials	Projector and screen A flipchart Pens Sufficient copies of exercise No.2.
Comments and notes:	

DAY 1- Academic hour 5- Methods and materials to be used for country profiles

Activity	Detailed Explanation
Introduction of the scheme of the country profiles	Presentation of the trainer Short discussion
Tools and techniques of the country profiles	Presentation of the trainer and discussion The main methods are: <ul style="list-style-type: none">▪ Presentations▪ Discussions▪ Exercises▪ Teamwork▪ Use of internet resources during the training Detailed description of the main methods is given under “Training instruments” in the teaching notes. In addition, the suggested training instruments for the respective parts of the country profiles are available in the Annex No. 3.
Necessary materials	Projector and screen Flipchart Markers in the different colours
Comments and notes:	

DAY 1- Academic hour 6 - General terminology of the labour protection and rights. Tendencies of the labour market in the EU. Mobility of the work force in the EU.

Activity	Detailed Explanation
Explanation of the general tendencies	<p>The trainer explains role of the glossary in the 12h programme.</p> <p>About 15 minutes are set for individual work with a worksheet (exercise no.3) where the unknown terms should be listed.</p> <p>Later, the exercise No.4 “Mapping the mobility” is distributed.</p> <p>The reasons stated on the post-its are collected by the trainer and structured on the flipchart.</p> <p>The discussion on reasons follows.</p>
Necessary materials	<p>Projector and screen</p> <p>A flipchart</p> <p>Pens</p> <p>Sufficient copies of exercise No.3. and No.4</p> <p>Post-its</p>
Comments and notes:	

DAY 1- Academic hour 7 - The mechanisms of labour protection – trade unions. Role of trade unions in the global market.

Activity	Detailed Explanation
Introduction to history of trade unions	Short presentation of the trainer and discussion
Explanation of the role of trade unions in the current world	<p>Trainer asks participants to share their knowledge on trade unions and to mention two or three functions of trade unions. Trainer lists the functions on a flipchart.</p> <p>Short presentation of the trainer and discussion</p>
Necessary materials	<p>Projector and screen</p> <p>Flipchart</p> <p>Markers in the different colours</p>
Comments and notes:	

DAY 1- Academic hour 8- The position and responsibility of the employers. Role of European Trade Union Confederation (ETUC)

Activity	Detailed Explanation
Explanation of the position and responsibility of the employers	Short presentation of the trainer and discussion
Introduction to role of ETUC	Short presentation of the trainer and discussion
Necessary materials	Projector and screen Flipchart Markers in the different colours
Comments and notes:	

DAY 2- Academic hour 1, 2, - How to build 12 h programme: approach and methods

Activity	Detailed Explanation
What is 12 h programme and how to build it?	Presentation of the trainer Short discussion
Necessary materials	Projector and screen Flipchart Markers in the different colours Country profiles Slides
Comments and notes:	

DAY 2- Academic hour 3, 4, 5, 6 - The country profile: Latvia

Activity	Detailed Explanation
Introduction to the country Explanation of the 7 topics in the case of Latvia	Presentation of the expert Short discussion Case studies No. 7, 8, 9.
Necessary materials	Projector and screen Flipchart Markers in the different colours Sufficient copies of case studies No.7, 8, 9
Comments and notes:	

DAY 2- Academic hour 7, 8 - The country profile: Sweden

DAY 3- Academic hour 1, 2 - The country profile: Sweden

Activity	Detailed Explanation
Introduction to the country Explanation of the 7 topics in the case of Sweden	Presentation of the expert Short discussion Case studies.
Necessary materials	Projector and screen Flipchart Markers in the different colours
Comments and notes:	

DAY 3- Academic hour 3, 4, 5, 6 - The country profile: Germany

Activity	Detailed Explanation
Introduction to the country Explanation of the 7 topics in the case of Germany	Presentation of the expert Short discussion Case studies
Necessary materials	Projector and screen Flipchart Markers in the different colours
Comments and notes:	

DAY 3- Academic hour 7, 8 - The country profile: Ireland

DAY 4- Academic hour 1, 2 - The country profile: Ireland

Activity	Detailed Explanation
Introduction to the country Explanation of the 7 topics in the case of Ireland	Presentation of the expert Short discussion Presentation of the trainer Case studies No.4, 5, 6
Necessary materials	Projector and screen Flipchart Markers in the different colours Sufficient copies of case studies No.4, 5, 6
Comments and notes	

DAY 4- Academic hour 3, 4, 5, 6 - The country profile: Spain

Activity	Detailed Explanation
Introduction to the country Explanation of the 7 topics in the case of Spain	Presentation of the expert Short discussion Case studies No. 10, 11, 12, 13, 14
Necessary materials	Projector and screen Flipchart Markers in the different colours Sufficient copies of case studies No. 10, 11, 12, 13, 14
Comments and notes:	

DAY 4- Academic hour 7, 8 - The country profile: Denmark

DAY 5- Academic hour 1, 2 - The country profile: Denmark

Activity	Detailed Explanation
Introduction to the country Explanation of the 7 topics in the case of Denmark	Presentation of the expert Short discussion Case studies No. 1, 2, 3
Necessary materials	Projector and screen Flipchart Markers in the different colours Sufficient copies of case studies No. 1, 2, 3
Comments and notes:	

DAY 5- Academic hour 3 - Summarizing the country profile: main findings regarding pedagogical methods and materials. Evaluation of the course

Activity	Detailed Explanation
Feedback from the participants	The trainer asks participants to write a letter to the trainer
Necessary materials	White A4 paper
Comments and notes:	

ANNEX No.1 – EXERCISES

EXERCISE No.1 - DESCRIPTION

The group of participants should be divided in pairs.

Each person answering the following questions to introduce himself to the another person in the pair:

- What is your name?
- Where are you from?
- How do you spend your working day?
- What are your expectations from this training?
- What do you need from us as a group to help you achieve your goals here?

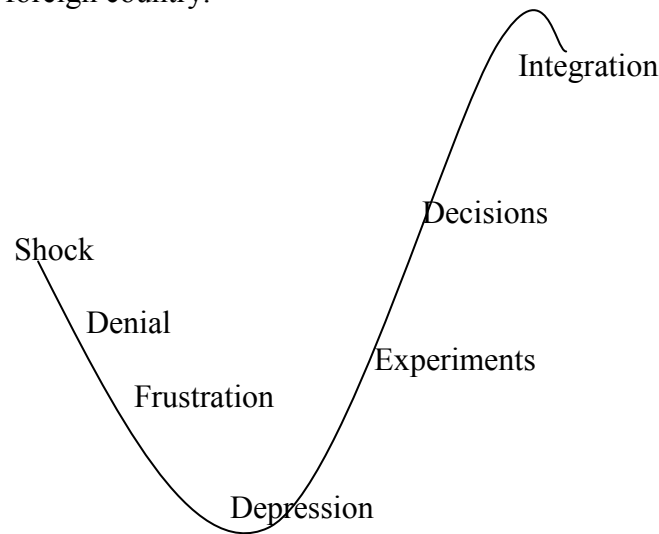
After all, there is discussion on the whole group. The person introduces his neighbor to the group answering to the questions above.

EXERCISE No.1 – HANDOUT

- What is your name?
- Where are you from?
- How do you spend your working day?
- What are your expectations from this training?
- What do you need from us as a group to help you achieve your goals here?

EXERCISE No.2 – THE CHANGE CURVE – DESCRIPTION

The purpose of exercise is to turn attention of the possible worker to some personal problems in the foreign country.



Shock –it is hard to believe that the change is actually happening

Denial – proving yourself that it is not happening, simply ignoring change and hoping that it will go away

Frustration –often accompanied by anger. Still there is no acceptance of change, instead blaming everybody else

Depression – sadness and apathy

Experiments – trying to find a way to adapt to the change

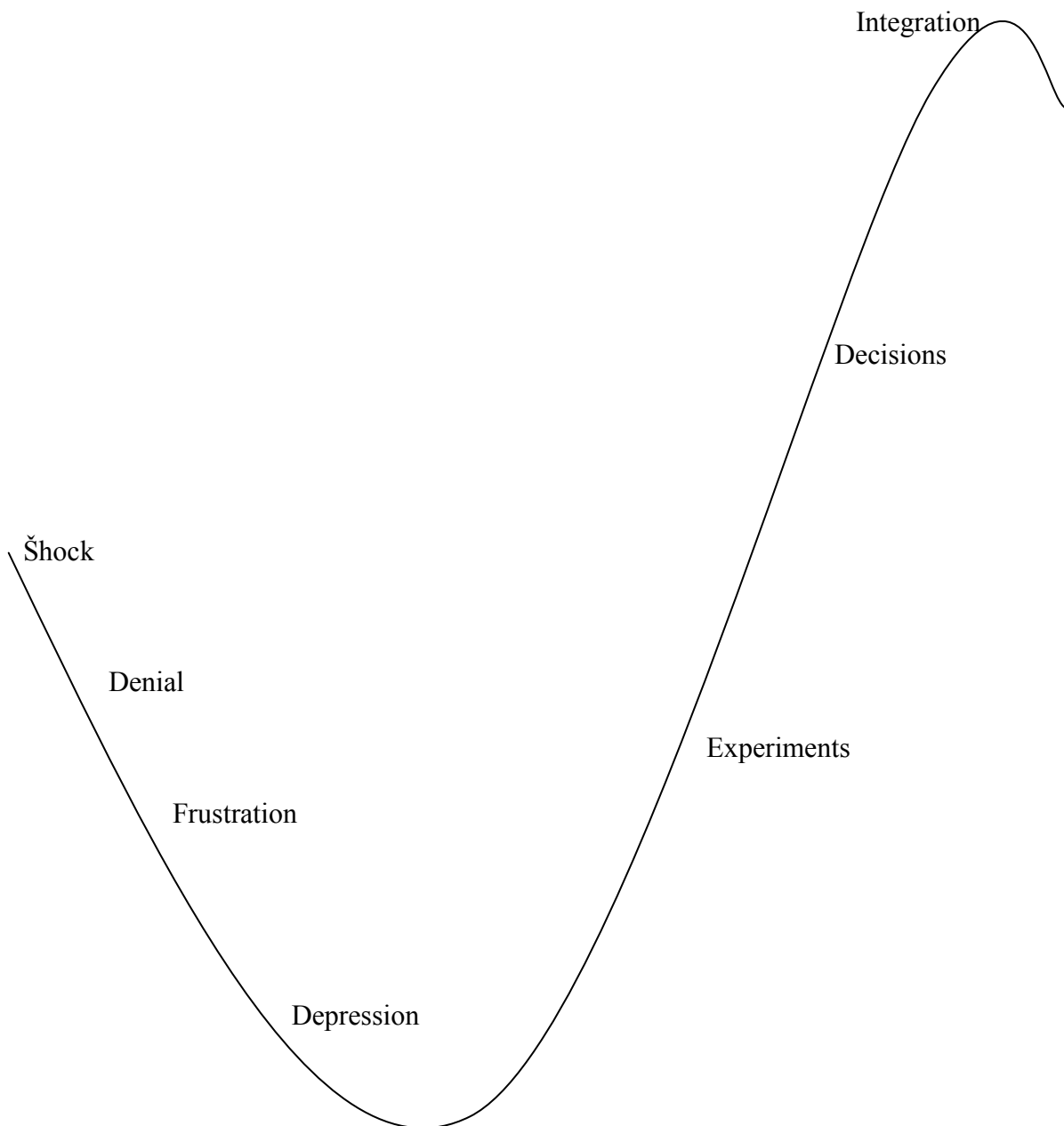
Decisions – more optimistic, beginning to accept the change

Integration – complete acceptance of the change.

Examples of the change:

- New working practice
- New boss
- New work location
- Work in another country or sphere
- Moving to another country or house
- New partner
- Birth, death or illness in the family
- Partner retiring.

EXERCISE No.2 – THE CHANGE CURVE – HANDOUT



What will I do to overcome changes foreseen by going to another country?

- 1.
- 2.
- 3.

Exercise No.3 – A WORKSHEET “GLOSSARY”- DESCRIPTION

The worksheet is distributed to the participants.

The term	Explanation and notes

Each participant during the whole course is filling in the glossary of terms unknown to him/her.

It is suggested that participants are dividing the terms in the section by the country.

Exercise No.3 – A WORKSHEET “GLOSSARY”- HANDOUT

The term	Explanation and notes

EXERCISE No.4 “MAPPING THE MOBILITY”- DESCRIPTION

The EU maps are distributed to the participants.

Each participant points out his country of destination.

In addition, each participant point out at least 3 reasons choosing the respective country.

The 3 reasons should be written down on small post-its.

EXERCISE No.4 “MAPPING THE MOBILITY”- HANDOUT



EXERCISE No.5 “COMPARATIVE TABLES” - DESCRIPTION

This exercise is based on commitment and individual assignment of the participants to structure information presented by the country experts. In this exercise, the participants are filling the cell by information which they find useful or worthwhile.

Category	Your country_____	Another country_____

The following categories are suggested to take into account:

- Specifics of labour law;
- Social security and taxes;
- Working conditions;
- Basic rules regarding stay in the country;
- Unemployment.

EXERCISE No.5 “COMPARATIVE TABLES”- HANDOUT

Category	Your country	Another country

ANNEX No.2 - 7 TOPICS COVERED BY THE COUNTRY PROFILES

1. General description of the labour market:
 - a) A short introduction to labour market (including average wage) and the country;
 - b) Difference of being „a migrant worker”¹ and „a frontier worker”².
2. Legislation:
 - a) Basic terminology of labour relations in the respective country;
 - b) Provisions of labour relations in the national laws;
 - c) Working conditions (e.g. dismissal, holidays, working hours, extra hours, paid leaves, sick leave, parental leave and others);
 - d) Work safety;
 - e) The collective agreement in the different sectors;
 - f) A content of labour contract (how to prevent the insertion of illegal or abusing clauses).
3. Advantages of labour markets – a practical guide to access the labour market:
 - a) Basic rules regarding stay in the country;
 - b) Sources where to find job;
 - c) Application for job, the key issues writing your CV according to the different countries;
 - d) Starting to work - social security and taxes;
 - e) Living in the country – shortly on living conditions; accommodation (e.g. costs); health care system (including health insurance, medical costs), education (including recognition of qualifications); requirements (what identification/documents are needed) when opening a bank account;
 - f) Unemployment - rights, social salaries and rights, etc.
4. Specifics of the trade union work:
 - a) Achievements of the trade union movement;
 - b) Role of trade unions in society;
 - c) How to join a union;
 - d) How the trade union work (functions etc.);
 - e) Role of the trade union regarding the collective agreement;
 - f) Benefits of membership;
 - g) How to contact trade union;
 - h) Examples of how a trade union can help;
 - i) Other workers` representation structures.
5. Most important parts of a collective agreement at an enterprise and a branch level;
 - a) Differences between a labour contract and a collective agreement;
 - b) Legal background of the collective agreement;
 - c) How to join collective agreement;

¹ Reside and work in the country other than native Country (e.g. Latvians in Ireland).

² Work in the one member state, but reside in the other. Mostly he/she returns to the home Country at least once a week.

- d) What kind of information is usually included in the collective agreement;
6. Practical guide to some useful issues: institutions (incl. addresses, telephones, e-mails) where to turn in case of any difficulties;
- a) Name of institutions involved in the labour market, addresses, phones, faxes, web pages; what kind of problems the institution can resolve;
 - b) A guide to institutions where to receive useful information on topics like housing, traditions, medical care etc;
 - c) Timescale to obtain documentation by steps (average) - residence card, labour permit, health insurance, social security affiliation, etc.
7. Practical guide to some useful issues: what to do facing most typical problems:
- a) Bad and interesting stories typical for the respective country;
 - b) What person A does when he/she has information and what person B does when he/she does not have information (typical situations for the respective country);
 - c) Abuse - where to go when being exploited by an employer or the most common cheats.

ANNEX No. 3 SUGGESTED TRAINING INSTRUMENTS FOR THE COUNTRY PROFILES

7 topics covered by the country profiles	Suggested training instruments
1. General description of the labour market:	Presentation
2. Legislation:	Presentation A glossary of terms Case studies
3. Advantages of labour markets – a practical guide to access the labour market:	Presentation Case studies Exercises
4. Specifics of the trade union work:	Presentation Case studies
5. Most important parts of a collective agreement at an enterprise and a branch level;	Presentation
6. Practical guide to some useful issues: institutions (incl. addresses, telephones, e-mails) where to turn in case of any difficulties;	Presentation Case studies
7. Practical guide to some useful issues: what to do facing most typical problems:	Presentation Case studies

ANNEX No.4 - STRUCTURE OF THE CASE STUDY

Short description of the case:

Up to 75% of the page

Description should answer on the following questions:

- *What kind of problems the person A faced?*
- *What the person A did or did not?*
- *What was the result?*

If possible, use your experience or cases in your practice when there were problems when person arrived to worked in the respective country, but faced some problems.

What should be the right behaviour in such a situation?

Please explain, how a person A should act in the correct way in the similar situation.

ANNEX No.5 – THE CASE STUDIES

Case study No.1 (Denmark) “Quick progress”

Short description of the case

Wednesday 28 November 2007 Byggefagenes Samvirke (a trade union co-operation within the building industry) was on patrol in Tuborg Harbour (Northern part of Copenhagen). They met no foreign colleagues but placed a folder and a visiting card in Polish.

Thursday the Polish workmen from the local workplace contacted the Union. They complained that their wages were missing.

The following Monday the trade union had a meeting with the Polish workmen. All nine joined the union. Thereafter the union sent a note to the company and the general contractor that the work was blocked (there was a boycott).

Monday the following week the case was closed on a mediating meeting. Here NCC (the general contractor) raised a guarantee regarding the missing money. The amount were later made up to 600,000 DKK (about 80,000 €).

The background for this type of boycott is the following. As long as wages haven't been paid for a piece of work, the work still belongs to the workmen who are doing the work. Other kind of companies must not touch the work included in the contract.

What should be the right behaviour in such a situation?

The communication and contacts with a trade union would be the most recommended behaviour.

Case study No.2 (Denmark) **“Posted workers”**

Short description of the case

3F, the biggest Danish union laid the first information (to the police) against a known slum landlord already in August 2004. The case is one of the biggest concerning the use of foreign illegal labour to renovate lots of houses in the Copenhagen area.

3F (or SID as it was then) made contact with 5 Polish workers on a building site in central Copenhagen. The trade union movement claims that many working conditions has been illegal. The slum landlord states that the building workers are in Denmark as posted workers employed by an enterprise providing services in Denmark. Formally the Polish building workers are employed by the Polish registered company Gromet. This company has no activity in Poland. The trade union movement believes that the construction is made only to evade Danish legislation.

After 1½ year of investigation the police are now ready to bring the rich slum landlord to court. The police also believe that the construction is made only to evade Danish legislation. The slum landlord is now in May 2008 being formally charged. The prosecution demands a substantial fine. The trade union movement hopes it will be an urgent matter because a good result will give a clear signal to other people making illegal use of foreign labour.

What should be the right behaviour in such a situation?

The communication and contacts with a trade union would be the most recommended behaviour.

Case study No.3 (Denmark) **“Undermining the Danish model?”**

Short description of the case

In 2007 a Polish workman was underpaid by his now former employer the Polish building company GAL-MET. He was assisted by the Danish trade union movement through the labour court system in Denmark. And the Polish workman was happy. The result of this was that GAL-MET should pay back 86,000 DKK (about 11,500 €) to the workman.

GAL-MET's Polish lawyer brought the case to the Polish the labour court. GAL-MET claimed that his wages should be according to Polish wages. And in February 2008 the labour court in Poland demanded that the posted Polish worker should pay back the money he was awarded through the Danish the labour court system.

GAL-MET has announced that it will try getting the money by seizing property in his house. This could mean in practice that the company would send the family out on the street.

The Danish trade union movement became angry. This intention was very inhuman and it would undermine the Danish model on the labour market. Therefore, the case was again brought to the labour court in Denmark. In late April 2008 a decision of the labour court stated that the company should pay a substantial fine of 250,000 DKK and 800,000 DKK (a total of 1,050,000 DKK) to two Danish trade unions for missing pensions, food and accommodation.

The labour court furthermore stated that it would be aggravating circumstances if the company tried to recover the money by bringing the case to the Polish court system.

What should be the right behaviour in such a situation?

The communication and contacts with a trade union would be the most recommended behaviour.

Case study No.4 (Ireland) **“Mushroom pickers”**

Short description of the case

In January 2006 a group of Lithuanian workers employed picking mushrooms, approached SIPTU looking for help. SIPTU is Ireland’s largest trade union. They were not members of a trade union and did not know what their rights and entitlements were.

These thirteen women had been working seventy to eighty hours per week, often over seven days, for average earnings of €230 per week. This was just over €3 per hour while the National Minimum Wage at the time was €7.65. They lived in accommodation on the farm, provided by the employer for which they had to pay rent.

When the employer heard that the workers had approached the Union he immediately sacked them all and evicted them from their accommodation.

The Union took a case for unfair dismissal and non-compliance with employment law. They won the case and secured compensation totalling €309,000 relating to minimum notice, annual leave and pay for public holidays. Further, an Employment Appeals Tribunal found that the thirteen workers had been dismissed “for mere membership of a trade union” which was described as “flagrantly unfair” as all workers in Ireland have the right to join a trade union. They were awarded a further €26,000 compensation.

These workers would not have enjoyed such success without the help of the Union. Also, if they had joined a Union when they started working in Ireland, they would not have had to go through such exploitation and abuse in the first place.

What should be the right behaviour in such a situation?

It is recommended to join the Union when you are going to start to work in Ireland.

Case study No.5 (Ireland) **“Agency worker”**

Short description of the case

The term “Agency worker” is used to describe a worker who is employed through an employment agency rather than directly by the company s/he is to work in. Usually, Agency workers are employed to cover temporary gaps in the workforce e.g. when someone is on maternity leave.

In recent years there has been a huge increase in the number of Employment Agencies in Ireland. Many firms are now employing workers through these Agencies instead of hiring them as direct employees of the company. In this way, employers try to avoid their responsibilities under employment legislation or their commitment to agreed in house standards of pay, conditions and entitlements. Legislation related to Agency workers is weak and as a result, such workers are vulnerable and open to abuse and exploitation.

Agency workers don't know from one week to the next how long they will be with the company and are often paid lower rates of pay than directly employed staff. They may not be aware of their lower wage or if they are, they may be afraid to complain for fear of getting a bad reputation with the Agency and jeopardising future employment opportunities. This situation not only exploits the Agency worker but also threatens existing conditions and rates of pay as in house agreements are ignored and undermined. In some cases permanent employees are gradually being replaced by Agency workers.

Over the past two years, SIPTU has carried out a national campaign highlighting the vulnerability and exploitation of Agency workers. They have lobbied Government for improvements in Legislation and targeted many employments where such abuses were taking place.

The union has had success in some employments which regularly use Agency workers. The main points agreed relate to ensuring that the pay and conditions of Agency workers are no less than those in existing in house agreements. Also, workers must become direct employees of the company after a specified period of time.

Such agreements address some of the insecurity and uncertainty experienced by Agency workers. They clarify the responsibilities of the employer and clearly identify who the employer is. Crucially, they ensure Agency workers can not be used as cheap labour or to create an “us and them” situation in the workplace.

This campaign has helped to close potential loopholes through which unscrupulous employers would exploit one group of workers and use them to undermine the achievements and unity of the movement as a whole.

In this way the Union is protecting the rights and entitlements of all workers.

Case study No.6 (Ireland) **“Domestic workers”**

Short description of the case

Increased wealth in Ireland has led to an increase in the number of people being employed in private homes as Domestic workers. Such workers are protected by employment legislation but very often are seen as “home helps” or carers by their employers rather than employees.

In 2004 a Migrants rights organisation contacted SIPTU on behalf of a number of Domestic workers who were experiencing abuse and exploitation. Typically, these workers were expected to be on call seven days a week, morning, noon and night. They were grossly underpaid, were not given proper annual leave, public holidays or sick leave. Some had their passports taken from them by their employer to ensure they would not run away while others reported incidents of sexual abuse.

Their level of isolation, lack of knowledge of their rights or where to get support and information, all contributed to the vulnerability of these workers.

A SIPTU Official was assigned to work with the Migrants organisation. Together they developed a Domestic Workers Group which documented the exploitation and gave a voice to Domestic workers. SIPTU successfully took cases which resulted in large amounts of compensation being paid to workers.

The Irish Congress of Trade Unions (ICTU) also began a campaign to raise awareness and called for a “code of practice for protecting persons employed in other people’s homes”. Through the 2007 National Agreement with Government and employers, ICTU secured agreement on the drafting of a code of practice for submission to the relevant Government Minister.

This Code of practice specifies minimum rates of pay, maximum hours of work, amounts which can be deductions for room and board and insists on respect for the dignity and privacy of employees. It also established that a private home in such circumstances is a place of work.

Without the power and influence of the trade union movement the plight of these workers would not have been dealt with in such a comprehensive manner.

Case study No.7 (Latvia) **“To work in Germany”**

Short description of the case

Mr. Maris is a certified Latvian accountant. He is looking for a job in Germany to expand his knowledge and professional experience. He is 24 and 2 years of work experience in an accounting firm established in Latvia. Mr. Maris found job offer in Germany. Mr. Maris will start his job on 15 August 2008.

- 1) Does Mr. Maris have to meet any requirements with respect to a residence and work permits and stay for more than 3 months in Germany? If yes, please specify.
- 2) Does Mr. Maris have to meet any requirements with respect to a residence and work permit if he would accept a job in YOUR country?

What should be the right behaviour in such a situation?

Citizens of Latvia require a work permit to take up employment in Germany. Mr. Maris should have an EU work permit issued by the Bundesagentur für Arbeit and may only be employed if he is in the possession of such a permit. A residence permit is not required for Mr. Maris.

Case study No.8 (Latvia) **“Wonna work in Sweden?”**

Short description of the case

The Tulip, a flower action house, established and working in Sweden, has recruited one latvian employee with special skills to work on a contract in the Sweden. The contract is in accordance with Sweden Labour law. Mr. Andris is from Liepaja (Latvia) and he accepted to work in Sweden.

- 1) The Tulip has agreed with Mr. Andris to pay him the same salary as he earned while working in Latvia. Do you see any issues that could arise here?

What should be the right behaviour in such a situation?

It is important to check whether the salary that Mr. Andris receive in the Latvia complies with the statutory level of minimum wage set in Sweden and Collective agreement in this sector.

Additional: The differences in cost of living compared with Latvia and the Sweden and it is important for Mr. Andris to be aware of this.

Case study No.9 (Latvia) **“Collective agreement”**

Short description of the case

An employer – limited liability Company – refused to negotiate regarding the entering into of a collective agreement. Trade union within this company sent a draft of the collective agreement to the employer but received no response. After receiving a second appeal to negotiations regarding collective agreement the employer responded that he refuses to conclude a collective agreement. By doing that employer in fact refused to determine the provisions of working hours and wages of employees. Nevertheless Section 21 of the Labour Law determines that employer is not entitled to refuse to enter into negotiations regarding the entering into of a collective agreement.

Therefore trade union of this company sued the employer asking the court to adjudge that employer is bound to start negotiations regarding the entering into of a collective agreement.

Court adjudged that employer is obliged to negotiate regarding the entering into of a collective agreement. If the employer refuses to start negotiations trade union is entitled to claim for protection of their legal rights, yet not every member has given appropriate authorization to this trade union.

What should be the right behaviour in such a situation?

This situation proves that it is very important to form a trade union in every company. It is a representative of legal rights and interests of every single employee. And trade union as a representative uniting many employees can protect rights and interests much better than every employee alone.

Case study No.10 (Spain)

“Working conditions in the agriculture sector”

Short description of the case

An agriculture company with its headquarters in the South of Spain hired 16 women from Senegal in the framework of a solidarity project in which the Agrifood Federation of Comisiones Obreras was involved too.

Soon, the Agrifood Federation saw that the salary paid by the company to these women was lower than the one agreed in the collective agreement; their accommodation was not decent and the working time per day exceeded the time stated in the agreement.

The Federation got immediately in touch with the company and claimed for decent work conditions. The direction's answer was that, “if the company should really pay the salary agreed in the collective agreement, it would not be profitable for it to hire non EU workers”. Consequently, if they had to pay the stated salary they better would end the contract.

After intensive negotiations, the Federation got the company to plenty fulfil the working conditions agreed in the collective agreement, even including a change of accommodations for better and more acclimatized ones.

What should be the right behaviour in such a situation?

The 16 women would not have enough negotiating force. In cases of violations of the working conditions, the best is to contact a trade union representative at the working place.

What is it happened?

Immediately the Romanian workers get in touch with the Agrifood Federation. The trade union representatives spend a whole night trying to make them feel better and safer. The day after, the trade union representatives meet the company direction and warn the company to plenty fulfil the agreement. They got the company to void the dismissal, pay all outstanding payments and acclimatise the accommodations. If they would have contacted the trade unions before claiming alone against the company, they would have not been dismissed and thrown out from their places.

Once the contract expired, these workers went back to their country. Thanks to the aid of the Agrifood Federation, four of them could come to Spain and work. Presently, they are working in a small company in Lorca; the company is fulfilling all the agreed conditions of work.

Suggestions for immigrant workers in the agriculture sector

When you are in your country of origin

1. If you go to a country of foreign language, ask for a translation of your contract in your mother tongue. Once you arrived in the destination country, you will not have right to ask for translation.

2. Before signing the contract you must know:
 - the minimum salary
 - the salary table of the agriculture sector in the province of destination
 - your salary and regime of payment;
 - which deductions should be made from your salary for the payment of your accommodation, electricity, water;
 - who is going to pay the two way-travel;
 - which kind of benefits you have right to: disability allowance, unemployment benefit, retirement benefit, etc.
3. Do not risk leaving your country without a written contract. There are possibilities to sign a contract in your origin country.
4. Do not trust in offer of illegal job. You have to know that in such cases:
 - you can not claim anything to your employer;
 - you have not protection and you can run the risk to be expelled from the destination country without any economic compensation;
 - if you are irregular worker, you can claim before the judge and rights can be yours by law, but than you have to justify that you are irregularly working.
5. You must know which kind of accommodation you will stay in, how far it is from the town and if there is any transport.
6. If you travel abroad, leave your working address to your family and agree with them how to communicate.
7. If you travel with your partner, ask to be sent both in the same working centre;
8. If a private agency in your country of origin offers you an employment abroad, check its legal situation. Be careful with illegal intermediaries!
9. If you never worked in the agriculture sector, look for information on how the duties have to be developed and be sure that you are physically enable to do them.
10. Remind that your country Trade Unions can
 - **give you information** about: minimum interprofessional salaries in the different countries of destination; give you a resume in your mother tongue about collective agreements and work contracts in the sector and territory you are interested in; legal situation of private work agencies in your countries and your rights before them; opportunities of training
 - **support you** (for free if you are affiliated) **in claiming your rights** in case the employer does not fulfil with the contract.

When you are in the country of destination

1. Remind the maximum number of week or daily hours stated in your contract. Every exceeding hours has to be considered “extra hour” and be paid according to the collective agreement.

2. Be sure you are paid each month according to your contract or collective agreement. Your contract can not provide for conditions less favourable than those stated in the collective agreement.
3. Do not allow your employer to discriminate you for your age, religion, origin, ethnic origin or sex.
4. You have right to be trained on labour risks prevention before the contract.
5. Do not leave your passport to your employer: it is your identity document!
6. Be aware of the benefits you receive form the contribution to the Social Security: disability allowance, unemployment benefit, retirement benefit, health care, parental leaves, injuries or illness leaves, etc.
7. Ask for potable water at work.
8. Try to negotiate a medium of transport form the company quarters to the closest village/town to be able to buy basic goods or have basic services.
9. Ask for preventive protection equipment and measures.
10. The trial period is 15 or 16 working days; once expired, employers can not end your contract without explanation.
11. Company can not be a close ground you can not enter or go out in your free time. Some provisions can be negotiated by the trade unions representatives or by the workers.
12. Do not allow your employers or colleagues to be disrespectful to you: moral or sexual harassment, violence, physical or verbal persecution are a crime and can be denounced before the authorities.
13. Remind that Trade Unions in the country of destination can:
 - give you information about working conditions (contracts, salaries, social security, living conditions, etc.) and the collective agreement;
 - give you information or offer you training in country language learning, health and safety prevention, etc.;
 - give you information and advising on new job offers;
 - organize a visit to control or follow up your working and living conditions. If you ask for a visit, the trade Union will not disclosure your identity before the employer;
 - support you in case your employer is not fulfilling the contract or legal provisions.

Case study No.11 (Spain)

“Working conditions in the household sector”

Short description of the case

Carmen is Romanian. She arrived in Spain after 1st January 2007, when Romania and Bulgaria had already joined the European Union. She left her family and friends at home. She started to work in the household sector.

Carmen has worked as internal worker for more than one year without an employment contract. She lived in the private home of her employer, an old lady affected by Alzheimer. In change of her work she received feeding, accommodation and 580 Euros per month. She should have been working 8 hours per day, but she usually worked all day long. She only rested one afternoon a week. Anyway she has no family or friends in Spain and she would have not known anyone to spend with her free time. So she usually stayed at home or made some purchases for her neighbours.

The old lady she cared was affected by Alzheimer. Carmen had to wake up many times during the night and help this lady to use washbasin, since she found difficult to get up. Carmen started to have problems to reconcile the dream due to the stress that to think that she could not hear that the lady needs her help supposed. She also faced some health problems because of the positions she had to keep and movements she had to do for helping the lady. She could not take health leaves because otherwise she would have lost her job.

As many household workers and especially immigrant female workers, Carmen was working in substandard and often exploitative conditions, earning a poverty wage too low to support her own families, and lacking access to basic health care, social security contribution and fundamental workers rights.

What should be the right behaviour in such a situation?

The exploitation of many domestic/household workers particularly of highly vulnerable migrant workers is a reality also in Spain. The domestic work, that ranges the third position as for number of female employees in the Spanish State, is a sector subject to very high rates of labour precariousness and to frequent situations of outrage and labour exploitation, being the most common of them the lack of affiliation to the Social Security system, the lack of the covering for unemployment, the low salary retribution or the impossibility to conciliate work and family life. 70% of the employees of the home works in the submerged economy, it doesn't quote and most of them is foreign. 68% of them come from Ecuador, Colombia and Rumania.

Workers in the domestic sector are covered by a Special regime which provides for minimum rights. Trade Unions are working to improve the minimum conditions. If Carmen had go to the Trade Union, she would have been informed about her basic rights, such as the right to be affiliated to the Social security system, the right of a recognition of illness and accidents at works, right to paid leaves, etc. She would also been supported in claiming against her employer or in getting an employment contract under minimum guarantees. She would also been informed about training courses to attend to improve her conditions.

Case study No.12 (Spain)

“Violation of the agreement in the agriculture sector”

Short description of the case

A company of biocultivation in Murcia hired a group of Romanian workers in their countries of origin.

In occasion of the trade union elections campaign in their company, the CC.OO. Agrifood Federation disseminated information leaflets. By reading these leaflets, the Romanian workers realised that their company was not fulfilling the collective agreement: salary per hour was lower than the one stated in the agreement, some hours of work had not been paid, workers did piecework and their accommodations were in indecent conditions, despite they were requested to pay very high rents.

The workers claimed the company for the violation of the agreement and the company dismissed and threw them out from their places, threatening to inform the Civil Guard in case they did not leave their place.

Immediately the Romanian workers get in touch with the Agrifood Federation. The trade union representatives spent a whole night trying to make them feel better and safer. The day after, the trade union representatives met the company managers and warned them to plenty fulfil the agreement. They got that the company voided the dismissal, paid all outstanding payments and acclimatised the accommodations.

Once the contract expired, these workers went back to their country. Thanks to the aid of the Agrifood Federation, four of them came again to Spain. Presently, they are working in a small company in Lorca; the company is fulfilling all the agreed conditions of work.

What should be the right behaviour in such a situation?

The Romanian workers acted correctly after being dismissed. They immediately contacted the trade union and got its help. If they would have contacted the trade unions before claiming alone against the company, they would have not been dismissed and thrown out from their places.

Case study No.13 (Spain) **„Sexual harassment”**

Short description of the case

An agrifood company used to hire large groups of Romanian workers during the all year.

After an information visit of Comisiones Obreras at the work place, a group of female workers entered in touch with the trade union representatives and claimed to feel sexually harassed by the company staff. In private meetings the Romanian women, despite of the comprehensible fear, denounced that a Romanian colleague forced them to have sexual relations with a Moroccan manager, under the threat to be dismissed by the company and expelled from the country.

Immediately Comisiones Obreras got in touch with the company to ask for investigating and clarifying the situation, while they would have contacted the Civil Guard.

At the beginning the company denied that the above mentioned situation has occurred, nevertheless it took some measures, such as to dismiss the Moroccan manager and to warn the Romanian worker that in case of more claims he will be dismissed. Actually the harassment ended straightaway.

What should be the right behaviour in such a situation?

Despite of her comprehensible fears, the Romanian women did the best thing when they decided to contact the trade union.

Some suggestions to female workers who feel themselves harassed

The essential characteristic of sexual harassment is that it is unwanted by the recipient that it is for each individual to determine what behaviour is acceptable to them and what they regard as offensive. Sexual attention becomes sexual harassment if it is persisted in once it has been made clear that the recipient as offensive regards it, although one incident of harassment may constitute sexual harassment if sufficiently serious. It is the unwanted nature of the conduct that distinguishes sexual harassment from friendly behaviour, which is welcome and mutual (*Commission of the European Communities - on measures to combat sexual harassment*).

Sexual harassment includes:

- embarrassing or offensive remarks
- unwelcome comments about clothes or appearance
- unwanted physical contact
- demands for sexual favours.

Sexual harassment is unlawful sexual discrimination. Legal action can be taken against a harasser or against the employer of a harasser. However, in many cases the person being harassed simply wants the harassment to stop and doesn't want to take legal action.

All workers that feel themselves harassed should contact, if they are in a trade union, their union rep as soon as possible. If the rep is a man and they prefer to speak to a woman they can ask for this. If they are not in a trade union they may want to consider joining one.

1) Talk to other women in your workplace. Find out if the same man has been sexually harassing them. This will make you feel less alone and will help you stop blaming yourself. Sexual harassment is not your fault.

2) Keep a written record of the harassment. This will be useful if you decide at a later time to make a complaint to management about the harasser, and/or if you decide to take a case against the harasser to an employment tribunal. Keep a diary or notebook with you to make a note *every time* you are harassed. You should write down the following:

- date and time of incident;
- place of incident - for example 'in filing office' or 'in passage between shop and office;
- what happened: include everything the harasser did and said;
- your response;
- your feelings at the time;
- names of any witnesses - including people who saw that you were upset even if they did not see the incident itself.

3) On each occasion there is harassment you should tell the harasser that you find his behaviour unwelcome. Ideally, say this in front of a witness. In addition to this you should write a letter to the harasser saying what your complaint is, telling him that you object to his behaviour, and asking him to stop. Date the letter. *Keep a photocopy of it.* The man will probably not reply, but he will not be able to say at a later date that he did not know of your objections to his behaviour.

4) Remind that Trade Unions' legal offices can help you in claiming against the employer and/or the harasser and before a court. Ask for their advice.

Case study No.14 (Spain) **”Self-employed employees”**

Short description of the case

Nicolai, Rumanian worker, arrived in Spain when Rumania and Bulgaria had already joined the European Union. According to the Spanish legislation, till 2010 Rumanian and Bulgarian workers have the right to reside in Spain, not being requested any kind of authorization. For what concerns works, if Rumanian and Bulgarian citizens want to work in Spain, they have to ask for the permit, unless they decide to work as self-employee. In this case they have to follow some bureaucratic steps and pay a fee to the Special regimes for Self-Employed workers.

Nicolai ignored his rights. He got in touch with an employer who offered him a job in the construction sector. He promised to help Nicolai to get “the papers” to be able to work in Spain. The employer advised Nicolai that the best for him should be to work as self-employee; in this way he would not need any permit to work. The employer assisted Nicolai in the bureaucratic fulfilments.

The only reason why the employer supported Nicolai was that it was more convenient for him to contract Nicolai as self-employed worker instead that regularly employ him in his own firm. In this case he would have to pay to Nicolai a salary, holiday leaves, parental leaves, health leaves, social security included.

As self-employed worker, Nicolai is paid only for the days he works. On the other side, he has to pay taxes and social security, and, if he wants to have holidays or he becomes ill, he has not paid during this time. As he does not have either payroll or other guarantees, he is unable to get from the bank a mortgage. In order to save some money to buy a house he is living with five more persons in the same flat.

What should be the right behaviour in such a situation?

Nicolai should have contacted a trade union representative and asked for his/her advice in order to better decide if for him would have been more convenient for him to be employed or self-employed.

Actually Nicolai is what the Trade Union calls „a sel-employed employee”, because even if he is self-employed he just work for one employer. He is a „fause self-employed worker” which means that he is in one of the most vulnerable category of workers.

When finally Nicolai decided to contact a Comisiones Obreras, he discovered which benefits would have got if he could have signed an employment contract with the employer.

He was also advised that the best for him should be to get an employment contract because he is not able to face all the expenses and fulfilments which a self-employed worker is subject to. The advising service of Comisiones Obreras is supporting Nicolai in finding an employment. He is actually attending a vocational training course in a more qualified sector (presently the construction sector is facing a crisis and low-qualified workers are the first to be dismissed) . In the mean while, the Trade Union is helping him in getting that the qualifications which had in Rumania are acknowledged in Spain.

Information for self-employed workers

A self-employed worker is someone who carries out an economic activity habitually, personally and directly that is not covered by an employment contract or labour law. If you wish to establish as self-employed worker in Spain, be aware that you shall join the Autonomous workers special system (*Régimen especial de trabajadores autónomos*). A series of formalities must be completed to start work as a self-employed worker. Trade Unions offer assistance to unemployed workers who wish to become self-employed

In October 2007 a new law entered in force to regulate self-employment in Spain. The minimum wage established under the proposals for next year is 700 euros which according to the Association of Self-Employed Workers in Spain needs to be reduced to 380 euros in order to make it worthwhile registering as self-employed. There are other aspects of self-employment laws that need to be developed further such as the working contract between autonomos that obtain more than 75% of their income from one client. This group of self-employed workers, known as TRADE workers will be allowed at least 18 days unpaid holidays and will be able to sign interprofessional agreements with their employers. The government has a maximum of one year to pass a law that regulates the type of contracts and the possibility of creating a register of TRADE workers that could be governed either by each regional authority or the state.

The recognition of TRADE workers is one of the most important aspects of the new laws giving security to this emerging group and will also give these workers the opportunity to have a ‘full professional career’.

The government still needs to pass a law which regulates payment to the self-employed who suffer accidents while at work, those who suffer from work related illnesses and those who work in dangerous or harmful conditions.

ANNEX No.6 MOBILITY IN EUROPE

Every citizen of the EU has the right to work and live in another Member State without being discriminated against on grounds of nationality.

Free movement of persons is one of the fundamental freedoms guaranteed by Community law. It is essential element of European citizenship.

For workers, this freedom has existed since the foundation of the European Community in 1957. It is laid down in article 39 of the EC Treaty and it entails:

- the right to look for a job in another Member State
- the right to work in another Member State
- the right to reside there for that purpose
- the right to remain there
- the right to equal treatment in respect of access to employment, working conditions and all other advantages which could help to facilitate the worker's integration in the host Member State

Community rules on free movement of workers also apply to Member States of the European Economic Area (Iceland, Liechtenstein and Norway).

The right to free movement of workers is complemented by a system for the [co-ordination of social security schemes](#) and by a system to ensure the [mutual recognition of diplomas](#)

The right to free movement of workers from, to and between the Member States that joined the EU on 1 May 2004 (Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, Slovakia) and on 1 January 2007 (Bulgaria, Romania) may be restricted during a **transitional period** of maximum seven years after accession.

The transitional arrangements in the Accession Treaties of 16 April 2003 regarding the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and of 25 April 2005 regarding the accession of Bulgaria and Romania provide that **for the first two years following accession** access to the labour markets of the EU Member States that formed part of the EU before the respective accessions will depend on the national law and policy of those Member States. In practical terms, this means that a worker from one of the Member States that acceded is likely to need a work permit.

National measures may be extended **for a further period of three years**. After that, an EU-Member State that applied national measures can be authorized to continue to apply such national measures **for further two years** but only if it experiences serious disturbances in its labour market.

The transitional arrangements cannot extend beyond an absolute maximum of seven years.

Workers who are from the Member States that joined the EU on 1 May 2004 or 1 January 2007 and who are subject to transitional arrangements must be given priority over workers from third

countries. Once the worker has obtained access to the labour market, he/she benefits from equal treatment.

Member States that joined the EU on 1 May 2004 or on 1 January 2007 and whose nationals face restrictions in one of the EU-Member States that formed part of the EU before their accession may impose equivalent restrictions on workers from that Member State.

Accession 1 May 2004

1st phase	1 May 2004 – 30 April 2006
2nd phase	1 May 2006 – 30 April 2009
3rd phase	1 May 2009 – 30 April 2011

Sources of information:

<http://citizens.eu.org/> (information on moving to another Member State)

<http://europa.eu/comm/enlargement/index.htm> (general information on enlargement)

ANNEX No.7. THE MECHANISMS OF LABOUR PROTECTION - TRADE UNIONS. ROLE OF TRADE UNIONS IN THE GLOBAL MARKET

The trade union responses to the challenges of globalization and poverty have been rooted in their tradition and mandate. Trade unions have always been about the search for better well-being and social justice for all. Just as they were instrumental in addressing the excesses of the Industrial Revolution, post-war devastation and the struggle for political independence, and in campaigns against dictatorial regimes and apartheid, trade unions are engaging in the same fight today to defend workers and promote social justice for all.

Trade unions are intrinsically poverty-reducing. The fight against poverty and for social justice has always been the cornerstone of the trade union’s mandate and work. When poor workers organize themselves into trade unions they become actors in development: they have collective strength, their rights are defended, their interests protected and avenues for social dialogue open up for them to improve their living and working conditions. Organizing is therefore a route out of poverty, and trade unions, an instrument to fight poverty.

Modern trade unions have a crucial role to play in helping to sustain a successful and fair society – a society where every person has the chance to make the most of their talents and skills. And where there are no barriers to how far a person can rise.

Global market and societies are changing today more quickly than at any time since those early trade union pioneers first raised their standards calling for fairness and justice for working people. Therefore the advantage of the opportunities presented by rapid global change should be taken to renew the drive for full employment and so help lay the foundations for a more inclusive and a fair society.

To achieve this modern trade unions are needed that are willing and prepared to work with business to help more companies succeed in an increasingly competitive global economy. And trade unions that are committed to engaging with their members to give them new skills.

Trade unions are one of the most important social movements underpinning democracy. Workers' right to freedom of association and thus to take collective action lies at the core of all human rights because it creates the means by which all other rights are asserted and defended. For over a century and a half, trade unions have fought for the right to decent pay and conditions for men and women at their place of work and for improved social welfare through, for example, health care, education and social security.

Unions at national level are seeing much of what they have achieved being undermined by global financial and industrial decisions. The need for an effective national, regional and international trade union response is greater than ever before. International solidarity in the 21st century will have to be more than a rhetorical slogan. Communication barriers that in the past made the international work of trade unions a specialist activity have to be swept away. We must develop new methods of organization to give a fresh dimension to international solidarity. Trade unions need to change and equip themselves to reshape the features of the emerging international economic and social order.

The world in which trade unions and their members work is changing dramatically. Competition is global and intensifying, bringing a new level of insecurity to developed nations and increased poverty to much of the developing world. Over one-fifth of the world's population survive in conditions of abject poverty and more than 700 million working men and women are not productively employed. Social inequality within and between nations is increasing and is a root cause of the numerous conflicts that threaten to sweep away restored or newly-won democratic rights and the fragile foundations of international cooperation against unemployment and poverty. And we must never forget that many of the world's citizens are still oppressed by dictatorial and authoritarian regimes that continue to deny, often by violent means, freedom of association and other basic human and trade union rights.

The position and responsibility if the employers. Role of European Trade Union Confederation (ETUC).

ETUC unites trade unions at European level. Its aim is to put Social Europe at the heart of Europe’s political priorities. It is active in key areas for the world of work in the European Union (EU) and beyond. The ETUC defends fundamental social values such as solidarity, equality and cohesion. It pursues good quality work, equal treatment for all, social protection and inclusion and decent living standards. The European trade union movement opposes all forms of exclusion and social injustice and insists on the need to consult and inform workers that affect their professional and day-to-day lives.

European enlargement, increasingly interdependent economies, growing worker mobility, and developments surrounding energy and climate change have drastically altered the context in which European trade unions operate. European countries face common problems and challenges, and for that reason, joint European action is more and more vital. To preserve collective bargaining power and work for a more equitable and just society, trade unions must speak with one voice and coordinate activities at European level.

ETUC has different tools at its disposal: European social dialogue, pressure on European decision-makers to influence EU legislation, and large-scale mobilisations.

The ETUC works for a EU with a strong social dimension which prioritises the interests and well being of working men and women, promotes social justice and fights exclusion and discrimination.

This includes:

- The right to good quality jobs;
- The right to a high level of social protection;
- Gender equality;
- Equal opportunities for all;
- Social inclusion and cohesion;
- The right to health and safety at work;
- The right to free movement for European workers, coupled with equal treatment and social protection;
- The right to services of general interest, accessible to all;
- European standards that harmonise national social legislation and promote cohesion and fair treatment;
- Active policies to tackle climate and energy issues;
- Promoting the principles of the European social model in other parts of the world.

The ETUC is the only social partner representing workers at European level. The Treaty of Maastricht (1992) guarantees this formal status. Together with the employers, it is involved in consultation in areas such as employment, social affairs, and macroeconomic, industrial and regional policies. The ETUC exercises real influence on behalf of trade unions in Europe.

European social dialogue exists at the heart of European Union governance. It enables the European social partners to contribute significantly to defining European social standards. Enshrined in the European treaties, it is a fundamental element of the European social model.

European social dialogue brings together around the table representatives from the trade union and employer organisations. It creates a framework for the discussions, negotiations and joint actions undertaken by the European social partners.

In their joint Work Programme (2006-2008), the European social partners have also worked together in areas such as labour market policy, demographic change, mobility, migration and undeclared work, as well as strengthening social dialogue in the newer EU Member States and candidate countries. This activity culminated in 2007 in a common position on the key challenges facing European labour markets.

The ETUC works with the trade union movements in countries and regions associated with the EU, and in cooperation with the International Trade Union Confederation (ITUC). Its main objective is to ensure that respect for international core labour standards and frameworks for social welfare and development are included in all association agreements, and especially in EU trade arrangements.

ANNEX No.8 – THE COUNTRY PROFILES

LATVIA

1. General description of the labour market

Latvia has a population of approximately 2.3 million, of which 1.1 million are economically active. Economic activity is mainly concentrated in Riga. Approximately one third of the population live in Riga and a large proportion of people who live in the surrounding regions work in Riga.

The Latvian labour market has been stable since 2001 – economic activity among the population is growing; the number of employed people and the employment rate have risen, and there has been a fall in the unemployment rate. The registered unemployment rate has fallen from 13.3% at the end of 2005 to 6.5% at the end of 2006. According to Workforce Survey data, the unemployment rate was 6.8% in 2006. It should be noted that the employment situation varies significantly by region. The unemployment rate is below 4% in Riga, whereas it is still above 15% in certain eastern regions of Latvia.

The fall in unemployment is related to Latvia's rapid economic growth. The basis for economic development is primarily the service industries. Construction and business services, as well as transport and communications, have grown faster than other sectors of the economy in terms of added value and the number of people employed. Despite the rapid economic growth, there is also comparatively high inflation. According to the State Employment Agency's survey of employers, the greatest increase in the number of workers in 2007 was in the wholesale and retail sectors, as well as in the automobile, motorcycle, personal goods, domestic goods and appliances repair sector (by 14 484 people), the processing industry (by 10 934 people) and in construction (by 7 964 people).

Labour market situation (1st quarter, 2008)

Average gross wage 626 EUR/month

Including:

- Public sector – 778 EUR/month
- Private sector – 606 EUR/month

Divided by regions:

- Riga region – 749 EUR/month
- Vidzeme region – 510 EUR/month
- Kurzeme region – 550 EUR/month
- Zemgale region – 532 EUR/month
- Latgale region – 459 EUR/month

Level of incomes

Average gross income is 661 EUR. The minimal gross income in Latvia is stated not to be lower than 227 EUR.

Actual information on www.csb.lv, on living standard – www.consumer-guide.lv

Official statistical information: www.csb.gov.lv

Unemployment rate 4,8% (April 2008).

Unemployment rate divided by regions, for example, Riga city 3,2 %, Rezekne district 17,3 %.

Labour market

Falling unemployment (15-64 year age group):

- Registered – from 7,7% in 2001 to 6,5% in 2006
- Labour Force Survey data – from 13,3% in 2001 to 7% in 2006

Rising employment level (15-64 year age group):

- From 58,6% in 2001 to 66,3% in 2006

Lack of workforce:

- Mostly the lack of qualified workers
- Employers find it difficult to compete with salaries in other EU countries and other branches
- ~60% of the registered unemployed are willing to work in the most demanded professions in service sector (provided there is sufficient salary)
- ~50% of the registered unemployed are willing to work in the most demanded professions in production sector (provided there is sufficient salary)
- Many unemployed are ready to work in both sectors
- 85% of the unemployed willing to work at all are ready to work in at least one of the most demanded professions (provided there is sufficient salary)
- ~60% of the unemployed willing to work are ready to learn a new profession

Data from “Reģionālie pētījumi par bezdarbnieku sociālpsiholoģisko portretu” (Regional research on social and psychological portrait of the unemployed), Riga 2006

2. Legislation

Concept of Work Remuneration

Work remuneration is the regular pay for work payable to an employee and includes a salary and supplements specified by regulatory enactments, the collective agreement or the employment contract, as well as bonuses and other kinds of payments related to work.

Minimum Wage

A minimum wage should not be less than the minimum level determined by the State

Supplements

Employees in Latvia are entitled to:

- Supplements for additional work
- Supplements for work in special circumstances
- Supplements for night work
- Supplements for overtime work or work on a holiday

Regular Working Time

Regular daily working time of an employee may not exceed eight hours, and regular weekly working time – 40 hours.

Overtime Work

Overtime work means work performed by an employee in addition to regular working time. Overtime work is permitted if the employee and the employer have so agreed in writing. Overtime work may not exceed 144 hours within a four-month period

Night Work

Night work means any work performed at night for more than two hours. Night time means the period of time from 22 to 6 o'clock.

Shift Work and Aggregated Working Time

If it is necessary to ensure continuity of a work process or it is not possible to comply with the length of the regular daily or weekly working time due to the nature of the work, the employer having consulted with employee representatives can determine shift work or aggregated working time.

Annual Paid Leave

Every employee has the right to annual paid leave. Such leave may not be less than four calendar weeks, not counting holidays

Employment contract

The Labour Law in Latvia foresees that in Latvia an employer and an employee establish mutual employment legal relationship by an employment contract. With an employment contract the employee undertakes to perform specific work, subject to specified working procedures and orders of the employer, while the employer undertakes to pay the agreed work remuneration and to ensure fair and safe working conditions that are not harmful to health.

An employment contract has entered into force from the moment the employee and the employer have agreed on the work to be performed and on the work remuneration, as well as on subsequent observance by the employee of the working procedures and orders of the employer.

Things that an employment contract should contain are the following:

- The given name, surname, personal identification number, place of residence of the employee, and the name, surname (business name), registration number and address of the employer;
- The starting date of employment legal relationships;
- The expected duration of employment legal relationships (if the employment contract has been entered into for a specified period of time);
- The workplace (the fact that the employee may be employed in various places if the performance of the duties of employment is not provided for at a particular workplace);
- The trade, profession, speciality (hereinafter – occupation) of the employee in conformity with the Classification of Occupations and the general description of the contracted work;
- The amount of work remuneration and time of payment;
- The agreed daily or weekly working time;
- The length of the annual paid leave;
- The term for giving a notice of termination of the employment contract; and
- The provisions of the collective agreement and working procedure regulations

However, an employment contract can also include other information if the parties consider it necessary. An employment contract has to be prepared in duplicate, one copy to be kept by the employee, the other by the employer. Employer has a duty to ensure that an employment contract is entered into in writing.

Labour protection measures

According to the Labour Protection Law an employer shall perform labour protection measures in accordance with the following general principles of labour protection:

- Setting up of the work environment in such a way as to avoid work environment risks or to reduce the impact of unavoidable work environment risks;
- Preventing the causes of work environment risks;
- Adapting the work to the individual, mainly as regards the design of workplaces, work equipment, as well as in respect of the choice of work and production methods paying special attention to alleviating monotonous work and work at a predetermined work-rate and to reducing negative effect thereof on health;
- Taking into account technical, hygiene and medical developments;
- Replacing the dangerous by the safe or less dangerous;
- Developing a co-ordinated and comprehensive system of labour protection measures;

www.ariko.lv
www.adros.lv
www.professionalpeople.lv
www.fastpeople.lv
www.eiokonsultants.lv.

www.eiropersonals.lv
www.prime.lv
www.mercuriurval.lv
www.hr-eksperts.lv

Newspapers

Diena
Dienas bizness
Neatkarīgā Rīta Avīze
Latvijas avīze
Čas
Latvijas Vēstnesis

www.diena.lv
www.db.lv
www.nra.lv
www.La.lv
www.chas-daily.com
www.vestnesis.lv

The procedure of applying for a job can differ depending on a kind of a job or vocation. The application/covering letter becomes more and more popular in Latvia, especially if you apply for a specific position. It can be written in Latvian or English. Usually it must be short, concrete and printed.

The information that should be included in CV:

Personal data;
Objective (the post for which you are applying);
Education, courses;
Job experience;
Language skills;
Computer skills;
Driving licence;
Interests.

The references from previous employers are often attached to CV. The copies of documents on education should not be forgotten.

Europass CV <http://europass.cedefop.europa.eu/europass/preview.action>

To open a bank account in Latvia, you will need your passport. You will be offered different cards (Visa, American Express, MasterCard). The cards are linked to your account, you can pay for goods and services and withdraw cash from ATMs in Latvia and abroad. You can make use of a variety of banking services in Latvia.

Education

Further information on education in Latvia is provided in home page of the Ministry of Education and Science: www.izm.gov.lv; www.euroeducation.net/. If you have a foreign educational document and you want to study or to work in Latvia, you must make sure whether these are recognised in Latvia. The responsible authority is **LATVIAN ACADEMIC INFORMATION CENTRE**, Valnu iela 2, Riga, LV-1050, E-mail: diplomi@aic.lv www.aic.lv

Health

There is the primary health care system in Latvia. Health care services are available at primary care doctor, physician, or paediatrician.

The State obligatory health insurance and minimum health care service is provided by the State. The State subsidises specific health care services but a patient must pay a patient’s fee. Many people use private health insurance possibilities, services at private doctors and medical institutions.

In Latvia, primary healthcare is provided by general practitioners. Every resident has the right to choose a family doctor, confirming the selection by registering with his/her preferred doctor. Registration is free of charge. To register, adults must present their passport, while to register a child the child’s birth certificate must be presented.

Adults pay LVL 0.50 (EUR 0.70) for each visit to a general practitioner at a treatment centre. The charge for an adult outpatient’s visit to a specialist at an outpatient treatment centre is LVL 2.00 (EUR 2.80).

Dentistry

In Latvia, dental services are only funded by the state for children up to 18 years of age and persons conscripted into National Service and if the treatment is provided by a dentist who has concluded a contract for the provision of such services with the health fund. In other cases all services must be paid for by the patient.

Information about possibilities to receive healthcare

Health Compulsory Insurance State Agency (The responsible authority for E forms E 111, 121, 112, 109, 106),
EU Relations Unit,
Cesu street 31, Riga, LV – 1010
Tel. +371 6 7043700, +371 6 7043767
Fax +371 6 7043701
www.voava.gov.lv

Accommodation

The majority of Latvia’s urban population live in apartment buildings, but the rural population in private houses. The cost of living in Riga is comparatively higher than in regional areas. Information on renting or buying an apartment or house is available in local newspapers, from real-estate agencies and on the Internet.

For example, the monthly rent for a well-appointed two-room apartment in Riga currently averages from LVL 200 to 500 (EUR 284 - 714) or more. You may need to pay a rental deposit (1-3 months’ rent). To prevent unfortunate misunderstandings, when renting an apartment, it is advisable to conclude a rental contract.

Unemployment

Unemployment benefits are granted to persons insured against unemployment and who have registered as the unemployed. Unemployed persons who have been insured for not less than one year and who have had compulsory social insurance contributions for unemployment made on their behalf in the Republic of Latvia for not less than nine months in the 12-month period before the date of registration as the unemployed, are eligible for unemployment benefits. For an unemployed person who was an employee before being registered as the unemployed, the amount of unemployment benefit is calculated in proportion to his/her insurance standing and the income for which state social insurance contributions were made – the insurance contribution earnings. The total period for which unemployment benefits may be received is nine months within the 12-month period from the date the benefit is granted. Unemployment benefit is paid on the basis of the duration of unemployment:- first 3 months – 100% of the eligible amount;- next 3 months – 75% of the eligible amount;- last 3 months – 50% of the eligible amount.

Export of unemployment benefits

If you are unemployed in the European Union or in a European Economic Area country and you have been granted unemployment benefits, you can look for work in Latvia and continue receiving the benefits from your country. This is called export of unemployment benefit. In order to be able to export your unemployment benefit to Latvia, you must request form E 303 from the competent institution in your country. When you have received form E 303 and arrive in Latvia, you must register with the State Employment Agency within 7 days and submit form E 303 to the State Social Insurance Agency. You will be able to continue receiving the unemployment benefits granted in your country in Latvia for 3 months.

For more information about unemployment benefits see the State Social Insurance Agency’s homepage: www.vsaa.lv

Tax liability

If the person works legally, the employer automatically pays the payroll and social insurance of your payment. Just as you start to work in Latvia, the duty of the employer is to pay for you the social insurance, income tax and risk fees. The social premium rate in Latvia (from January, 2003) is 33.09% of a payment, where 24.09% is paid by employer and 9% by employee. Income tax deducted from your salary is 25%. Social insurance contributions are mandatory for all working people, and contributions are based on wages. People can receive subsidies from the fund:

Social Benefits:

1. Old Age Pension

There is a three level pension system introduced in Latvia that ensures old age pension depending on the amount of social insurance payments. The first level - compulsory pension scheme non-funded by the state, the second level - pension scheme funded by the state, the third level - private pension scheme.

2. Disability pension

People that has paid social insurance payments at least for three years (length of service) but has not reached the old-age pension ages, has rights to receive disability pension, if examination of ability to work by a commission of doctors have announced them as disabled and the reason of invalidity has not been an accident at a job or occupational disease.

3. Maternity benefit

The following persons are entitled to receive maternity benefit: an employee; a self-employed person, who has made social insurance contributions and has voluntarily joined social insurance scheme.

4. Sickness benefit

Sickness benefit is granted in case of sickness (injury) related to loss of ability to work when a person loses his job payment as being absent at job.

5. Compensation Related to Accident at Work or Occupational Disease

A person who has suffered from a job accident or an occupational disease is entitled to compensation.

6. Unemployment benefit

In Latvia the person is entitled to receive the unemployment benefit, if State Social Insurance Agency has obtained the status of the unemployed person. Amount of the unemployment benefit is determined taking into account the length of the insurance period and the average insurance contribution wage as well as the length of the period of unemployment.

7. Pension in Case of Loss of Supporter

The family members incapable of work and who have been supported by the deceased person are entitled to receive survivor’s pension, if the deceased person has been a socially insured person. Children of the deceased person are entitled to receive pension irrespective of the fact whether he/she has supported them.

The questions on Social benefits and pensions, their amounts and the order how to receive them shall be answered at State Social Insurance Agency, Central division in Riga, Lacplesa Str. 70 a, LV-1011, Telephone +371 6 7011818, +371 80001015 (free calls) or in the home page of the Ministry of Welfare: www.lm.gov.lv, www.vsaa.lv

4. Specifics of the trade union work

Achievements of the trade union movement, role of trade unions in society

Trade unions of the Republic of Latvia are independent public organisations which express, represent and protect labour and other social and economic rights and interests of their members.

At a national level the role of trade unions has grown quite rapidly during the last years. Trade unions together with employee representatives have become an official social partner to the government and are actively involved in the social dialog. Thus trade unions have the opportunity to participate in the process when important decisions concerning employees are made. For instance, the minimum wage, social guarantees, working conditions etc.

However, at the enterprise level the development is present, but at a slower pace compared to the national level. Therefore trade union movement is in need of active and dedicated members who believe that they indeed can improve things at their work place.

Other worker representation structures

Trade unions are the most common worker representatives at an enterprise in Latvia. However, they are not the only one because in Latvia employees can defend their social, economic and occupational rights and interests indirectly in two ways - either through an employee trade union or authorised employee representatives.

Authorised employee representatives may be elected if an undertaking employs five or more employees. Authorised employee representatives are elected for a specified term of office by a simple majority vote at a meeting in which at least half the employees employed by an undertaking of the relevant employer participate. Authorised employee representatives express a united view with respect to the employer.

How to join a union

The inhabitants of the Republic of Latvia who work or study have the right to form trade unions. Trade unions may be formed following the professional, sectoral, territorial or other principles. In Latvia, most of the trade unions are sectoral.

The form of operation of the trade unions, the organisational structure and procedures for the establishment thereof is regulated by the by-laws approved by the trade unions themselves and the Law on Trade Unions.

Regarding trade unions at enterprise, if there already is a trade union at the enterprise you are working for, you should write an application to it. If there is not an established trade union at the enterprise, you should consult your sectoral trade union about the procedure of establishing one at your enterprise. Usually you have to be not less than three employees from your enterprise who are interested to establish a trade union at your enterprise.

How the trade union work (functions etc.), benefits of membership, how a trade union can help

Benefits of being a member at a trade union can be different depending mostly on the trade union itself. Without doubt much more can be achieved if the trade union representatives are active and

skilled and they can receive professional help and advice from their sectoral trade union at the national level, if needed.

If there is a collective agreement at the enterprise, employees in such a way can receive better guarantees than it is set in the Labour Law. Employees may feel safe and stable since they have a clear understanding of which of their social and economic needs will be resolved and when it will happen.

The main tasks what the trade union at an enterprise should be involved with are the following:

- To protect the rights and interests of its members;
- To develop and conclude a collective agreement;
- To control how the collective agreement is fulfilled;
- To conclude agreements with the local governments;
- To deal with the wage issues;
- To follow the improvement of work safety and working conditions;
- To involve new members in the trade union;
- To welcome members who are interested to be more actively involved in the trade union work at the enterprise;
- To promote positive microclimate at the enterprise;
- To educate members about legal, social, trade union issues and to organize discussion groups;
- To consult members about labour disputes and to solve them;
- To follow the enforcement of Labour Law at the enterprise;
- To provide union members with regular information on the activities of trade union at different levels;
- To nominate trade union members at different commissions, working groups that are organized at the work place and discuss issues of interest with employees – pay, labour protection, and other social and economic rights;
- To organize the work of the trade union;

If the help provided by the trade union at the enterprise level has not been sufficient, a member of the trade union can turn to the respective sectoral trade union at the national level. There you can receive professional advice on issues regarding your working life.

Role of the trade unions at the enterprise level regarding the collective agreement;

It is trade unions who on behalf of their members enter into a collective agreement with an employer regarding labour and other social and economic matters. Trade unions are also present every time a collective agreement is revised. It is the responsibility of trade unions to argue for better collective agreement provisions.

How to contact trade union

First of all, you should ask your colleagues or your employer if there is a trade union at your work place. If there is not, then you should contact sectoral trade union that can give you advice what to do further. The easiest way of contacting sectoral trade unions is to contact Free Trade Union Confederation of Latvia (LBAS) which is the biggest trade union confederation in Latvia and unites

almost all trade unions in Latvia and represents more than 150'000 employees. Free Trade Union Confederation of Latvia (LBAS) unites 23 different branch trade unions or professional trade union organizations:

- Federation of Trade Unions of Civil Aviation
- Nursing and Health Care Personnel Trade Union
- Trade Union of Construction Workers
- Road Workers Trade Union
- Railway Workers Trade Union
- Trade Union Energija
- Industrial Workers Trade Union
- Education and Science Workers Trade Union
- Trade Union Federation for People Engaged in Cultural Activities
- Trade Union of Agriculture and Food Industry Workers
- Trade Union Latvijas metals
- Metallurgic Workers Trade Union of Liepaja
- Metal Workers Trade Union
- Forest Sphere Workers Trade Union
- Trade Union of Local Governments
- Trade Union of Public Service Employees LAKRS
- Communication Workers Trade Union
- Trade Union of Commerce
- Seafarers Union of Merchant Fleet
- Water Transport Trade Union Federation
- Trade Union of Employees of State Institutions, Self-governments and Finance Sector
- Unite Trade Union of Policemen

5. Most important parts of a collective agreement at an enterprise and a branch level

COLLECTIVE AGREEMENTS

Collective agreement is a written agreement about provisions that are complimentary to those of employment contract. Besides, the provisions of the collective agreement must not be less favourable to the employee than the provisions of employment contract.

Collective agreement reaches agreement on the provisions regulating the content of employment legal relationships, in particular the organisation of work remuneration and labour protection, establishment and termination of employment legal relationships, raising of qualifications, work procedures, social security of employees and other issues related to employment legal relationships, and determines mutual rights and duties.

Legal background of the collective agreement

Collective agreement provisions just like labour contract provisions are binding to both employer and employees.

How to join collective agreement

A collective agreement is binding to the parties and its provisions apply to all employees who are employed by the relevant employer or in a relevant undertaking of the employer, unless provided for otherwise in the collective agreement.

6. Practical guide to some useful issues: institutions (incl. addresses, telephones, e-mails) where to turn in case of any difficulties

Labour Legislation

State Labour Inspection

Kr. Valdemara street 38, Riga, LV-1010, phone +37167021704, fax +37167021718

e-mail: vdi@vdi.gov.lv, www.vdi.gov.lv

Free phone number 80008004

State Employment Agency

Kr. Valdemara street 38, Riga, LV-1010, phone +37167021706, fax +37167021806

e-mail: nva@nva.gov.lv, www.nva.gov.lv

Free phone number 80007700

Taxation & Social Security

State Revenue Service

www.vid.gov.lv

State Revenue Service hotline +371 67323438

Hotline on customs issues +371 67111455

State Social Insurance Agency

Lacplesa street 70a, Riga, LV-1011, phone +37167011800, fax +37167011812

e-mail: vsaa@vsaa.lv,

www.vsaa.gov.lv

Free phone number 80001015

Immigration, Work permits

Office of Citizenship and Migration Affairs

Phone: +37167219664

Fax: +371 67219654

E-mail: pmlp@pmlp.gov.lv; www.pmlp.gov.lv

Adress: Ciekurkalna 1.linija 1 k-3, Rīga, LV-1026, Latvia

Information phone: 80007656

Free Trade Union Confederation of
Latvia (LBAS)

Bruninieku street 29/31, Riga, LV – 1001

Latvia

Phone: + 371 6 7270351; + 371 6 7035960

Fax: + 371 6 7276649

E-mail: lbas@lbas.lv

Recognition of Foreign qualifications

Academic information centre -

Latvian ENIC/NARIC	www.aic.lv
Ministry of Education and Science	www.izm.gov.lv
Europass (European CV)	www.europass.lv

State Institutions

Saeima - Latvian Parliament	www.saeima.lv
Cabinet of Ministers (links to all ministries)	www.mk.gov.lv
Central Statistical Bureau	www.csb.lv
Translation and Terminology centre	www.ttc.lv
Bank of Latvia	www.bank.lv

A guide to institutions where to receive useful information

Transport

Ferry Lines from/to Riga	www.rigasbrivosta.lv/
Ferry Lines from/to Riga	www.dfdstorline.lv
Ferry Lines from/to Liepaja	www.home.lv/travel/pramis
Ferry Lines from/to Ventspils	www.slkferries.ee
Latvian Railway	www.ldz.lv
Flights from/to Riga	www.airbaltic.lv
Riga International airport	www.riga-airport.com
Riga International bus station	www.autoosta.lv
International passengers carriage	www.ecolines.lv
International passengers carriage	www.eurolines.lv
Public transport in Riga	www.rigassatiksme.lv

Accommodation	www.nekustamaisipasums.lv
Accommodation	www.nams24.lv

	www.city24.lv
	www.arcoreal.lv
	www.ss.lv
Hotels	www.allhotels.lv
	www.bed24.eu
	www.kodarit.lv

Youth Hostel Association	www.hostellinglatvia.com
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General Information about Latvia	www.li.lv www.latviatourism.lv www.travellatvia.lv www.aroundlatvia.lv www.latvia.lv
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Medical care	www.medicine.lv
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Ministry of Health	www.vm.gov.lv www.medicine.lv
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Health Compulsory insurance state agency	www.voava.gov.lv
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7. Practical guide to some useful issues: what to do facing most typical problems

Checklist what to remember before starting to work in Latvia

1. Conclude work contract with the employer in writing.
2. Declare your living place in Latvia in the nearest Office of Citizenship and Migration Affairs of Latvia.
3. When an employment contract is concluded, a residence permit is issued for the period of employment, but for no longer than 5 years.
4. Apply for residence permit in Office of Citizenship and Migration Affairs of Latvia.
5. When you start a job, you must register as a taxpayer with the State Revenue Service.
6. Ask for health insurance to your employer or register to family doctor in the nearest medical institution.

GERMANY

1. General description of the labour markets:

Germany has a population of 82 Mio:

	East	West	Germany
Population (31.12.2006)			
total	16.648.264	65.666.642	82.314.906
Female	8.475.029	33.538.711	42.013.740

The labour market can be illustrated by the following figures:

	East	West	Germany
Employees			
total	7.357.000	29.987.000	37.344.000
Women	3.434.000	13.433.000	16.867.000
by economic sector			
Agriculture and forestry	196.000	647.000	843.000
Manufacturing	1.924.000	9.114.000	11.038.000
Services	5.237.000	20.226.000	25.463.000
Part-time employees			
Women	1.069.000	5.975.000	7.044.000
Men	351.000	1.200.000	1.551.000

The Gross monthly earnings in € are in East Germany different from the western part of the country:

	East	West
Blue-collar workers		
Women's earnings	1.611	2.055
Men's earnings	2.071	2.754
Women/Men in %	77,8	74,6
White-collar workers		
Women's earnings	2.327	2.850
Men's earnings	2.981	3.964
Women/Men in %	78,1	71,9

The unemployment is very high, in East Germany much higher:

Unemployed (June 2007)	East	West	Germany
total	1.259.696	2.427.423	3.687.119
Women	624.878	1.221.456	1.846.334
Non-German nationals	82.955	469.073	552.028
Unemployed for 12 months and lon	460.872	862.180	1.323.052

A migrant worker needs a residence permit in Germany and is covered by the German Labour Legislation. A posted worker from abroad is covered by the labour legislation of his home country.

2. Legislation

Basic terminology of labour relations in the respective country

Employees depend on their employers, not only economically but also in a personal sense, as is borne out by their contracts of employment. So they need protecting, and this is the task fulfilled by labour law. This branch of the law applies both to blue-collar and white-collar employees (who are distinguished from one another in Germany as *Arbeiter* and *Angestellte*). People working from home, whose livings are especially dependent on the organizations providing them with work, are also covered by labour law, partly under laws and regulations applying specifically to their situation, and partly under those applying equally to people who travel to their place of work.

Labour law is divided into two sub-categories. Individual labour law governs relations between single employers and their single employees. Collective labour law applies to legal relations between unions and employer associations at company level and at supra-company level.

Collective labour law aims to create uniform working conditions and encompasses the law relating to freedom of association, collective bargaining, conciliation and arbitration, industrial disputes, employee representation and co-determination.

Provisions of labour relations in the national laws

Individual labour law centres around the relationship between a person in work and his or her employer, as governed by the employment contract between them. There are two main questions dealt with by every employment contract: the first is “What work am I expected to do?” and the second is “What pay am I entitled to in return?”

Your employment contract may also lay down other rights and duties that go to make up your overall working conditions. Both you, as an employee, and your employer may be affected by these rights and duties. A number of different laws ensure that you are entitled to certain minimum employees’ rights. These include the Federal Holidays Act and the Continuation of Pay Act which entitles you to sick pay from your employer for up to six weeks if you are absent due to illness.

These minimum legal rights can be enhanced by your individual contract of employment or by a collective agreement covering your workplace (see ‘Collective Bargaining Law’ in the next section). You may, for example, be entitled to more paid holiday than the minimum requirement.

Working conditions

The Working Hours Act (*Arbeitszeitgesetz*) lays down the maximum length of the working day, minimum breaks during working hours, and minimum periods of rest after work for the protection of workers’ health and safety. Specific protection is provided for night workers. There is a general ban on Sunday and holiday working, with exceptions in special circumstances.

Periods of notice are also stipulated by law. Employees and employers alike always have to observe the basic period of notice of four weeks, either to the 15th or to the end of a calendar month. The longer you have worked for the same establishment, the more notice it will have to give you to terminate your contract. Once you have worked there for two years when over 25 years of age, the minimum period of notice is one month to the end of a calendar month. The statutory period increases by one month each time you complete your 5th, 8th, 10th, 12th and 15th year working for the same employer.

The final increase, from six to seven months’ notice to the end of a calendar month, comes when you have completed 20 years of service. Your years of service for the same employer are not counted until you are 25 years old.

The Annual Holidays Act specifies the minimum length of an employee’s holiday, and the collective agreements for certain industries also often include more generous holiday benefits. The employee receives normal wages during the holiday, but need not come to work. Many collective agreements also provide for a special holiday bonus.

Employees with families in Germany have various opportunities to take time off work to care for small children.

Sick leave: Paying money in case of workers illness (Entgeltfortzahlung) is regulated by law. For the first six weeks of illness the employer has to pay the salary. After 2 days of illness a doctor has to confirm the case of illness. Preconditions: minimum 4 weeks work contract. After six weeks the health insurance has to pay for the worker.

Work safety

Workers need safety. Their health and lives have to be protected from dangers that arise at work. Systems for health and safety at work provide this protection. Your employer is responsible for health and safety at your workplace. Employers must set up and maintain the workplace, tools, machines, plant and equipment so that you, the employee, are protected from safety and health hazards. They must take action to prevent accidents at work and occupational health hazards, and to provide an appropriate working environment. They must do this by law, under national health and safety regulations—specifically the Health and Safety at Work Act—and accident prevention codes published by the accident insurance funds.

The rules and regulations on health and safety at work apply to all employees— including agricultural workers and public employees. Children and young people enjoy special protection under the Protection of Minors at Work Act. By law, only young people aged between 15 and 17 (i.e. they have not yet reached their 18th birthday) may go to work.

As an employee, you are insured against occupational accidents and diseases with a statutory occupational accident insurance fund. For most employees this will be an industrial employers’ liability fund, whose members are the employer companies themselves.

The liability funds have set up technical inspectorates. Together with the health and safety inspectorates in the various Länder (federal states), these make sure that all health and safety requirements are strictly observed and that all installed protective equipment is used.

Legal foundations: Rules on health and safety at work are to be found in various acts and regulations, and in the accident prevention codes published by the employers’ liability funds. There are health and safety rules for specific sectors.

The Health and Safety at Work Act (*Arbeitsschutzgesetz*) places your employer under a duty to assess the hazards at the workplace, take appropriate preventive measures, and instruct you about the measures used. Your employer must take precautions for especially hazardous areas and situations and provide preventive occupational health care. If you are in immediate danger you have the right to leave your workplace without fearing for your job. The Act gives you the right to submit suggestions to the company health and safety officer. You can also complain to the inspectorates about inadequate health and safety provision at your workplace without fear of retribution, provided that you have already taken your complaint to your employer and nothing has been done about it.

The collective agreement in the different sectors

Collective agreements fulfil three main functions:

1) Protective

A collective agreement gives employees protection against employers ‘taking the law into their own hands’ in order to impose working conditions. This is important, as your contract of employment is not permitted to breach the minimum working conditions set by the collective agreement for your industry and region.

2) Organizational

A collective agreement fleshes out the content of all employment relationships it covers while in force.

3) Preserving industrial peace

While a collective agreement remains in force, employees are prohibited from going on strike to enforce new demands relating to the pay and conditions the agreement covers.

Typical conditions laid down in collective agreements include:

- Wage or salary levels
- Working hours
- Holiday entitlement
- Periods of notice

You are not automatically entitled to such collectively agreed conditions, wage levels, and so on.

The collective agreement only applies to you:

- Either if your employer belongs to the employers’ federation, and you are in the trade union, that concluded the agreement (alternatively, your employer may be a direct party to the agreement)
- Or if the collective agreement has been declared generally applicable (“*Allgemeinverbindlichkeits-Erklärung*”). These Declarations are restricted. Only some sectors are covered by such declarations (home-workers, Building-Sector, Retail sectors). Naturally, your own employment relationship will also have to be of the type covered by the agreement.
- Beyond this, it is quite possible for your employer to agree with you under the terms of your employment contract that collectively agreed conditions should also apply to your working relationship. Your contract will then have equal status if it is a normal company practice to apply collective agreements.

The law on labour relations at the workplace regulates the relations between a company or other organization and its employees. The term ‘workplace’ is used because, in larger organizations, the rules are likely to apply to specific establishments as well as to the organization as a whole. The basic philosophy is to ensure there is trusting co-operation among the trade unions and employers’ federations represented at each workplace, to the benefit of employees.

The works council (*Betriebsrat*) is elected by the workforce. Its immediate purpose is to perform a number of general tasks. For example, it monitors operations to make sure that all legal requirements, safety regulations, collective agreements and in-house agreements designed to benefit employees are adhered to and implemented as necessary. In addition, the works council has to be involved in social welfare, personnel and economic issues. These participation rights are classed according to their scope - as rights of codetermination or as rights of information and consultation.

Codetermination is the stronger form of participation. In cases in which the works council has such rights, the employer needs to obtain its approval before being allowed to take certain actions. What happens, you may wonder, if the works council refuses its consent? Any such cases are referred to a board of arbitration, made up of employer and works council representatives on an equal basis, with a neutral chairperson.

In the second category of participation rights, the employer is required to inform the works council, to hear its views or to consult with it.

A content of labour contract

Employment in Germany always involves an employment contract, whereby the employee agrees to perform some specified work for an employer in return for agreed wages or other compensation. There is no absolute need for this contract to be written down, but the employer is legally bound to give the employee a written certificate of the employment terms.

Although employment contracts should generally be open-ended arrangements that are valid until further notice, such a contract may also be made for a temporary, specified period, so that the contract ends automatically when this period expires. There must always be a concrete and justifiable reason for making a temporary employment contract.

A trial period of no more than 6 months may be agreed when the employment begins. During this trial period the employer or the employee may cancel the employment contract without notice.

3. Advantages of labour markets – a practical guide to access the labour market

Basic rules regarding stay in the country

As a general principle, EU citizens have an unrestricted access to employment in Germany, they don't need a special permit to work. People from the new member States of the European Union will until 2011 require a decision of approval of a local German employment office before starting work in Germany.

Further details of the permit system are available on the website of the German foreign office: <http://www.auswaertiges-amt.de/diplo/en/Infoservice/FAQ/ArbeitenLebenDeutschland/03-EUBuergerArbeitsmoeglichkeiten.html>.

Where to find job

Local employment offices are State public authorities that help in matters such as jobseeking and employment, unemployment benefit, vocational guidance and career planning, access to training and self-employment. Local employment offices can also provide advice on work permit matters. All local employment office services are free of charge.

While employers notify the local employment office of many job vacancies, it is also both possible and worthwhile to use other jobseeking channels by talking to friends, checking newspaper advertisements, contacting employers directly, registering with private recruiting firms, seeking work through employment agencies, etc. Initiative, determination and persistence are important when seeking work.

Employment exchange services are available either with the help of an employment consultant or through self-service facilities. Both employed and unemployed jobseekers may register for these

services, and registration is a condition of receiving unemployment benefit. Registered jobseekers may call upon the services of specialist employment consultants for help in finding work, and these jobseekers will be considered when an employment consultant is seeking candidates for vacancies notified by employers. Jobseekers who need to improve their jobseeking skills may enrol in jobseeking courses arranged by the local employment office. Jobseekers may also place their own Internet Advertisement on the jobseeker website maintained by the national labour administration.

The Federal Employment Agency is there for employers and employees alike. It provides various kinds of help:

- For the unemployed
- Choosing a career
- Finding jobs, training places, workers and trainees
- Safeguarding and creating jobs
- Vocational training
- Mobility assistance
- Rehabilitation
- Fighting long-term unemployment
- Becoming self-employed
- When employers become insolvent

You are entitled to some of these services whether or not you have paid contributions. These include careers guidance and job placement. To receive other help—such as unemployment benefit—you need to have been in work and paying statutory insurance contributions in the past.

Work placement

Work placement is the employment agencies’ main task. The remaining benefits and assistance services for employment promotion are only provided where long-term integration into the labour market cannot succeed without them.

Employment agencies can assign job placement or job placement activities to third parties, in particular when occupational integration can be facilitated as a result. Anyone who is unemployed for longer than six months has a right to require their employment agency to assign their job placement to a third party. In certain circumstances, unemployed workers are entitled to a placement voucher, allowing them to use a private job placement service at the employment agency’s expense.

Generally you need an application letter, a CV and copies of all relevant certificates. The Federal Employment Agency provides a service for applicants in this respect: http://www.was-werden.de/opencms_new/opencms_new/Bewerbung/Bewerbungsunterlagen/.

Social security and taxes

Everyone who works in Germany pays taxes to the State and to the local authority where they live. The amount of State tax payable depends on the size of individual income. All employees also pay pension, sickness and unemployment insurance contributions. Employers withhold these taxes and contributions from wages automatically. Both the insurance contributions charged and the benefits paid are earnings-related.

Social insurance contributions (1.4.2007)	Employer	
	Employee	
Health insurance	7,10%	7,10%
Nursing insurance	0,85%	0,85%
Pension insurance	9,95%	9,95%
Unemployment insurance	2,10%	2,10%
Total	20,00%	20,00%

Employers withhold taxes and contributions from wages automatically.

Living in the country – shortly on living conditions; accommodations (e.g. costs);

The kind of living and the costs differ significantly from region to region. For a student (single) the monthly amount of living is 781,38 € (2007):

costs of living €	Average	Wismar	München
Accommodation	253,64	186,83	315,85
Food	155,59	136,33	161,04
Clothes, cosmetics	54,78	43,33	57,24
Car	124,75	130,00	127,18
Public transport	34,27	27,50	34,28
Health insurance, doctor, drugs	73,66	60,00	73,02
Telephone, internet, broadcasting, television	48,03	34,00	47,97
Education	36,57	21,67	37,99
Total (with car, without public transport)	742,12	614,17	823,26
Total (without car, with public transport)	656,64	511,67	730,35
Total (with car and public transport)	781,38	641,67	857,53

The health care system is financed by contributions from the insured persons. Every employee has to pay sickness insurance contributions (see above). The sickness insurance covers the sickness costs (except a practice fee 10 € for 1 visit).

The costs of education (schools, universities) are covered by the state. Some Bundesländer have implemented tuition fees for students. For opening a bank account you need an identification card and a prove for regular income.

Unemployment - rights, social salaries and rights

As soon as you know when your current employment will come to an end, you are automatically required to register in person at your local employment agency. Registration must take place at least three months before your employment is due to end. If the time between receiving your notice and

your last day of work is shorter than three months, you must report to the employment agency no later than three days after receiving your notice.

To receive unemployment benefit (*Arbeitslosengeld*), you must:

- be unemployed
- have personally registered as unemployed
- and have completed the qualifying period.

You are classed as unemployed if you have no work at all or if you work for less than 15 hours a week for an employer or on a self-employed basis. You must also be actively seeking work and be available for work. To register as unemployed you must visit the employment agency in person and report that you have become unemployed; you cannot register by phone or by post. You can register for a maximum of three months, and must renew your registration before it expires if you are likely to remain unemployed.

To complete the qualifying period, you must accumulate at least twelve months (360 days) of Federal Employment Agency contributions, either by working or otherwise (for example, by claiming sickness benefit), within the timeframe of the last two years. From 1 February 2006, anyone who provides home nursing care for a dependant, is self-employed for at least 15 hours per week or is employed outside Germany in a non-EU country or in a country not associated with the EU, may make voluntary unemployment insurance contributions. This gives people who are not required to pay mandatory contributions the opportunity to pay a low, voluntary contribution to safeguard their entitlement to unemployment benefit.

The amount of unemployment benefit you receive is based on your average weekly pay on which statutory insurance contributions were levied in the last year before becoming eligible to claim (the assessment period). The resulting gross earnings figure (gross assessed earnings) is then subject to deductions at a fixed rate. These deductions take the form of social insurance contributions in an amount of 21 per cent of your gross assessed earnings, income tax and solidarity tax.

Your unemployment benefit is 67 per cent of your net assessed earnings (gross assessed earnings after deductions) if you have at least one child who you can claim tax relief for, and 60 per cent if you do not.

While you are drawing unemployment benefit, the employment agency pays your statutory health insurance, long-term care insurance and pension contributions. The benefit is transferred at the end of each month onto a bank account you specify. Any entitlement to unemployment benefit expires if you complete another qualifying period. Any remaining entitlement is then added to the new entitlement, up to the maximum period for your age.

How long you can claim unemployment benefit for depends on your age and how long you have been in contributory employment during the last three years.

Minimum time paying Contributions	Age	Period of entitlement
12 months		6 months
16 months		8 months
20 months		10 months
24 months		12 months
28 months	45	14 months
32 months	45	16 months

36 months	45	18 months
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4. Specifics of the trade union work

The trade unions emerged in the last century from innumerable fragmented organisations with little power and limited fields of action. That was the reason for establishing unified trade unions (Einheitsgewerkschaften). With this foundation to build on, the workers organised in trade unions were in a position to fight for and win significant social reforms. The eight-hour day was part of those achievements, as were the rudiments of today’s social security system. The trade unions set up the first unemployment, sickness and pension benefit schemes on their own initiative before government took over these tasks. Collective bargaining autonomy ensured that government did not interfere in the running of the economy. The right to strike gave the trade unions sufficient strength in collective negotiations to achieve gradual improvements in the situation of working people.

Even today the trade unions are still trying to prevent fragmentation among working people. The trade unions are not just any old voice in the chorus of public discussion. They conduct their negotiations from a position of power. The source of trade union power is the immense number of members. In turn, this number of people who become members of the trade unions depends how much chance they have to become personally involved and stand up for their own interests. The task for the future is to find a new balance in the relationship between the private individual and the community, to provide a new experience of solidarity.

About one out of every five employees in Germany belong to a trade union. You join a union by completing and signing a separate membership form. There are several unions organised in one large confederation: the DGB. - Deutscher Gewerkschaftsbund (Confederation of German Trade Unions) <http://www.dgb.de>.

Member unions are:

IG Bauen-Agrar-Umwelt (Construction, Agriculture, Environment) <http://www.igbau.de>,

IG Bergbau, Chemie, Energie (Mining, Chemicals, Energy) <http://www.igbce.de>,

Gewerkschaft Erziehung und Wissenschaft (Education and Science) <http://www.gew.de>

IG Metall (Metalworkers) <http://www.igmetall.de>

Gewerkschaft Nahrung-Genuss-Gaststätten (Food, Beverages and Catering) <http://www.ngg.net>

Gewerkschaft der Polizei (Police) <http://www.gdp.de>

TRANSNET (Transnet Railway Workers) <http://www.transnet.org>

ver.di - Vereinte Dienstleistungsgewerkschaft (United Services Union) <http://www.verdi.de>

The employers are also highly organised in Germany. The Confederation of German Employers (BDA) represents employers in industry, construction, and in the private service sector, the Local Authorities are represented by VDK, the Ministry of internal affairs (BMI) represents the German State as employer, the Churches in Germany – Catholic and Evangelical Lutheran Church are also significant employers in Germany.

The main function of trade unions and employers’ federations is to negotiate collective agreements for their members. These agreements concern such matters as wages, annual holidays and hours of work. Collective agreements apply to nearly 60 % of the employees in Germany, regardless of where they live and work.

The German State authorities work in close association with labour market organisations. This cooperation also includes finding solutions to many social security questions by negotiating in tripartite bodies such matters as employee industrial accident insurance, unemployment benefit, pensions and parental leave.

Every worker has the right to join a union. Usually he / she applies for membership in the local office of the union responsible for the specific sector, where the worker have a job. In greater companies exist a union representative, responsible for the procedure of joining the union (Vertrauens-Leute). Formulas for membership are available in all union offices.

The trade unions are organized by the sectorial principle. They negotiate with the employers (sector level, national level or enterprise level) with the aim to implement a collective agreement. All Unions give advise to their members in the field of labour rights (legal protection - Rechtsschutz).

The coverage of workers with collective agreements can be seen in the following figures:

coverage of collective agreements 2006	employees:	companies:
without collective agreement	18%	37%
with company agreement	9%	3%
with industry-wide collective agreement	54%	34%
aligned with industrywide collective agreements	19%	26%

A trade union member can get the earnings and other working conditions as agreed in the collective agreement, if the employers is a member of the employers confederation(s). A member is can get advise by the union in the field of labour rights (legal protection - Rechtsschutz).

Beside of DGB exist other Trade Unions, but with a small coverage:

Trade union members-DGB 2006	
total	6.585.774
Women	2.099.643
Membership in employee organisations 2006	
total	8.147.932
Women	31,80%

In greater companies exists as a workers representative body a “Works council” (obligation by law): Betriebsrat. More than 50% of the workers have jobs in such companies:

Workers representatives	employees:	companies:
coverage of works councils 2006	51,1%	12,9%

5. Most important parts of a collective agreement at an enterprise and a branch level

Collective labour law can be subdivided into two levels:

- Collective bargaining law—the level dealing with relations between trade unions, employers’ federations and individual employers.
- The law on labour relations at the workplace—the level dealing with relations between employer and workforce in individual establishments.

Collective bargaining law

The right of trade unions and employers’ federations to negotiate pay and conditions without state interference (their ‘collective bargaining autonomy’) is protected by the German constitution. The two sides of industry thus take their own responsibility for the pay and other agreements they reach.

The pay and conditions for most jobs in Germany are covered by such collective agreements. This in itself shows how important collective bargaining autonomy is in this country.

Collective agreements are drawn up either between trade unions and employers’ federations, or between trade unions and individual employers. They are the most important instrument available to the two sides for promoting their members’ interests and bringing their influence to bear on working and other economic conditions.

Typical conditions laid down in collective agreements include:

- Wage or salary levels
- Working hours
- Holiday entitlement
- Periods of notice

6. Practical guide to some useful issues: institutions (incl. addresses, telephones, e-mails) where to turn in case of any difficulties

Trade Unions:

Deutscher Gewerkschaftsbund
Bundesvorstand
Henriette-Herz-Platz 2
10178 Berlin
Tel.: 0049/30/24060-0
Fax: 0049/30/24060-324
E-Mail: info.bvv@dgb.de

Member unions

IG Bauen-Agrar-Umwelt
Construction, Agriculture, Environment
Olof-Palme-Str. 19
60439 Frankfurt
Tel.: 069-95737-0
Fax: 069-95737-800
<http://www.igbau.de>

IG Bergbau, Chemie, Energie

Mining, Chemicals, Energy

Königsworther Platz 6

30167 Hannover

Tel.: 0511-7631-0

Fax: 0511-7631-713

<http://www.igbce.de>

Gewerkschaft Erziehung und Wissenschaft

Education and Science

Reifenberger Str. 21

60489 Frankfurt

Tel.: 069-78973-0

Fax: 069-78973-202

<http://www.gew.de>

IG Metall

Metalworkers

Wilhelm-Leuschner-Straße 79

60329 Frankfurt/Main

Tel.: 069-6693-0

Fax: 069-6693-2843

<http://www.igmetall.de>

Gewerkschaft Nahrung-Genuss-Gaststätten

Food, Beverages and Catering

Haubachstr. 76

22765 Hamburg

Tel.: 040-38013-0

Fax: 040-38926-37

<http://www.ngg.net>

Gewerkschaft der Polizei

Police

Stromstraße 4

10555 Berlin

Tel.: 030-399921-0

Fax: 030-399921-211

<http://www.gdp.de>

TRANSNET

Transnet Railway Workers

Chausseestraße 84

10115 Berlin

Tel.: 030-424390-75

Fax: 030-424390-71

<http://www.transnet.org>

ver.di - Vereinte Dienstleistungsgewerkschaft

United Services Union
Bundesverwaltung
Paula-Thiede-Ufer 10
10179 Berlin
Tel.: 030-6956-0
Fax: 030-6956-3141
<http://www.verdi.de>

Federal Employment Agency: The Bundesagentur für Arbeit in Nürnberg provides services for employees and unemployed persons:

http://www.arbeitsagentur.de/nm_27320/Navigation/zentral/Unternehmen/Arbeitskraeftebedarf/Internationales/Internationales-Nav.html

The Labour inspectorate offices (Gewerbeaufsicht, Ämter für Arbeitsschutz) exist in every state (Bundesland) with different names and responsibilities. Examples: <http://www.lfas.bayern.de>;
<http://www.arbeitsschutz.bayern.de>; <http://www.gewerbeaufsicht.baden-wuerttemberg.de>;
<http://www.lagetsil.berlin.de>; <http://www.gewerbeaufsicht.niedersachsen.de>;
<http://www.arbeitsschutz.nrw.de>

There are numerous agencies providing housing. See:

<http://immowelt.de/Immobilien/ImmoSuche.aspx?EType=1&campaign=GO-TOP17&kw=wohnungssuche>

About medical care information is provided by <http://www.medknowledge.de/germany/>

7. Practical guide to some useful issues: what to do facing most typical problems

Contact your works council, if it exists, or the local office of your trade union or the Labour inspectorate.

SWEDEN

1. General description of the labour markets:

Sweden is a wealthy welfare state, consistently achieving high positions among the top-ranking countries in the UN Human Development Index (HDI). It has been a member of the European Union since, 1995. Its capital city is Stockholm. Sweden is a constitutional monarchy, in which the king is the head of state, but royal power has long been limited to official and ceremonial functions. The government executes its power by a range of central civil service departments and agencies. Sweden is a centralized unitary state, but within the over-all system areas of civil administration is delegated to publicly elected bodies at regional counties and local municipalities.

The currency is Swedish crowns (SEK). The exchange rate is 1 Euro = 9 – 9:50 SEK. It has among the highest tax rates in the world. The taxes are mainly collected (in order of relative importance) by income taxation, value-added-taxes (VAT) and selective purchase taxes (i.e. petrol, alcohol, electricity).

2. Legislation

This is a description of the Swedish system in general with a certain stress on labour market aspects of it. The general Swedish approach is that the rules should be the same for immigrant workers as for Swedish ones. The same rights and the same obligations. Special aspects of immigrant work are regulated by EU directives and the rules connected to the common market and the free movement of labour. Sweden has neither got nor asked for any exemptions. The European rules are to be respected. That system itself, i.e. transition of social security rights, pensions etc, is not a part of this very description.

The labour market rules are based upon a mixture of legislation and industrial relations between unions and employers. Many laws are what in Sweden is known as “dispositiv” which means that there is a law, the conditions and inward sense of which is not allowed to be violated in a way that reduces the employee protection. But the law can be replaced by collective agreements between unions and employer organisations. Unlike workers rights in many other countries these rights in Sweden are not only individual but merely collective. Violation of labour laws and/or collective agreements can be met by legal action by the union irrespective of whether the injured worker ask for it or not. This is actually the most common case. Such disputes frequently arise at the individual workplace and are handled by the local union and the employer. If they can not reach an agreement the problem is transferred up-wards to the central level. The institution of last resort is the Labour Court (AD) which is composed of three types of members representing the state, the employers and the unions.

The trade unions of Sweden have a density of 75-80 % and the coverage of the collective agreements is very high. They are appearing at mainly three levels, the local workplace, the region and centrally. Workers in small workplaces might not always have a trade union representative at hand so he/she might have to contact the regional office. But almost all big and medium-sized workplaces have TU reps easily available.

Permission to work.

For ages the labour market of Sweden has been open for citizens from the other Nordic countries. It has been a common Nordic labour market. Since Sweden entered the EU it has become a part of the common European labour market. This means that citizens from other member states have the same formal rights and the same formal obligations as workers of Swedish nationality. Unlike some other member states Sweden has chosen not to have any transition period rules for workers from the states most recently included in the EU.

The employment rights are regulated in the “Law on employment protection” (LAS).

Proof of employment.

In employment arrangements with a duration longer than three weeks the employer have to hand over a certain document to any employee at the latest after one month of work. The document shall give information on name and official address of the company/employer, the nature of the work, the type of employment mode, working time, wages etc. The document is supposed to be delivered to the worker and attested by the union that has signed the collective agreement in the workplace.

Employment modes.

The modes of employment are regulated in LAS. The normal mode is a permanent contract. If nothing else can be proved it is a permanent. Temporary employment contracts may be established under certain circumstances described rather detailed in the law. (I.e. if the need for additional workers is evidently temporary, when substituting an employee who is temporarily absent from work for a shorter or longer period, in work of reason character like snow-shovelling or beach guarding or if the employee is more than 67 years old..) A test period of six months work may also be agreed upon. If the employment after these six months is going to end, the employer must announce that at the latest at the end of the period. If nothing is announced it will automatically be transferred to a permanent contract.

Such exceptions from the general rules on permanent contracts can be challenged in the labour court. Irrespective of what has been said and/or written in the first place the court will in such cases take decision based upon a judgement on weather the actual circumstances, from a juridical point of view, justify a temporary contract or not. There are also certain rules limiting the total maximum period for various temporary contracts before it automatically is transferred to permanent one.

Anyone who questions the fairness of a contract should contact a union representative.

Dismissal.

According to the law any dismissal must be based upon “grounds of fact”. The law and the established practice by the Labour Court (AD) defines what “grounds of fact” are and what they are not. The employee must be guilty of very blameworthy behaviour or activities if dismissal is based upon personal action.

More common is “lack of work”, when the employer is allowed to down-size permanently or for a period of time. In those cases the employer must give notice and a priority list by law must be established listing in what order individual workers will be dismissed. The basic rule is “the- last-one-in-is-the-first-one-out”. The last one must go first, then the second last and so on until the number remaining is the one decided. Exceptions based upon varying levels of skills and competence can be according to the law but the labour court is usually very restrictive. Instead of establishing a “list by law” a “list by agreement” can be settled with the union i.e. in cases where it is obvious to both parties that using a “list by law” could cause serious damage to the entire company. Those who are dismissed are for a period of one year entitled to re-established employment should a need for new workers emerge.

The entire legislation concerning those issues is rather rich of details and fairly complicated. It is pretty difficult for the individual worker to exercise his/her rights without the support of the union representatives.

Leave permissions by law.

Workers in are by law and/or agreements entitled to un-paid leave for various purposes. I.e. a worker can go studying for shorter or longer periods without losing his/her job. It only takes that it is announced in due time and that the education is arranged by a school or training institution. Returning to the workplace he/she must be offered the same or an equivalent job as the one left. Most agreements also give the right to paid leave on private occasions like funerals or sudden illness in the family. The right to parental leave are described below in the part on social security.

Rights for trade union work.

Anyone elected to trade union position has the right to exercise that commission of trust during paid working-time agreed upon by the union and the employer. He/she also have extra protection against dismissal and the right to do the work without improper interventions by the employer.

Working hours.

There is a law on working time in Sweden. But the entire law is what above is described as “dispositive”. All parts of the law can be replaced by collective agreements as long as those are more - and at least not less – favourable for the employees. The only exceptions are the rules in EU directives.

The most normal amount of working hours in Sweden is 40 hrs per week. But many collective agreements stipulate less. Employees who are working a lot of nights or week-ends usually have less than 40, sometimes about 30 hours per week.

Health and safety at work.

H&S is regulated by a certain law, “*Arbetsmiljölagen*” (AML) and in a lot of directives and Instructions from governmental authorities. In the workplace there is a strict employer responsibility for the H&S. There are also clear instructions on how to organise the continuous and preventive H&S work. In every workplace there should be a H&S committee in charge of that work.

In all workplaces H&S representatives must be assigned by the unions. They have the right to be properly trained and educated at the expense of the employer. Beside the preventive work they have the right and obligation to stop work whenever there is immediate risk for accidents. Should that stoppage be overruled by the employer state inspectors can be called all around the clock in order to take provisional decisions, which must be respected without delay.

3. Advantages of labour markets – a practical guide to access the labour market

Finding a job.

The absolutely best, if possible, is to make use of contacts in Sweden to prepare the arrival, searching for job included.

An immigrant who has not arranged employment before arrival should register as applicant for work at the public employment office, “*Arbetsförmedlingen*”. The agency is supposed to assist in the search for employment, free of charge. Assistance in having qualifications from another country recognised in Sweden is also provided.

The possibility of finding a job will of course increase if proper preparations are made. It is almost necessary to bring a CV, written references from former employers, proof of skills and qualifications (especially languages), drivers license etc. Relevant documents should be translated into English or Swedish. In practice it is almost necessary to have a registered address (not necessarily permanent) in Sweden.

Accommodation.

Finding accommodation in Sweden is not always easy (not even for Swedes), especially not in the fast developing areas where it might be the best chances to find a job. On top of that many providers have a permanent job as one of the conditions to let out a flat for hire. In the best of worlds that ought to be arranged before arrival. If that is not possible private contacts or the employer might be at help. If no such help is available the municipality social offices might help. Usually paying the rent in advance is necessary.

Banking

Banking systems in Sweden are well developed and there are usually no problems neither in terms of having a bank account nor sending money from Swedish bank account to an account in other EU member states or the other way around.

Taxation

Income taxes in Sweden are about 30% starting from an income exceeding about 20 000 SEK. Of income over a certain level extra taxes of up to 25% are to be paid. This might be seen as relatively high taxes compared to many other countries. One must though take into account the fact, that a lot of public services and social insurance is paid that way, and that many of those have to be paid separately by the individual in other countries.

Taxes are generally withdrawn and delivered to the state by the employer. Other routines are used by self-employed. They can take the total amount from their client/employer and deliver to the state themselves if they have a certain certificate from the taxation authorities.

Social security

A pyramid is often used to illustrate the structure of the combined Swedish insurance system.

- 1) Statutory insurance and pension schemes (the social insurance and national pension systems) are the base of the pyramid. Entitlement is based on residence or employment in Sweden.
- 2) Collective insurance and pension schemes and occupational pension schemes. Entitlement is based on employment governed by a collective agreement.
- 3) Trade union members’ insurance. Entitlement is based on membership of a trade union.
- 4) Individual (private) insurance and pension solutions based on agreements between policy holders and insurance companies.

Most people at work are entitled to a combination of statutory and collectively negotiated insurance and pension benefits, in addition to which they may be entitled to benefits under trade union-operated and individual (private) schemes.

The social security system, including the national pension system, is statutory and covers everyone who lives and/or works in Sweden. It is financed by taxes, for example employer’s contributions but to a minor extent by fees which are paid by the individual. The system provides numerous benefits in the event of sickness, unemployment, old-age pensions and death etc., as well as allowances for parents (parental benefit and child benefit) and subsidized healthcare, medicines, dental care, housing costs etc.

The statutory benefits paid out of insurance schemes are in most cases based on the “loss of income principle”. This means that individuals are entitled to benefits in relation to their in-come. The benefit levels are supposed to be high enough to allow most recipients to maintain virtually the same standard of living as if they were still at work. There are two main limitations: a ceiling on insured income and a limit (often 80 per cent) on the compensation paid for insured income.

An important feature of the statutory social security system is that it provides universal cover, which means that, in addition to income-related benefits, basic pension and parental benefits etc. are paid to everyone in the target group irrespective of income. In most respects the social insurance system, like the national old-age pension system, is administered by the Swedish Social Insurance Agency, which is a government agency.

Unemployment benefits.

The economy of people out of work is a major concern for the society in general and for trade unions specifically, not only for humanitarian reasons. Workers without any income at all would create a down-wards pressure on wage levels and weaken the collective agreements when workers are forced into a race to the bottom competition for employment. Linked to all unions is an unemployment benefit fund. Membership is voluntary but a vast majority of Swedes at work are members and pay a monthly fee. The funds are heavily subsidized by the state.

All members are entitled to benefits in case of unemployment, under the principles and limitations mentioned above (loss-of-income-based, a ceiling level and 80%). The maximum benefit per day is in 2008 680 SEK per day on a 5-day-week basis. To qualify for benefit one must have been a

member for the last twelve months. One must have been working for at least 6 of the last 12 months at a 80-hours/week-level or 480 hrs during 6 months. For the first week of unemployment no benefits are paid. During the benefit period reports must be sent in every month assuring that the receiver has not been working. The receiver is also obliged to be available for any work within reasonable commuting distance from residence. In case of longer period of unemployment also work at other geographical locations might have to be accepted in order to keep the benefit rights.

Sickness

Sickness is defined both in law and in collective agreements as incapacity for work on medical grounds. In other words, sickness-related insurance covers all absence from work due to physical or mental illness or accidents.

Most of the loss of income during sick leave periods up to about one year is compensated by sickness benefit paid out by the universal statutory sickness insurance system. However, the first day of the period is a qualifying day, and after that the employer pays sick pay for the first two weeks. If the in-capacity appears likely to continue for a long time, the social insurance offices pay the employee a sickness allowance (or activity allowance in the case of employees up to the age of 30) instead of sickness benefit.

To receive sick-pay it is important to register at the social insurance office, (Försäkringskassan, FK). By registration a wage level (called SGI) is determined as basis for the calculation of benefit level. The SGI must be kept up to date continuously i.e. in case of wage raises or extended employment in order not to lose money during future sickness periods.

Health-care and medicine is heavily subsidized and available for all EU citizens who can show the European Health Insurance Card.

Parental leave pay.

When an employee become a parent he/she is entitled to different kinds of parental leave benefits at approximately the same economic level as sick-pay. In any case one of the parents have the right by law to 18 months leave after birth irrespective of benefits. As well, the parents can alternate reducing their working time by up to 25% until the child reaches the age of 8. In connection to childbirth the father can take ten days off with those benefits. The parents can receive parental leave pay for 240 days each before the child is 8 years old. The days of one parent could be transferred to the other. If one of the parents have to stay home due to illness of the child he/she is entitled to benefits up to a maximum of 120 days per year until the child is 12 years of age. To receive some of the benefits one has to have been registered at the FK for 240 days before the childbirth.

These rather generous benefits are linked to an entire catalogue of pretty detailed conditions and rules. Therefore anyone who wants to receive them has to contact the insurance office (FK) to get proper information in advance.

Old-age pensions

All residents of Sweden are entitled to a pension under the statutory national pension system. Starting in 1999, this consists of a component related to income and premium payments over the

working years and a supplementary component calculated in accordance with transitional rules linked to the previous pension system, as well as a premium pension component. For those who are only entitled to a low income-related pension, or have not earned enough or any pension rights at all, the national pension is topped up to a guaranteed minimum (guarantee pension).

Social and economic support of last resort.

The social office of any municipality has an obligation to make sure that no one with permanent or temporary residence in the municipality suffers immediate lack of food and shelter. So they have to support in cases of emergency if any other way of funding has failed.

But this is an exceptional and temporary situation upon which no one can base his/her life.

Work injuries

Employees who are injured at, or as a result of, work are entitled to “better” compensation than is the case with other sick leave. The reason for this is that it is difficult or impossible for employees to do anything about the risks that they may be exposed to at work.

The statutory benefits payable in connection with work injuries are governed by the Occupational Injuries Act (LAF). Agreements in all the collective bargaining sectors in the Swedish labour market also provide for supplementary insurance cover in this area. The dominant collective insurance scheme is the No-Fault Liability Insurance Scheme for Occupational Injury (TFA or TFA-KL). Government employees are covered by the Personal Injury Agreement for Government Employees (PSA).

The rules on compensation vary depending on the type of work injury. A distinction is made between accidents at work, occupational diseases and commuting accidents. Injured employees may, for instance, receive compensation for expenses, pain and suffering, medical invalidity and future loss of in-come.

Unemployment

Unemployment benefit is administered by unemployment benefit offices, most of which are operated by trade unions. Employees who meet the length of employment qualification and are members of the unemployment insurance fund receive unemployment benefit in relation to their previous income. The income ceiling in the unemployment benefit system is lower than in other social insurance systems, and as a result an increasing number of unemployed persons receive a low level of compensation. Apart from the compensation paid out by unemployment benefit offices, some collective agreements support employees who become unemployed as a result of redundancies due to the closure or downsizing of the company where they worked.

The agreements normally provide both cash benefit and support in the form of individual measures of various kinds. Such agreements, which may be called job security agreements, career transition agreements or redundancy support agreements, are now in force in all collective bargaining sectors except the local government sector, where employees who are redundant are only entitled to severance benefits.

Old-age-pensions

The national pension is supplemented by an occupational pension/negotiated retirement scheme in each collective bargaining sector, i.e.: the SAF-LO Collective Pension Agreement the Supplementary Pension Scheme for Salaried Employees in Industry and Commerce (ITP) the Collectively Negotiated Local Government Pension Scheme (KAP-KL) the Government Sector Collective Agreement on Pensions (PA03).

There is considerable variation between the collectively negotiated pension schemes, although there are also some similarities. All collectively negotiated pension schemes allow the employees to choose a fund manager for at least part of the pension amount. The size of this individual portion – which in two collective bargaining sectors represents the entire pension – depends on the size of the premiums paid by the employer in the form of annual pension provision, the length of the period during which they are paid, and how the funds are managed.

The fact that Sweden has such a high unionization rate has made it possible for the trade unions to operate insurance schemes for their members. The insurer is the Folksam insurance company, which was founded by the Swedish Trade Union Confederation (LO) and the Swedish Cooperative Union (KF) in 1908. The most common types of insurance offered by the trade unions are group life insurance, leisure time accident insurance, home insurance and children’s insurance. The enrolment rules vary between the unions. In some cases the insurance policy or policies are included in the membership fee (compulsory insurance), while in others they are optional.

Trade union members insurance schemes are cheaper and their conditions are often more favourable than those of corresponding individual insurance policies. For one thing, members are often offered insurance policies without prior medical examinations if they accept the first offer of enrolment. Even trade union members with health problems can be insured.

The principle applying to the social insurance system and collective insurance and pension schemes holds true for trade union insurance schemes too. The larger the group of insured, the more favourable the conditions.

Individual complements.

On the top of those three floors in the pyramid there is a growing area of individual arrangements offered by various insurance companies. Many trade union members have such complementary protection. It can i.e. be used in order to equalise the protection level in terms of pension within a household where the participation in working life is unequal between man and woman. Trade unions always try to arrange insurance solutions collectively for their members. But this is not always easy and the challenges have to be prioritized. In those areas left out complementing insurance has to be a private issue.

4. Specifics of the trade union work

The Swedish trade unions are in a comparative perspective rather strong and play a major roll on the labour market scene in a broad societal sense as well as in the daily life for the members in their workplaces.

The unions are organised in three confederations. LO is the largest one and organises blue collar workers in a broad sense. Second largest is TCO organising civil servants and what is called professional labour. Finally SACO organises academics.

The confederations as well as their affiliated unions have very clearly agreed upon the borderlines among themselves in order to eliminate competition for the same employees. This has been done to avoid employers playing unions against each other and bring them into a down-wards competition for the right to establish collective agreements by underbidding each other. Which organisation that is going to organise certain groups of employees in certain work-places is regulated by sector and profession maps agreed upon among the unions.

5. Most important parts of a collective agreement at an enterprise and a branch level

The trade union movement considers universal insurance systems the best way of ensuring financial security. At the next two levels of the pyramid benefit levels are raised and “gaps” in the statutory system are eliminated by means of collective agreements between the social partners. These negotiated solutions are based on the loss of income principle too. Collective insurance and pension schemes and occupational pension schemes are regulated in collective agreements between one or more employer and employee organizations at the national level. Generally speaking, employees are entitled to benefits under these schemes where their employer is a member of an employer organization, which means that the collective agreement is automatically applicable; or their employer concludes an agreement with the relevant trade union or unions.

Employees are protected by a guarantee rule as long as a collective agreement is in force in their workplace. This means that the insurance package for the relevant collective bargaining sector remains valid even if the employer neglects to pay the premiums.

The premiums for negotiated insurance and occupational pension schemes are paid by the employer out of the negotiated pay settlement. In other words, some of the employees’ pay is used to fund the insurance scheme instead of being paid out in the form of wages.

Collective agreements complement the statutory insurance cover, in particular in connection with the following life events: Sickness Work injuries, Unemployment, Death at working age and Old-age pensions

In most collective bargaining sectors, moreover, agreements are also concluded on supplementary parental benefit/parental leave pay, which is paid by the employer as a complement to the statutory parental benefit. Supplementary benefits under collective agreements are payable to recipients of both sickness benefit and sickness/activity allowances. A negotiated group health insurance scheme is in operation in two of the collective bargaining sectors. In the other two sectors a supplementary allowance is paid out of the occupational pension system to employees on sick leave. Despite the variations in the insurance solutions, they have a common purpose: benefits paid out under collective agreements raise the level of compensation and, in all bargaining sectors except that for privately employed manual workers, provide compensation for the portion of salary above the income ceiling in force in the statutory sickness insurance system.

The collective agreement system.

On the top of the system is a main general agreement by the central employer organisation and the confederations that is strongly recognised by the law. Within that framework the unions and their counterparts respectively sign central agreements in the different sectors. Those agreements in their

IRELAND

1.General description of the labour markets:

History of Ireland

Ireland is a small island on the edge of Europe, approximately 480km long and 240km wide. The country has been inhabited for over 9,000 years and experienced successive waves of invasion and occupation by Vikings, Normans and English.

The country was divided after the Anglo Irish Treaty of 1921 when 26 of the 32 counties gained independence from Britain. These 26 counties became the Republic of Ireland in 1949. The Republic (often referred to simply as “Ireland”) has a population of just over 4 million people. Dublin, the capital city, is situated on the river Liffey on the east coast.

Northern Ireland has 6 counties and a population of about 1.5 million people. Its capital is Belfast which is on the river Lagan on the north-eastern coast. Northern Ireland is officially part of Britain.

Government

Ireland is a republic and its parliament is called the Oireachtas. The Oireachtas consists of two houses: Dail Eireann (House of Representatives) and the Seanad (Senate).

While the Taoiseach (Prime Minister) is the head of the government, the President is the head of State. All public representatives are elected through national, local and EU elections.

The State’s official language is Irish. The vast majority of the population however, speak English as the first language.

Currency

The currency in the Republic of Ireland is the Euro. Each Euro is divided into 100 Cent. There are eight coins and seven notes. The denominations are:

Coins: 1c, 2c, 5c, 10c, 20c, 50c, 1 Euro and 2 Euro.

Notes: €5, €10, €20, €50, €100, €200 and €500.

Labour Market

The labour market is largely based on a voluntary model of industrial relations where trade unions and employers negotiate and agree on a range of workplace related issues.

Over the last 20 years, these negotiations have mainly taken place in the framework of what is called “social partnership”, resulting in centralized national agreements between Government, unions, employers, farmer organisations, the community sector, etc. The current agreement “Towards 2016” outlines the broad strategic agreement between the “social partners” on social and economic development between 2006 and 2016. The Agreement also provides for pay increases for workers from January 2006 to March 2008.

All Agreements, whether national, sectoral or in specific places of employment, are underpinned by a considerable body of labour law covering such areas as Terms of Employment, National Minimum Wage, Unfair Dismissal, Safety, Health and Welfare at Work, Organisation of Working time, Maternity Protection and more. (Further information in section 2)

It is important to note that all workers in Ireland, regardless of their nationality are entitled to equal protection under the law.

However, you should know that workers coming from another country are particularly open to exploitation and ill treatment by unscrupulous employers. It is strongly advised that you are familiar with your basic rights and entitlements and know where to go for help and advice.

Economy

Over the last ten to twelve years Ireland has experienced dramatic economic growth. From a high of almost 10% growth annually in 2000, economic growth levelled off in the following years but has remained strong and is currently around 4%. This booming economy (often referred to as “The Celtic Tiger”) resulted in the creation of many jobs and unemployment (historically very high in Ireland) being reduced to less than 5%. Ireland's good economic performance is expected to continue in the short term, albeit at a lower rate. Many economists believe that a significant factor in this sustained growth and stability was the involvement of trade unions with the Government and employers in National Agreements.

Construction, Hospitality and the Services industries account for the greatest increase in the number of jobs in the economy.

Economic circumstances can vary, however, latest figures show that a large percentage of the most recently created jobs are part-time rather than full-time positions. Redundancies have also increased by 10.4% over the 12 month period to August 2007. This has occurred for several reasons including companies transferring their business to a different country or downsizing in response to changes in the international economic situation.

Wages

Average Industrial Earnings in Ireland in mid 2007 are €614.44 per week. However, this is based on averaging wages of full-time workers in all industries, both male and female, regardless of hours worked (i.e. a worker might have worked 48 hours to get those earnings). Wages can vary hugely between different sectors and within these sectors and between (for example) unionised and non-unionised places of employment.

The National Minimum Wage

An important example of labour legislation is the National Minimum Wage Act, which lays down the legal minimum wage for an “experienced adult worker”. An experienced adult worker is an employee who has any work experience in any two years since becoming 18 years of age.

Since 1st of July 2007 the rate is €8.65 per hour.

However in most sectors, and again particularly in unionised places of employment, wages are significantly in excess of the legal Minimum.

In some sectors which are not widely unionised, statutory bodies called Joint Labour Committees (JLCs) lay down rates of pay. Sectors covered by JLCs include agricultural workers, hotel workers outside Dublin and Cork, contract cleaning, catering, etc.

You should contact your Union if you think you are not receiving the correct rate of pay for the work you are doing. Complaints regarding National Minimum Wage can also be referred to a Rights Commissioner or the Labour Inspectorate in the Department of Enterprise, Trade & Employment. Tel. 1890 220 220 or www.entemp.ie

Before leaving home - Suggestions

- Get a return ticket. If your time in Ireland is not successful then at least you will be able to get back home if you run out of money.
- Ireland is a very expensive country to live in. Make sure before you arrive in Ireland that you have enough money with you to survive until you get a job.
- Good English language skills improve your chances of getting work in Ireland. If you do not have good English you may find it hard to get work
- If you do not have friends or family to come to in Ireland, there are some contact details of useful organisations in this publication
- If possible, bring an English language CV, references and details of all qualifications
- Bring at least two forms of photo identification, e.g., Passport, Driving License or national identity card
- You should obtain a European Health Insurance Card from your local Social Welfare office in Latvia. As an EU citizen, you are entitled to emergency medical cover using this card. You should also obtain forms E104 and E301. These are a record of social insurance contributions paid by you in Latvian and may help you to get support if you lose your job or become ill while in employment in Ireland.

As Ireland is an island nation, almost all migrant workers live in the country while they are working here, with the possible exception of a very small number who commute at weekends to Britain.

2.Legislation

In Ireland there are many laws covering employment rights and related procedures for their enforcement. Below is a brief description of some of the more common issues which are dealt with by the law. Please note that very often the law lays down *minimum* rights and entitlements. However, very often, e.g., in relation to holidays, workers through their unions have negotiated considerable improvements on the legal minimum.

Wages and Wage Slips

Under the Payment of Wages Act, 1991 the employer must give you, with your wages, a written statement of your gross wages and details of all deductions made.

The Payment of Wages Act also protects against unlawful deductions from wages. Deductions from employee wages must be authorised by either the employee’s contract of employment, or by the written consent of the employee. A deduction (other than income tax and PPS contributions) that is not authorised in either manner is an unlawful deduction.

It is recommended that you keep a record of the hours you work and payment received, as this will be needed if there is ever a dispute about payment. In some cases of underpayment that Unions have dealt with, the employer’s records of hours worked show a lower number than those actually worked. If you do not receive a wage slip, contact your Union or the Labour Inspectorate in the Department of Enterprise Trade and Employment (tel.: at 01 631631).

Working Time

The Organisation of Working Time Act sets out rights of employees in respect of the maximum weekly hours of work and minimum rest times/breaks entitlement.

The standard working week is 39 hours. A limited number of extra hours can be worked at premium rates (i.e. higher than the normal rate of pay). This is known as “overtime” in Ireland. The maximum average working week determined by the Act is 48 hours.

You are entitled to a minimum of:

- 11 consecutive hours rest in a 24 hour period. For example, if you finished work at 10.00 PM, you cannot start again before 9.00 AM the next morning.
- One period of 24 hours rest per week, preceded by a daily rest period of 11 hours. For example if you finished work at 10.00 PM on Wednesday and Thursday is your day off, you cannot start again before 9.00 AM on Friday.
- 15 minutes break where more than four and a half hours have been worked and 30 minutes where more than six hours have been worked which may include the first break.
- Shop employees who work more than six hours and whose hours of work include 11.30am - 2.30pm are entitled to a one-hour break that must occur during those hours.

Sunday Work

If not already included in the rate of pay, employees are entitled to a supplementary payment or time off in lieu for working on Sunday. This entitlement is known as a “Sunday Premium” and details of this, as well as rest break entitlements can vary where an industry agreement or a “sector regulation” exists. For further information contact your Trade Union or the Employment Rights Information Unit, 01 6313131.

Holidays (annual leave) and Public Holidays

Your minimum leave entitlement is 4 working weeks paid annual leave per year. However, annual leave entitlement is calculated based on time worked by the employee. Full-time employees earn one week of paid annual leave for every three months worked.

If you work part-time, you are entitled to annual leave consisting of 8% of all the hours you work, subject to a maximum of 4 working weeks in the leave year.

Employees are also entitled to nine Public Holidays during the year, in respect of which your employer may choose to give you one of the following four options:

- A paid day off on the day, or
- A paid day off within a month, or
- An extra day of paid annual leave, or
- An extra day’s pay.

There are nine Public Holidays in the Republic of Ireland:

- 1st of January,
- 17th March (St. Patrick’s Day),
- Easter Monday,
- First Monday in May,
- First Monday in June,
- First Monday in August,
- Last Monday in October,
- 25th December (Christmas Day),
- 26th December (St. Stephen’s Day).

In order for a part-time worker to qualify for a Public Holiday, he/she must work at least 40 hours in the 5 week period that immediately precedes the Public Holiday.

Pay for Public Holidays

If the Public Holiday falls on a day on which the employee normally works, the employee is entitled to a day off with pay.

If the Public Holiday falls on a day on which the employee does not normally work, the employee is entitled to one fifth of his/her normal weekly wage for the day.

Employees who are asked to work on a Public Holiday are entitled to either an additional day’s pay for the day (known as “double time”), or a paid day off within a month of the day, or an additional day of paid annual leave.

Dismissal

The Unfair Dismissals Acts are designed to prevent workers being unfairly dismissed by an employer. Generally, an employee must have at least 12 months continuous service with his/her employer before he/she is entitled to bring a claim for unfair dismissal under the Acts. (For agency workers, the employer for the purposes of unfair dismissal is the “user” company - not the employment agency).

The 12 months service requirement for protection under the Acts does *not* apply where the dismissal results wholly or mainly from any of the following grounds:

- Employee’s trade union membership or activity
- Employee’s entitlements under the National Minimum Wage Act.
- Employee pregnancy, giving birth or breastfeeding (or any matters connected)
- The exercise or proposed exercise by the employee of rights under the Maternity Protection Act, the Adoptive Leave Act, the Parental Leave Act, or the Carer’s Leave Act.

Please note that the dismissal is *presumed to be unfair* unless the employer can show substantial grounds to justify it.

Complaints

If you want information on your entitlements or need to make a complaint, your first recourse should be to your trade union. While information is available from several sources (see “Useful Contacts”) trade unions are best positioned to give you and your fellow workers the support needed to secure your rights and entitlements.

Health and Safety at Work

The Health and Safety Authority (HSA) is the national body in Ireland with responsibility for securing health and safety at work. Part of their role is to carry out inspections in the workplace to ensure Health and Safety standards are maintained with a view to minimising workplace injury and work related illness.

For example, on construction sites everyone must wear a “hard hat” (helmet) and steel toecap footwear. In the catering industry, standards of hygiene are enforced while in other industries appropriate hearing protection must be worn and the use of certain chemicals is forbidden.

Whereas your first point of contact/information should be your trade union, further information in relation to health and safety in the work place may be obtained from the Health and Safety Authority, Temple Court, Hogan Place, Grand Canal St., Dublin 2, telephone (01) 614 7000. Website: www.hsa.ie e-mail: infotel@hsa.ie. A series of leaflets on workplace injury prevention is available in Latvian on their website.

Contract of Employment

Once you are working in Ireland you are protected by Irish labour law. An employer cannot include anything in an employment contract which is in breach of the law. If something is included contrary to the law, then it is null and void, as the law will prevail.

The Terms of Employment (Information) Act, 1994, requires employers to provide employees with a written statement of certain particulars of the employee’s terms of employment.

The written statement must include details of:

- Name and address of the employer
- The place of work
- Job title/nature of the work
- Date of commencement of employment

- The expected duration of contract (if temporary contract) or the date on which the contract will expire (if fixed-term contract)
- Rate or method of calculation of pay
- Pay intervals
- Hours of work (including overtime)
- Statutory rest period and rest break entitlements
- Paid leave
- Incapacity for work due to sickness or injury
- Pensions and pension schemes
- Notice entitlements, collective agreements
- Rest break entitlements
- Statement of employee’s right to request and obtain a written statement from the employer of the employee’s average hourly rate of pay for any pay reference period within the previous 12 months. (Minimum Wage Act, 2000)

The Acts do *not* apply to a person who has been in the continuous service of the employer for less than 1 month. The written statement of particulars must be provided by the employer within two months of the date of commencement of employment.

General

A comprehensive explanation of all Irish Labour law can be found in the “TUF Guide to Labour Law” which is available on www.siptu.ie/YourRights/TufGuideToLabourLaw.

If you have any doubts about the content of your employment contract, or if you do not receive a written statement of Terms of Employment within the prescribed time, you should contact your Union or you may refer a complaint to a Rights Commissioner (see below).

3. Advantages of labour markets – a practical guide to access the labour market

Latvian citizens are allowed to work in Ireland and do not need any form of Work Permit.

When you come to Ireland, you should register with FÁS, which is the Irish Government’s National Training and Employment Authority. You can do this by going to your nearest FAS office or you can also register online. For more information you should check out their website (www.fas.ie) which gives details of the location of their offices. FÁS provides a facility for language interpretation in all of its 64 Employment Services Offices nationwide.

You can also look in newspapers for information on current vacancies. The Irish Times and the Irish Examiner have a job supplement on Fridays; the Irish Independent has a supplement on Thursdays. The Sunday Independent, Evening Herald and local papers are also worth checking. The internet can also provide information on job vacancies in Ireland.

Employment/Recruitment Agencies

There has been a huge increase in the number of private recruitment agencies in Ireland in recent years. While they are an obvious starting point when looking for employment, you should be aware that some employers will hire through an agency rather than directly employ a worker and in this

way try to avoid their responsibilities as an employer. Where possible, you should seek to be employed directly by the employer rather than through an agency.

If you are offered employment in Ireland through an Employment Agency in Latvia, and subsequently find that your terms or conditions are inferior to your fellow workers in Ireland, contact your Union immediately. As stated previously, once you are working in Ireland you are protected by Irish labour law and must receive *at least* the legal minimum standards and protection laid down by the law.

Also note that it is illegal for employment agencies in Ireland to charge jobseekers for the basic service of registering on their databases. Agencies make their money by charging the employer a fee for “finding” you.

All agencies must be licensed by the Government’s Department of Enterprise, Trade and Employment. A list of licensed employment agencies is available from the Employment Agencies Section, in the Department. For further information contact 01 6312121 or log onto www.entemp.ie Unemployment is still an aspect of Irish life. Be aware that the better your English language skills are, the better chance you have of getting a job in Ireland.

Suggestions

1. Prepare an updated English language Curriculum Vitae (CV)
2. Get written work references from current and previous employers
3. Bring details of your qualifications
4. Bring your driving license.

Your CV should be no more than two pages but should include the following details:

- Full name and contact details (address, phone) in Ireland
- Date of Birth
- Languages spoken and Standard of English (Fluent, Good, Little)
- Brief description of Work experience and Qualifications
- Contact details for previous employer/s who can be contacted to confirm your experience / skills
- Standard of Education, Certificates of Qualification achieved
- Driving License (if relevant)

Qualifications

Please note that recognition of your qualifications in Ireland will depend on the nature of the qualification and the country where it was obtained. It may be possible for you to get formal recognition of your qualification in Ireland by applying to:

Qualifications Recognition Ireland
National Qualifications Authority of Ireland
5th Floor Jervis House
Jervis Street
Dublin 1
Telephone: +353 1 8871500
Fax: +353 1 8871595
Email: info@qualificationsrecognition.ie

Website: <http://www.qualificationsrecognition.ie>

You must have a pps number!

On arrival in Ireland, one of the first things you should do is apply for a Personal Public Service (PPS) number. Your PPS number is a unique reference number that is needed when dealing with public service agencies in Ireland such as the Department of Social and Family Affairs, the Revenue Commissioners and the Health Services.

Your employer will need a PPS number to make the necessary tax and social insurance payments on your behalf to the appropriate authorities.

Do not depend on your employer to obtain your PPS number. It is your responsibility. Some people newly arrived in Ireland have trusted their employer to get a PPS number for them. In some cases the employer has not done this and no social insurance contributions or tax payments have been made on the employee’s behalf.

Contact your local Social Welfare office to apply for a PPS number. To find out where the nearest Social Welfare office is contact:

Department of Social and Family Affairs
Information Services
Oisín House
212-213 Pearse Street
Dublin 2.
Telephone: +353 1 874 8444 or www.welfare.ie

To receive a PPS number, you will need to fill out an application form and provide proof of your identity. You will need to produce the following documents:

- Your passport or national identity card
- Evidence of your address in Ireland such as a household bill (electricity, telephone, gas, etc.) or a rental agreement in your name.
- A letter from the owner of temporary accommodation you are staying in may be adequate evidence, but some people have had difficulty getting a PPS (Personal Public Service) number because they live in tourist hostels. Not all hostels will be willing to provide you with such documentation.

Currently it takes about 10 working days from the date you applied for your PPS number to be issued to you.

Taxes

Most employees in Ireland pay tax through the PAYE (Pay As You Earn) system. This means that the employer deducts the tax you owe directly from your wages and pays this tax directly to the

Revenue Commissioners. The Revenue Commissioners collect taxes from citizens on behalf of the Irish Government.

It is important to ensure that your tax affairs are dealt with properly from the start and that your employer deducts the right amount of tax from your pay. To ensure that this happens, you will need to do two things:

- Give your employer your PPS Number. Your employer should then inform the tax office that you have started work and that he/she is your employer. It is advisable to check that your employer has notified the tax office that you are working.
- Apply for a certificate of tax credits. You will need to complete Form 12A (Application for a Certificate of Tax Credits). You can get a form 12A from any tax office in Ireland or at www.revenue.ie

To ensure that your employer and the tax office have time to have everything in order before your first pay-day, it is advisable to do all this as soon as you accept an offer of a job (even for part-time or holiday employment).

Your employer is legally obliged to provide you with a payslip that shows details of your tax and PRSI deductions (see below), as well as PRSI contributions made by your employer on your behalf.

On termination of your employment, your employer must give you a P.45 form which is a statement of income and tax paid to date in that year. You will need this information for your next employer. If you do not have the appropriate information regarding your tax liabilities and entitlements, an employer may have to deduct “emergency tax” which, although eventually refundable, is a much higher rate of taxation!

At the end of each tax year (December 31st), your employer must give you a P.60 form which is a statement of your income from your employer and the income tax paid by your employer on your behalf in that tax year.

More information about tax matters and the location of tax offices can be got at www.revenue.ie or the Irish Revenue Commissioners 00 353 1 647 4444.

Social Insurance

Pay Related Social Insurance (PRSI) is a payment made by employers and employees into a national fund. This fund is used to help finance social welfare payments, e.g. to those who are unemployed or unable to work due to illness. Employees’ contributions are deducted from their wages each week. This amount, along with the employer’s contribution, should be shown on your wageslip. All workers must pay PRSI. The rate will vary depending on the nature of your employment and how much you earn (usually around 6% of salary)

Compared to most other countries in the EU, Ireland is an expensive place to live. This is especially true in the capital city, Dublin.

Accommodation

If at all possible, you should have accommodation arranged before you come to Ireland. If you are unable to arrange stable and affordable accommodation before you travel, then you should at least try to arrange something temporary.

Hostels are generally the cheapest form of temporary accommodation while some 'Bed and Breakfasts' (or 'B&Bs' as they are called) also offer good rates. A bed in a dormitory in a tourist hostel in Dublin city can cost from between €10 and €25 per night (2007) depending on the size of the dormitory, the time of year (summer is busier) and the day of the week (weekends are busier). Check the internet for lists of accommodation and rates charged.

The following pointers will be useful when you are looking for accommodation in Ireland:

- Ensure that you have enough funds to pay for temporary accommodation while looking for longer-term accommodation.
- Be aware that even if you have work arranged it may be some weeks before you get paid – so you should bring enough money to cover you until you receive wages
- *www.goldenpages.ie* is a web based telephone directory for businesses in Ireland. If you are looking for accommodation in a particular part of Ireland you can search under a number of categories, under headings such as 'Hostels –Tourist' or 'Bed & Breakfast'.

Homelessness

Unfortunately some people who have immigrated to Ireland in recent years have become homeless. This can happen for a number of reasons:

- Difficulty in finding work
- Cost of living
- Difficulty in finding suitable accommodation
- Lack of sufficient funds while looking for work and accommodation.

If you are homeless in Dublin you can contact the No Fixed Abode Unit at 01 8585100 or, for outside Dublin, ring the Homeless Persons Unit on freephone number 1800 724724, who may be able to help you.

Medical

General Practitioner (GP) is the official term for a doctor in Ireland who provides services to people in his/her surgery or in the patient's home. There is a fee charged each time you attend a GP's surgery or the first visit to the Out Patients Department of a Hospital. Fees are not set but they range from approximately €40 to €60 (2007)

Public Health Care

If you are living in Ireland, the legal term is "ordinarily resident", you are entitled to a range of public health services that are free of charge or subsidised by the Irish Government. Broadly

speaking, if you are living here and intend to continue to live here for at least a year, you will be considered to be "ordinarily resident".

NOTE. As previously stated, you should apply for a European Health Insurance Card before you leave Latvia. This will entitle you to healthcare through the public health system if you become ill or injured while on a temporary stay here. Once you start working in Ireland you are treated as a resident for healthcare purposes and you do not need to use the card, although it is advisable to keep it.

Banking

Anyone opening a bank account in Ireland must provide at least two forms of identification (ID) including photo ID and proof of address. Photo ID can be a valid passport or a Driving Licence. The final decision on what is appropriate ID rests with the bank.

All banks will give you information on their services and type of accounts. Check your options in relation to the type of account that suits your needs and remember bank charges will vary from one bank to another.

All banks provide a foreign exchange service and there are also bureau de change offices in the main cities and some towns. A fee or commission may be charged and the amount may vary from place to place.

Money can be sent to your home country through your bank in Ireland or through An Post (the local Post Office) which offers an international money transfer system to certain countries. Other services offered by the Post Office include stamps, registered mail, parcel post, money orders, postal orders, savings accounts, bill payments and phone cards.

Social Welfare System

The Government Department of Social and Family Affairs (DSFA) is responsible for the social welfare system in Ireland.

The Social Welfare System has two schemes, or systems, of payments:

- **Social Insurance Schemes (contributory)**
These are available to those who have paid a specific number of social insurance contribution, i.e. PRSI. The different payments usually have the term “contributory” or “benefit” in the title.
- **Social Assistance (non-contributory)**
This is paid on the basis of having a low income and is “means tested” (your income must be below a certain level). These payments do not depend on your contribution through PRSI.

Social security contributions paid in EU countries, including Latvia, can be used for determining entitlement to benefits claims.

Social insurance and assistance payments include;

- Unemployment benefit & allowance
- Disability benefit & allowance
- Child benefit
- Maternity benefit
- Occupational injuries benefit
- Rent supplement
- Carer’s benefit & allowance
- Family income supplement

A full list is available from DSFA, 01 8748444 or www.welfare.ie

Habitual Residence Condition

Habitual Residence Condition (HRC) is a condition which you must satisfy in order to qualify for certain social welfare payments including Disability Allowance (claimed when unfit for work due to illness) and Unemployment Assistance.

There are a range of factors considered when establishing Habitual Residency status which include

- Your social insurance contribution record in Ireland and abroad (within the EU)
- How long you have lived in Ireland
- If your intention is to remain in Ireland (Have you arranged a job? Have you bought a house? Have you signed a rental agreement? Do you have close family in Ireland?)

This means that on arrival in Ireland you will not be entitled to social welfare assistance payments. However, as an EU citizen, you *may* be entitled to social welfare assistance payments if you become unemployed or fall ill, once you have been in regular employment (described in the regulations as “genuine and effective employment”). A decision as to whether or not this describes your employment status will be made by a Welfare Officer from the DSFA.

If you do not qualify for payment, in extreme circumstances you may be entitled to a one-off Exceptional or Urgent Needs Payment. Contact a Community Welfare Officer (CWO) in your local Health Centre, or contact your local Social Welfare office for further information.

Further information on all Social Welfare entitlements and requirements is available from any Social Welfare office (see www.welfare.ie for a list of offices or phone DSFA on 01-8748444). You can also contact a Citizens Information Centre (see below).

4. Specifics of the trade union work

Trade Unions

In Ireland, trade unions are independent, democratic organisations, controlled by their members. Membership of a trade union offers the best protection for all workers and is the most effective way of securing your employment rights. Most of the protective laws relevant to the workplace came

into being as a result of active campaigning and bitter struggles waged over many years by the trade union movement with government and employers. Without trade unions workers in Ireland not would have the wages and conditions we have today.

All workers in Ireland have a legal right to join a trade union. There are 56 unions throughout the island, and more than 770,000 workers have chosen to be members of a union relevant to their sector or industry. SIPTU is Ireland’s largest trade union with members in all sectors and industries throughout the country. The Irish Congress of Trade Unions (ICTU) is the national representative body for the trade union movement in Ireland.

The Movement sees its role as much wider than bargaining for improved pay and conditions for its members. On many social and economic issues the movement has a clear set of policies and ideas which it believes would improve the living conditions of people. Through National Agreements with the Government, employers and other “social partners”, the movement negotiates improvements on a wide range of issues. These include pay increases for the period involved as well as agreement on issues such as Taxation, Pensions, Health services, Education, Job Creation and matters relevant to its members, working to create a more just and fair society.

Before talks could begin on the present agreement, “Towards 2016”, trade unions insisted on certain changes being made to protect migrant workers, some of whom were being exploited and used as cheap labour and in some cases, used to replace existing workers while being paid a lower wage and lesser conditions. Negotiations took several months but the unions’ tough stand resulted in guarantees of enforcement of labour law and industry agreement standards, with new resources being made available from the government for enforce standards through a large increase in the number of Labour Inspectors.

If the workers in your place of employment are in a union, just talk to the union representative (called a shop steward) and s/he will get you an application form and give you further information about the union. Alternatively, you can contact SIPTU (01 8586367 or www.siptu.ie).

Each union has its own structures and systems but the strength of any union depends on the level of active involvement of its members. The greater the number of active members, the greater the influence workers have on the employer and therefore on the potential to improve the quality of their working lives.

Unions are organised at a number of levels: the workplace, sector, city, County, Region, etc.

Most disputes or issues in the workplace are settled through negotiations between the employer and the shop stewards or union Section Committee, who are the elected representatives of the workers. A person employed by the Union to look after its members in a particular industry or in a particular geographical area, is commonly known as a “Union Official”. In some cases, the Union Official may be called in to negotiate on behalf of the workers. At all times, the resources of the Union are there to support and advise the members. To assist them in providing the best possible service to the members, SIPTU has specialist Units/Departments such as Organising, Education and Training, Research, Equality, etc. The Union also has a National Women’s Committee, Retired Members Section and a Social Solidarity Service (Irish Trade Union Trust) which operates a Pensions Advisory Service, Basic English Scheme, Credit Union, etc.

If a dispute cannot be settled locally, there is a wide range of Industrial Relations dispute settlement mechanisms which can be used including - Labour Relations Commission / Officers, the Labour Court, Rights Commissioners, Equality Officers and others. A comprehensive explanation of all these can be found in the “TUF Guide to Labour Law” which is available on www.siptu.ie/YourRights/TufGuideToLabourLaw/.

At all times, Trade Union Officials and representatives must act in the best interest of their members.

In Ireland, a collective agreement is defined as an agreement between one or more trade unions and one or more employers in any workplace, industry or sector. It can be at any level from a single workplace to an industry-wide agreement. A collective agreement can cover such areas as pay, pensions, annual leave, sick leave, hours of work, promotional procedures, overtime rates, grievance and disciplinary procedure, etc.

Strength in Unity

Protection is one of the main benefits of joining a Trade Union. The more workers come together, the harder it is for employers to single someone out for abuse, exploitation or unfair dismissal. Employers often try to take advantage of a migrant’s lack of knowledge of their rights or perhaps a low level of English. Trade Union membership will not only ensure a worker knows their rights but more importantly, provide the support necessary to ensure that migrant workers are not treated less favourably than Irish workers.

Pay & Conditions

A union’s core objective is to secure the best possible standard of living for its members and this can be achieved through effective representation in the workplace and in work-related issues.

In times past, the focus for this objective was very simple - improving pay and conditions in the workplace. But more recently Unions and their members have recognised that living standards are decided by much more than pay and conditions alone. Our overall quality of life can also be affected by factors like taxation levels and the quality of the "social wage" (involving health, education, social welfare provision, housing and the environment) as well as issues relating to dignity at work and job security.

Unions work on these and other issues on many fronts at both local and national level - with the same underlying objective of advancing the best interests of its members.

Every day trade unions act on behalf of members on a wide range of issues such as:

- Ensuring that all workers are treated fairly and equally in the workplace
- Monitoring employer’s compliance with the terms of various agreements which have been entered into
- Providing professional representation for workers in grievance/disciplinary disputes
- Securing payment of unpaid premium rates such as overtime or industry specific rates of pay.

- Reinstatement of a worker after being unfairly dismissed or compensation for unfair dismissal (or both).
- Ensuring full entitlements are received under Maternal Leave, Annual leave and all other statutory entitlements.

Union representatives are constantly negotiating with employers to secure the best possible terms and conditions in the workplace, in excess of the minimum standards guaranteed under Irish Labour law.

Knowing what your rights and entitlements are is only the first step; having the power to secure them is the hard part – this is best achieved through the collective strength of trade union membership.

5. Most important parts of a collective agreement at an enterprise and a branch level

Certain sectors of industry, including agriculture, catering, contract cleaning, construction, electrical, contract cleaning, hotels (in most parts of the country), retail grocery, and security are covered by legally binding Agreements / Orders which set minimum rates of pay, which may be in excess of the National Minimum Wage.

Contact SIPTU (1890 747881) for information on these agreements.

Details and copies of these Agreements / Orders are also available on request from Employment Rights Information Unit,
Department of Enterprise, Trade and Employment,
Davitt House,
Dublin 2
or on www.entemp.ie

Where a collective agreement exists, all employees are covered by it, however, Trade Union membership is the best way to ensure the you receive the full benefits and entitlements.

6. Practical guide to some useful issues: institutions (incl. addresses, telephones, e-mails) where to turn in case of any difficulties

Useful Contacts

The first place of contact for support or information should be a trade union. Ireland’s largest Union is the Services, Industrial, Professional & Technical Union (SIPTU)

SIPTU
Liberty Hall,
Beresford Place,
Dublin 1
Tel; 01-858 6300

www.siptu.ie

The representative body for the Trade Union movement in Ireland is the Irish Congress of Trade Unions (ICTU)

ICTU
31–32 Parnell Square,
Dublin 1.
Tel; 01-889 7777
www.ictu.ie

The following three organisations offer information and support to migrant workers on their rights, entitlements and obligations in the workplace and in society. All have websites with very useful information for migrants, some of which is in languages other than English.

Migrant Rights Centre Ireland (MRCI)
55 Parnell Square West,
Dublin1.
Tel; 01-889 7570
www.mrci.ie

Emigrant Advice
1 Cathedral Street,
Dublin1
Tel; 01-873 2844
www.emigrantadvice.ie

Immigrant Council of Ireland (ICI)
2 St Andrew Street,
Dublin 2.
Tel; 01-674 0200
www.immigrantcouncil.ie

Citizens Information Centres (CICs) provide information, advice and assistance on rights and entitlements on a range of topics including; Housing, Social Welfare, Health Services, Family issues, Education, Employment Rights and others. They also provide a number of specialist advice services including; Free Legal Advice, Money Advice & Budgeting and Housing Advice.

CICs are located in towns and cities around the country. A list of the location of their offices along with information in French, Polish and Romanian, is available on their website www.citizensinformation.ie.

Enterprise, Trade and Employment (DETE) is the Government Department with responsibility for the area of labour Rights and Entitlements and their enforcement.

Through this Department, a new unit called the National Employment Rights Authority (NERA) was set up in 2008. The purpose of NERA is to ensure better compliance with employment rights

legislation, through the provision of information as well as enforcement. NERA has three main service areas;

Information

NERA provides information on a wide range of employment rights legislation by telephone, through leaflets and their website.

Tel; Lo-call 1890 808090

Email; info@employmentrights.ie

www.employmentrights.ie

Inspection Service

NERA is responsible for monitoring a range of employment rights for all workers in Ireland. Inspectors carry out routine planned inspections throughout the country and investigate alleged employment rights breaches.

Tel; Lo-call 1890 220 100

Email; inspection@employmentrights.ie

www.employmentrights.ie

Enforcement and Prosecution

Where evidence of non-compliance with employment rights legislation is found, inspectors seek redress from the employer for the employee. In some cases prosecution can be initiated against the employer. In certain circumstances NERA will pursue the enforcement of awards made by the Labour Court and the Employment Appeals Tribunal.

Tel; Lo-call 1890 220 200

Email; enforcement@employmentrights.ie or prosecution@employmentrights.ie

www.employmentrights.ie

7. Practical guide to some useful issues: what to do facing most typical problems

- Trade union membership is the best form of protection against exploitation by employers. Any incidents of abuse, bullying, harassment, discrimination or exploitation should be discussed with your shop steward or trade union Official.
- Migrant support groups (listed above at Topic 6) can offer help in a range of situations.
- The Equality Authority is a statutory body, set up to oversee the implementation of equality legislation. It can give advice or in some instances, take a case against an employer where violation of equality legislation occurs.
- Information on the Maternity Protection Act, Parental Leave Act, and Adoptive Leave Act may also be obtained from the Equality Authority.

The Equality Authority

Leonardo da Vinci project “Trade Union as defensive mechanism of labour market in free labour force mobility” Teaching notes

2 Clonmel Street (off Harcourt Street),
Dublin 2.
Tel; 01- 417 3333
www.equality.ie

SPAIN

1. General description of the labour market

1.1 Geography

Situated in southwest Europe, Spain (504.645 km) is the second largest territory in EU after France. It has a surface area exceeding half a million square kilometres, which includes the Balearic Islands, the Canary Islands and the North African cities of Ceuta and Melilla.

1.2 Population

With forty five million people inhabitants, Spain has the fifth largest population in EU.

1.3 History

Parliamentary democracy was implemented (restored, in fact) in Spain following the death of General Francisco Franco in 1975. The greatest change in Spanish politics came in 1978 when a new Constitution was created, establishing Spain as a parliamentary monarchy.

1.4 Government

The Spanish Parliament is called *Las Cortes Generales* and it is a bicameral parliament consisting of the Congress of Deputies (*El Congreso de Diputados*), the Upper and Lower Houses (*La Cámara Alta* and *La Cámara Baja* respectively) and the Senate (*El Senado*). Members of the Spanish Parliament are chosen by general elections held every four years. The Spanish Prime Minister (*el Presidente del Gobierno*) responsible to the *Cortes* is elected by the Spanish Parliament.

1.5 Economy

Spain's accession to the European Community - now European Union (EU) - in January 1986 required the country to open its economy to trade and investment, modernize its industrial base, improve infrastructure, and revise economic legislation to conform to EU guidelines.

In 1995 Spain started an impressive economic cycle - which keeps going as of 2008 - marked by an outstanding economic growth, with figures around 3%, often well over this rate. This has narrowed steadily the economic gap between Spain and its leading partners in the EU over this period. Hence, the Spanish economy has been regarded lately as one of the most dynamic within the EU (the ninth economy of the world and the fifth of EU), even able to replace the leading role of much larger economies like the ones of France and Germany, thus subsequently attracting significant amounts of native and foreign investment. In few years, Spain increased gross domestic product (GDP) growth, reduced the public debt to GDP ratio, reduced unemployment from 23% in 1986 to 8.47% in first quarter 2007, and reduced inflation under 3%.

Spain has been transformed in the last three decades from a rural, backward, agricultural country into a nation with a diversified economy with strong manufacturing and service sectors. The service sector contributes nearly 70% to the GDP.

The manufacturing industry has mainly developed in sectors like textile, food-processing, iron and steel, machinery and naval engineering. New sectors like electronics outsourcing, information technology, and telecommunications also provide high growth potential.

The agriculture sector produces large crops of wheat, sugar beets, barley, tomatoes, olives, citrus fruit, grapes, and cork. Spain is the world’s largest producer of olive oil and third largest producer of wine in the world. It is also Europe’s largest producer of lemons, oranges, and strawberries. Agriculture contributes nearly 3.5% to the country’s GDP.

Tourism is in full swing and it is the biggest source of income. Spain has become the world’s second largest tourist destination, which stimulates the export of goods and services.

The fundamental challenges remaining for Spain include decreasing unemployment further, reforming labour laws lowering inflation, and raising per capita GDP.

1.6 Language

There are several languages used but the official language is Castilian Spanish which is often thought of as just Spanish.

1.7 Currency

The currency is the Euro.

2. Labour market and EU immigrant workers

In 2007, around five hundred thousand EU workers have been contracted, 13,6% of them with a permanent contract (*contrato indefinido*). EU workers are mainly concentrated in the services sector (55%) and in the construction sector (25,1%); 13,5% of them are employed in the agriculture sector and only 6,3% of them in industry (*Permanent Observatory for Migration, bulletin 13/2007*).

This means that EU immigrant workers are employed in those sectors which are characterized by low skilled, precarious and low remunerated jobs. In 2007 the medium gross salary per month has been around 1.600 euros in the construction sector and 1900 in the industry one (of course, it is not the same to work in the Madrid region and Catalonia or other Autonomic regions such as Extremadura, Galicia and Canarias, where salaries are significantly lower, even if there is a proportion between wages and cost of life).

2.1 Difference of being a “migrant worker” and a “frontier worker”

Under Community rules, the term “frontier worker” means any worker who pursues his/her occupation in the territory of a Member State and resides in the territory of another Member State (political criterion) to which he/she returns as a rule daily or at least once a week (time criterion).

Like all migrant workers, frontier workers residing and working in the European Union benefit from the principle of non-discrimination and equal treatment, which is applicable to workers moving within the territory of the Union. More specifically, Article 7 of Regulation (EEC) No 1612/68 on freedom of movement for workers within the Community provides for equality of treatment in respect of any conditions of employment and work, in particular as regards remuneration, dismissal and, should workers become unemployed, reinstatement or re-employment.

EU migrant workers represent 32.54% of total foreign workers (2.144.008) (*Boletín Estadístico de Extranjería e Inmigración, n.13, July 2007*). EU workers come first of all from Rumania (209.683), then from Portugal, Italy, United Kingdom, Poland and Bulgaria.

Transitional work legislation shall apply till January 2009 to Bulgarian and Romanian employee, who did not have the residence in Spain on January 1st, 2007.

2. Legislation

1. Short Glossary of labour relation in Spain

Acoso laboral (Mobbing): specific form of behaviour at workplace characterized by systematic psychological abuse or humiliation of a person performed by an individual or a group with a view of damaging his/her reputation, honour, human dignity and integrity until forcing him/her out of the workplace.

Comité de empresa (Works Committee): professional body representing all the workers in the company or work centre with a census of fifty or more workers, instituted for the defence of their interests.

Contrato de trabajo (Employment contract): agreement between the employer and the employee that commits the employee to carry out certain services, for and under the employer guidance, in exchange for a salary and under certain labour terms collectively agreed.

Convenio colectivo (Collective agreement): Written agreement on working conditions, wages and social guarantees, signed by an employer or an employers’ association, by one side, and one or more trade union organization representing workers.

Derechos de los trabajadores (Labour Rights): rights acknowledge to workers by Constitution, law or the Worker’s Statute, such as the right to employment and free choice of occupation and trade, free association, collective bargaining, adoption of measures for labour disputes, strike, meetings, participation in the company. In labour relations, workers have the right to: actual employment, promotion and occupational training at work, no-discrimination, physical integrity, to the punctual receipt of the compensation agreed on or legally established.

Desempleo (Unemployment): state of an individual looking for a paying job but not having one. Unemployment does not include full-time students, the retired, children, or those not actively looking for a paying job.

Estatuto de los Trabajadores (Workers’ Statute): centrepiece of Spanish labour law, it concerns the aspects of the employment relationship, workers’ participation and generally applicable collective bargaining.

Formación Profesional (Occupational training): basic workers’ right to be trained at work.

Negociación colectiva (Collective bargaining): a process of negotiation between management and union representatives for the purpose of arriving at mutually acceptable wages and working conditions for employees.

Nómina (Pay slip): receipt or proof of the salary in which received money, extra-hours, bonuses or supplements and the corresponding money has to appear in.

Patronal (Employers’ associations): employers’ associations.

Salario (Salary): totality of the economic payments received by workers for services rendered on behalf of another, whether in exchange for actual work, whatever the form of compensation, or for the rest periods that can be counted as work.

Salario mínimo (Minimum wage): subject to consultation with labour unions and employers’ associations, the Government set a minimum inter-professional wage every year, considering consumer price index, the average national productivity attained, the increase of labour participation in national income and general economic circumstances (in 2008: 20€/day, 600€/month <http://info.mtas.es/infpuntual/smi/evolucion.htm>).

Salud laboral (Work Safety): Workers’ right to workplace safety and health.

Seguridad Social (Social security): set of bodies, services and equipments depending by the Government aimed at providing basic needs to citizens, as healthcare, retirement pensions, subsidies, etc, in return of a contribution which has to pay by all Spanish people who reside in Spain and by foreigners who reside or stay legally in Spain, if they work in the country and belong to one of the following categories: employed worker, self-employed worker, shareholder worker in associated work cooperatives, students and public, civil or military officer.

Servicio Publico de Empleo Estatal (National Employment Public Service): public, national, free of charge service which organizes the placement of workers.

Trabajador comunitario (EU worker): EU citizen who works in an EU country.

2. Provisions of labour relations in the national laws

In Spain labour relations are regulated by law and collective bargaining.

The two pillars of the labour legislations are the Trade Union Freedom Act (Ley Orgánica de Libertad Sindical, L.O.L.S) and the Workers’ Statute (Estatuto de los Trabajadores, E.T).

The **Trade Union Freedom Act** (1985) develops the right to freedom of association/trade union freedom and regulates the formation of trade unions and their activities. In particular, it covers trade union representation at enterprise level (workplace branches, trade union delegates); the identification, responsibilities and powers of most representative unions; and negotiated agreements on the check-off system for collecting trade union dues and on collective bargaining levies.

The **Workers’ Statute** (1985) concerns the central aspects of the employment relationship, workers' participation and generally applicable collective bargaining. It provides for the minimum rights below which any kind of labour relations can not be established.

In the framework of these two pieces of legislation, Spanish labour relations are mainly regulated through **Collective Agreements**, which developed rights and duties ruled by the Workers’ Statute. Actually, collective bargaining – i.e. the process of negotiation between the employer or employers’ associations and the workers' representative bodies (parties to collective bargaining), with a view to reaching agreements to regulate individual and collective relations (collective bargaining process) - now occupies a central position in the Spanish industrial relations system. More than 85% of workers in Spain are covered by a company or sector-level collective agreements (being excluded only several categories, such as household workers) which can not provide for conditions less favourable than the minimum required by law.

An **Individual employment contract** is an agreement signed by the employer and the worker and it set up working conditions which in any case can be less favourable than those provided in the related collective agreement.

3. Working conditions (e.g. dismissal, holidays, working hours, extra hours, paid leaves, sick leaves, parental leaves and others)

Minimum working conditions in Spain are regulated by the Workers’ Statute, but thanks to the collective bargaining process workers usually enjoy more favourable conditions than those provided by the Statute. For this reason, if a migrant worker wants to know which conditions would actually enjoy, the best is to have a look at the collective agreement which he would be covered by. When a worker joins the trade union, he/she will have an easier access to all kinds of information regarding the labour terms of his/her company and the collective agreement of his/her sector.

4. Legal representation of the employee

All workers have the rights to be represented on behalf of their employer. Legal representation includes the work’s committee, staff delegates and union representatives as well. Workers older than 16 and with 1 month of seniority in the company elect both the work’s committee and staff delegates by universal suffrage. Union representatives within the company are elected by trade unions members.

The legal representation is entitled to participate in collective bargaining and in such issues as health and safety conditions at work; to gather information on contracting and subcontracting; to receive a basic copy of the employment contracts, to be present at the moment of signature of the release document, whenever the employee asks for it and to denounce the matters that they consider to be legally flawed.

5. Salaries and payslip

Any payment received by the employee as a result of the rendered services is considered a **wage**. The economic payments can be in cash or in kind, but in no case may salary in kind exceed 30 percent of the amounts received as salary.

The structure of salaries is determined through collective bargaining or, in its absence, through the individual contract. There is minimum salary (guaranteed minimum wage) for the development of any labour relation which is fixed every year by the Government. In 2007 the GMW was fixed €600,00.

The receipt or proof of the salary is the **payslip** (*nómina*). In the payslip it has to appear all the money that the worker receives. It is particularly important that also concepts like extra-hours, bonuses or supplements and the corresponding money are specified. All workers must claim the payslip to the employer when they receive the salary (in cash, cheque or bank transfer) because it proves that the worker is employed in the company with a fixed salary.

5.1 Salary bonus

The worker has the right to a minimum of two bonuses (or extraordinary payments) per year, one of them at Christmas and the other in summer or on the month agreed on by the collective bargaining agreement or by agreement between the employer and the workers’ legal representatives. The amount of such bonuses is likewise fixed by collective bargaining. This notwithstanding, it shall be possible to agree in collective bargaining to bonus prorates divided into twelve monthly amounts.

6. The working day

The **work time per year** is determined by law (maximum 1826 hours and 27 minutes) or the Collective Agreements which is applicable.

The duration of the **working day** is agreed upon in the collective bargaining agreements or work contracts. The Workers’ Statutes fixes in 40 hours the maximum duration of the ordinary working per week, but the collective agreements or work contracts usually establish 38 hours/week and 35 hours/week for public officers.

The actual number of ordinary **working hours** may not exceed 9 daily and 8 for workers less than 18, including, as applicable, the time devoted to training and, if they work for several employers, the hours worked with each of them.

The standard working day is 7/8 hours.

The worker is entitled to:

- A minimum of 12 consecutive hours in a 24 hour period.
- A minimum of 15 minutes break where more of 6 continuous hours and 30 minutes for workers less than 18 years old whenever the duration of the continuous working day exceeds 4 hours and a half;
- Adapt the duration and distribution of the working day in order to implement his/her right to the reconciliation of personal, family and working life in the terms established in the collective bargaining agreement or in the agreement to which he arrives with the employer, respecting, as applicable, what is set forth therein.

Work done between 10 PM and 6 AM is considered **night-time work**. The working day for night-time workers may not exceed 8 hours daily on average in a reference period of 15 days. Night workers can not perform overtime.

Night work must entail an economic compensation established by agreement that can also be in rest periods.

The night work is forbidden for employees under 18 years old.

7. Overtime

Those hours of work done over the maximum duration of the ordinary working day are considered overtime. Through collective bargaining agreement or, in its absence, individual contract, it is possible to choose between compensation in form of wages or paid rest periods. Note that:

- As general rule, the number of overtime hours may not be superior to 80 a year;
- Every overtime hour is to be paid at least the same an ordinary working hour;
- Overtime work is voluntary, unless its execution has been agreed on in collective bargaining agreements or in individual work contracts.

8. Annual Leave and Public Holidays

The period for paid **yearly holidays** not subject to substitution by economic compensation is agreed on in the collective bargaining agreement or individual contract. In no case the duration can be less than 30 calendar days.

The period or periods for their enjoyment is fixed by mutual agreement between the employer and the worker, in accordance with what is established in the Collective Bargaining Agreements regarding yearly holiday planning, as the case may warrant. Holidays has to be enjoyed during the year.

The holiday calendar is set in each company. The worker has the right to know the dates that correspond to him/her at least two months before such holidays begin.

Public holidays are paid and not recoverable, and may not exceed 14 per year, of which 2 are local working holidays.

9. Leaves

There are some conditions established in the Workers’ Statute (that can be extended by collective agreement) which make it possible for the employee to leave his work and not loose the right to salary some time. The main reasons of leave are:

- 15 calendar days in case of marriage.
- 2 days for children’s birth and for the decease, accident or serious illness, hospitalization or surgery without hospitalization of relatives of up to second degree of consanguinity or affinity. Should the worker need to travel for the purpose, the interval is four days.
- 1 day for moving out of residence.
- To perform union or personnel representation functions under the terms legally or conventionally established.
- For the indispensable time required to undergo pre-natal check-ups and childbirth preparation techniques that have to be done during the working day.
- Parents have the right to one hour of absence from work to feed an infant of less than nine months.

- Parents, at their choice, may substitute this right for a reduction of their working day by half an hour for the same purpose, or accumulate this into complete days under the terms provided for by the collective bargaining agreement or by the agreement arrived at with the employer, respecting, as applicable, what is set forth in collective bargaining.
- In aid of young mothers, special rules have been stated to get the maternal benefit.

10. Suspension, expiry of contract and dismissal

Suspension of work relations is when the employee is not obliged to work and the employer is not obliged to pay the employee’s wage (for example, when the worker is sick or have had an accident, the Social security will pay him/her through the company as an allowance).

Expiry of the contract of employment represents the end of the work relations between the employee and the employer, due to different reasons: for example for reasons validly specified in the contract, for ending of the agreed period of time or completion the work service, for wish of the employee or owing to mass or individual dismissal.

Dismissal is one of the causes for which the employment contract can be terminated. In this case it is the unilateral decision of the employer to terminate the contract. Dismissal may be collective or individual.

In case of **individual disciplinary dismissal**, the employer unilaterally decides to terminate the contract of a worker on account of his serious contractual breach. If the employee does not agree with the employer's decision and claims and the judge considered the dismissal is unfair, the employer is sentenced to pay the corresponding wages since the day of dismissal until the day of the judgement. Furthermore, he/she must either re-employ the worker or compensate him with 45 days of salary per year of service, with a maximum of 42 monthly pays.

The individual dismissal based on objective causes occurs for example when the employee is inept to perform his/her former position duties or in case of recurrent non-attendance to work. In this case, the employer must notify the dismissal in writing to the employee within at least 30 days before the date in which the dismissal shall take effect. The employee has the right to receive an indemnity equal to 20 days of salary or to claim.

In case of **oral dismissal**, when a worker is told that, by a certain date, “there is no need” for him/her to come to work, he/she should urgently contact the trade union, in order to go on with the corresponding procedures of defence of his/her labour rights. Otherwise, it could be disguised as a voluntary resignation and any unemployment benefit would be impossible.

Pregnant workers or workers with parental leaves are guarantee against the dismissal.

11. Work safety

Since 1995 in Spain there is a new **Prevention of Risks at Work Act**. Even if this law can be considered quite progressive and reached through a general consensus among social partners, there are still employers who are pursuing short-term benefits, without adequately paying heed to workers’ safety and health.

11.1 Employer’s obligations

The employer is responsible for the health and safety of the employees. He/she must:

- Provide them with an effective protection;
- Initially assess the occupational risks involved in each activity carried out by the company;
- Have an updated preventive plan for every occupational risk;
- Adapt every job to the employee, paying special attention to minors, to temporary workers and to the protection of maternity;
- Assume the full management of preventive activities and the organisation of safety measures;
- And provide the employees with a proper access to information, consultation and participation.

11.2 Employee’s rights and duties

On the other side, the employee has the **duty**:

- To watch over the safety and health at their workplace and its consequences to the rest of the staff;
- To cooperate with the employer to ensure that the work is carried out in safe terms, in accordance with the received training;
- To collaborate in the maintenance of order, cleanliness and detection of occupational risks in the working place;

and the **right**:

- To have a free provision of the preventive protection equipment (clothes, glasses, helmets, gloves, footwear, etc.);
- To be also provided with safety devices (alarms, signs, antiskid floors, fences, etc.);
- To go through free periodic medical examinations bearing in mind the occupational risks they are exposed to;
- To be provided with emergency measures and first aid in their work place.

Please note that there is a special protection for pregnant mothers , if the kind of work is can affect them or the fetus.

12. Labour contract

A contract of employment is the agreement between the employer and the employee that commits the employee to carry out certain services, for and under the employer guidance, in exchange for a salary and under certain labour terms collectively agreed.

It is not likely that abusing clauses appear in contracts (abusing are perpetrated in the shadows of the workplaces); in both cases, if there is any abuse or fraud, the worker should contact a legal workers’ representatives.

12.1 Written and oral labour contracts

The work contract may be formalized in writing or orally.

Work contracts must be reflected in writing whenever a legal provision so demands and, in any event, in the case of apprenticeship and training contracts, part-time contracts, fixed-discontinuous contracts and replacement contracts, contracts for specific works or services, and contracts of workers hired in Spain at the service of Spanish companies abroad. Contracts for a specific term in excess of four weeks have to be reflected in writing.

Should such requirement not be observed, the contract is to be presumed as existing for an indefinite period of time and for the whole day, barring proof to the contrary that accredits its temporary nature or the part-time character of the services.

12.2 Content of the labour law

All written contracts must include:

- Personal data of the employee and identification data of the company;
- Kind of contract, cause and justification of this choice;
- Employee’s post to cover and professional category or group;
- Contract duration;
- Salary that the employee will receive (with a minimum collectively agreed for every professional category);
- Working day and working hours (if it is a part time contract);
- And trial period.

3. Advantages of labour markets – a practical guide to access the labour market

1. Entering the country

Under the provisions of Royal Decree 240/2007, 16th February (in force since 2nd of April 2007), EU citizens are free to enter, leave, travel and live in Spain and may also engage in any economic activity, either as paid employees or self-employee, service providers or students, under the same conditions as Spanish citizens.

If an EU citizen was living in Spain before 2nd April 2007, **holding a valid EU residence card**, he/she does not have to do anything until it expires. Then he/she should go to the Foreign Office (or in absence to a local Police Station) of the province he/she lives, and ask for a registration certificate as an EU resident.

If an EU citizen was living in Spain before 2nd April 2007, but **does not hold a valid EU residence card** (because he/she is not obliged to have one), he/she should go to the Foreign Office (or in absence to a local Police Station) of the province he/she lives, and ask for a registration certificate as an EU resident.

If an EU citizen **wants to live in Spain for more than three months**, within three months since his/her entry in Spain, he/she should go in person to the Foreign Office (or in absence to a local Police Station) of the province he/she is planning to live and apply for registration on the Central Register of Foreigners. Once he/she has applied and paid the relevant fee, he/she will receive a registration certificate displaying his/her name, nationality, address, date of registration and Foreigner’s identity Number (NIE).

2. Work in Spain: procedures for EU citizens

An EU citizen who wants to work in Spain has to apply for registration in the Central register of Foreigners, if he/she is planning to stay in Spain for more than 3 months, and obtain the necessary Registration certificate.

In other respect, when an EU citizen is working for an employer or self-employed, providing services or studying, he/she will be subject to the same legislation and in equal conditions as Spanish citizens.

2.1 Find a job

Besides the job search engines and web sites, other useful (and more institutional) channels are the Spanish Embassy or Consulates in the country of residence; the Embassy of the Residence Country or Consulates in Spain; and, of course, friends or family who are already in Spain.

Many workers contact **Temporary Work Agencies** (*Empresas de Trabajo Temporal - ETT*), i.e. companies that put their own staff (which is called the loaned staff) at the disposal of another company (which is called the user company), for the execution of temporary tasks. The contracts made by a Temporary Work Agency for a loaned worker must be one of the following: a limited period contract, a contract of work or service, a temporary contract for production reasons, a provisional contract, a contract of execution of work or service of general interest or an open-ended contract.

It is important to stress on the fact that loaned workers have specific rights with respect to the Temporary Work Agency, such as, for example, the wage not under the minimum stipulated by the collective agreement and the work post in the company where you work and the right to indemnity. The TWA must give workers a free training in order to develop their skills and to inform them about occupational risks. TWA services are free of charge for workers.

2.3 Application for a job, key issues in writing your CV in Spain

Basically writing a CV in Spain is not different from writing a CV in the other European countries. Please find here some short suggestions:

- A CV is supposed to be an introduction to a prospective employer documenting the qualities a worker has to offer. As it is an introduction, the main purpose of the CV is to obtain an interview. An employer may have several hundred enquiries about a single job so the CV should be short and relevant to the job the worker is applying for (it should not exceed 2 pages in length and ideally it should be only one page).
- If the worker is writing a CV for a job in Spain, he should write it in Spanish (unless it is specifically requested in the advert that you write in another language).
- The Layout and Presentation of your CV is important. If it doesn't look professional you will most likely be discarded for the position.
- It is always better to start with the most relevant information first (reverse chronological order).
- In Spain it is very normal to include a photo on your CV.

4. Social Security

The Social Security System is a set of regimes through which the State guarantees the persons included in their field of application suitable protection in the contingencies and situations defined by the law. The beneficiaries are those who carry out a professional activity or fulfil the requirements demanded in the non-contributive modality, as well as the family members or assimilated persons they have in their charge. The Social Security contribution entitles the worker to exercise his/her entailed rights (unemployment benefit, disability allowance, retirement pension, etc.).

Regardless of gender, marital status or profession and for the purposes of the benefits in the contributive modality, foreigners, who reside in Spain or are legally in Spain, are included in the Social Security’s field of application, as long as they carry out their activity in the national territory and are included in one of the following sections: workers employed by another person, self employed workers, working partners in associated work cooperatives, students.

To benefit of Social Security protection, a worker has to be affiliated. **Affiliation** may be initiated:

- 1) **by the worker:** self-employed workers who begin working as such and who are not already affiliated are required to request affiliation. The employee, who works on his own account, is responsible for the total amount of contribution, he can choose between a maximum and a minimum percentage of contribution (with several exceptions, like for the household workers);
- 2) **by the employer:** employers are required to request affiliation in the Social Security System for those who enter into their service and are not already affiliated. (Please note that if the employer does not comply with his/her obligation, the worker may request his/her own affiliation in the system). A set percentage of income as a contribution is to be paid jointly by the employer and the employee. The payment to the Social Security is not direct. It is the employer who, through a deduction of the worker’s salary, is obliged to do the payment, together with the amount corresponding to the company. This deduction is specified in the worker’s payslip.

Once applied, a Social Security Number is assigned to each worker. Thus, to confirm his/her affiliation, a worker must simply check that he/she has been assigned this number. More information about Affiliation, Registration, contribution, etc. is available at http://www.seg-social.es/inicio/?Mival=cw_usr_view_Folder&LANG=6.

5. Taxes

Despite recent reforms, the Spanish taxation system is still complicate. Spain as a whole operates on three levels: national, regional and local or municipal – particularly when it comes to taxation. National taxes are levied by the Spanish central government tax agency, the *Agencia Estatal de Administración Tributaria*, whose website (www.aeat.es) has some useful information.

All workers must pay the “**Personal income tax**” (IRPF), which is a direct tax levied on the income of individuals. This is a progressive tax, which oscillates in between 0% (in case of the lowest income) and 45% (highest income).

The personal income tax situation for a **salaried worker** is relatively simple. There’s a “pay-as-you-earn” system and the employer deducts the relevant tax contribution (called withholding tax) throughout the tax year, so that the worker should has nothing more to pay. Recent improvements in

the system mean that this amount is calculated so that it matches as closely as possible the tax liability and allowances.

Employers must provide employees with a certificate of taxes withheld (*Certificado de Retenciones*) that allows a worker to fill in his/her income declaration. The national tax agency calculates what he/she owes or what is due to him/her and sends him/her a form to check, sign and return; any refunds are made before the end of April.

Self-employed people have different accounting and tax obligations from those of an employee. There are two types of self-employed tax ‘regime’. A form stamped by the tax office to explain how to pay taxes is available at tax offices.

5.1 Local Taxes

Local taxes are for example: the **Property Tax**, applied to the ownership of real estate property; **Economic Activities Tax**, applied to the exercise of any business, professional or artistic activity; **Motor Vehicle Tax**, applied to ownership of motor vehicles authorised to travel on public roadways; **Construction, Installation and Works Tax**, applied to any construction, installation or works activity that requires the corresponding urban development permit; **Capital Gain on Urban Land Tax**, applied to the increased value of urban land as a result of transferring ownership.

6. Accommodation, living

Property prices have risen dramatically over the past several years due to a boom, so there has been upward pressure on rentals. Monthly rentals for a 1-2 bedroom furnished flat start at €600/month in Madrid and Barcelona. A cheaper option is a shared apartment (*pisos compartidos*), which may start around €300/month in the major cities.

Other options include staying with a family or in a *pension, residencia* or *colegio mayor* (student hall). These often provide more flexibility in terms of rental terms.

May to July is the best time for flat hunting.

A typical contract runs for one year. Some suggestions to people who have found housing:

- Read the contract carefully and ensure everything is clear;
- If the contract specifies inventory (dishes, linen, etc.),
- Make sure the items are there; check that all electrical appliances and utilities are in working order;
- Don’t take a verbal guarantee that defective items will be fixed later, get it written down in the contract or done now.

Depending on the landlord, **utility expenses and community fees** (*gastos de la comunidad*) may or may not be included in the rent. Community fees generally cover the costs of the doorman, general maintenance and trash collection and sometimes one or more of the utilities.

Most landlords ask for a **security deposit** (*fianza*) of 1 month and sometimes 2 months if the flat is furnished. Anything more than this should be avoided. It is also possible to negotiate the conditions concerning the return date of the deposit

Given that Spain’s legal system does not offer strong protection to property owners, it is very common for landlords to ask for additional guarantees. A **copy of a payslip** (*nómina*) may be requested as proof that monthly salary exceeds the rent.

As a further guarantee, landlords sometimes request an *aval bancario*. It is essentially a letter of credit from a Spanish bank guaranteeing that if you default on your obligations, the bank will pay whatever is owned for the remainder of the contract.

7. Public Health Care

Spain provides universal health care to all of its citizens under a tax-financed scheme run by *Insalud* (*Instituto Nacional de Gestión Sanitaria*).

If you are a **European Union citizen**, you are automatically entitled to **free basic health care** in Spain due to reciprocal agreements among EU countries. Since the 1st June 2004, European citizens who are travelling within the European Economic Area are given a European Health Insurance Card, which simplifies the procedure when receiving medical assistance during their stay in a Member State.

With respect to **private insurance**, anyone is eligible. These companies typically offer both medical and dental coverage with a discount if you sign up for both. Obviously, prices vary greatly according to the age and sex of the applicant; however, it is not prohibitively expensive. To give an idea, the average monthly medical premium for a 30-year old male starts around €40 per month; for females it's a bit higher at roughly €50 per month.

8. The Spanish Education System

In Spain **Primary and Secondary Education** is compulsory and free. This education covers ages 6 to 16 and it is given at public, subsidised or private education centres (the private centres are not free). Competency on the subject is attributed to the Autonomous Communities.

Higher Secondary Education is voluntary and lasts for two school years, normally between the ages of 16 and 18. These studies provide a general education which favours greater intellectual and personal maturity, while also preparing them for later studies, both at university and in vocational training.

The purpose of **Vocational Training** in the education system is to prepare students for work in a professional field, providing them with multipurpose training that allows them to adapt to the changes in the workplace that may arise throughout their life.

The **University Education** structure is currently in the process of being modified to adapt it to the “Bologna process”. Nearly all Spanish Universities offer postgraduate, doctorate, masters and degree studies.

9. Recognition of professional qualification

General information can be obtained through the Ministry for Education, Culture and Sport, via the *Subdirección General de Títulos, Convalidaciones y Homologaciones* (Sub-Directorate General for

Qualifications, Validations and Recognition), which is the body that coordinates the application of Community Directives in Spain.

10. Banking

An EU citizen can open a bank account providing his/her ID (identification document) including Photo ID.

The most common type of account is a non-interest bearing current or checking account (cuenta corriente). The other alternative is a savings account (cuenta de ahorro). For an annual fee nearly all banks offer a debit card that can be used to pay with in shops and take money out of cash machines.

11. Unemployment

Unemployment benefits are economic benefits available to salaried workers who, having contributed to the General Social Security Scheme, lose their job, completely or partially, and are in a legally recognised situation of unemployment.

In Spain, workers who are employed by others (except civil servants and those who do not make contributions for this concept, such as domestic employees) are required to be insured, covering the loss of employment. Contributions for this coverage are made by the employers, the workers and the State.

There are two levels of coverage for unemployment benefits under the Spanish system:

1) Contributory Level Benefits - All workers employed by others who have contribution periods in the general Social Security scheme of over 360 days have a right to receive contributory level unemployment benefits when they lose their job, completely or partially, for reasons beyond their control.

2) Assistance Level Benefits - Workers who are legally unemployed and registered with the Public Employment Services, who do not have a right to contributory-level benefits or whose benefits have expired, may apply for an assistance-level unemployment benefit if they meet the conditions established for certain groups.

The Spanish unemployment benefits system is managed by the INEM-SPES. If a worker loses his/her job while in Spain, he/she should contact the local SPES office, where he/she will receive information on applying for unemployment benefits. If he/she wants to return to His/her country and apply for unemployment benefits there, he/she must first request the E-301 form from the SPES to be able to count the period worked in Spain.

More information is available at http://www.inem.es/inem/ciudadano/empleo/pdf/trabEsp_en.pdf.

4. Specifics of the trade union work

1. Achievement and role of Comisiones Obreras

Comisiones Obreras, CC.OO., (Workers' Commissions) since 1970s has become the largest trade union in Spain. It has more than a million members and it is the most successful union in labour

elections, competing with the socialist Unión General de los Trabajadores, UGT and the Confederación General del Trabajo.

1.1. How to join the trade union

There are many ways to join the trade union, the most common of which:

- 1) By applying at <http://www.ccoo.es/cscceo/menu.do?Afiliate>
- 2) By contacting the trade union’s offices (addresses available at www.ccoo.es)
- 3) By applying in company’s offices with the assistance of trade union delegates or sections’ members.

1.2 How CC.OO works. Examples of how the trade unions can help

Starting from company trade union sections, CC.OO. is built up from trade unions within both regional and sector-based organisations. CC.OO. trade union confederation allies 17 nationality-based confederations and regional unions for each of the Autonomous Communities (self-governing regions) within Spain, two unions in autonomous cities; and 12 sector-based state federations.

Comisiones Obreras provides workers for legal assistance and other kind of services, like informing on accommodations, holidays, assurances, etc.

Examples of the some common issues in the workplace today include accidents at work, unfair discrimination in the workplace, pension schemes closing and manufacturing/service sector jobs being transferred to overseas locations.

2. Role of trade union regarding collective agreements

Spanish legislation is really clear in what concerns the industrial relations, the right to collective bargaining and the fundamental role of trade unions in its implementation. They appear in our supreme law, the Spanish Constitution and they are developed in the Organic Law of Trade Union Freedom and the Workers Statute. The trade unions participation in collective bargaining takes place mostly at sector level, and sometimes, at regional or company level. Concerning the social dialogue, trade unions participate at different levels (local, regional or national agreements: *Acuerdos Marco*).

2.1 Benefit of membership

Trade unions help thousands of people at work with a wide range of different problems. Being a member gives a range of benefits, including:

- Protection and representation at work;
- Health and safety guidance and support;
- legal services including free help with work problems and legal support for members and their families;
- Pensions advice;
- Education and training advice and courses, leading to vocational and professional qualifications;
- Other services: accommodations, assurance, spare time, etc.

2.2 How to contact a trade union

It is possible to contact a trade union by internet (i.e. www.ccoo.es), visiting its offices or contacting the union representation within the company.

5. Most important parts of a collective agreement at an enterprise and a branch level

1. Differences between individual labour contract and collective agreement

The individual labour contract produces its effect between the employer and the employee, thus it has individual efficacy. Work contract types are regulated by law, being very limited and the parties’ autonomy. Conditions provided in a work contract can not be lower than the minimum provided for the Workers’ Statute or than the collective agreement applied in the sector.

Differently from an individual work contract, collective agreement in Spain has general efficacy (*erga omnes* force) which means that it applies to all employees and employers included in its functional and territorial scope, regardless of whether they are or not associated to the unions and employers’ associations who signed the agreement.

Collective agreements are binding to individual contracts of employment in its scope of application which means that collective autonomy prevails upon individual autonomy, constituting a limit for it.

Art. 3.1.c) ET provides that “the duties and obligations concerning the employment relation are regulated: [...] c) by the parties ... in the contract of employment [...], but in no case they are allowed to establish to the detriment of the employee any terms or conditions which are less favourable than or infringe those provided by the above-mentioned statute law and collective agreements”.

Neither can contracts of employment and individual agreements avoid the application of the relevant collective agreement. Those clauses precluding its application are invalid and ineffective.

1.2 Legal background of the collective agreement

In Spain the term “collective agreement” applies to generally applicable collective agreements (*i.e.* agreements with *erga omnes* force) drawn up in accordance with the requirements laid down by the Workers’ Statute.

Through collective bargaining agreements in their respective areas, workers and employers regulate their working and productivity conditions. Likewise, they may regulate peaceful coexistence in the workplace through the obligations agreed on.

Legitimacy to negotiate is ruled by art.81, Workers’ Statute.

1.3 How to join a collective agreement

As the collective agreement in Spain has general efficacy, it affects automatically all workers belonging to its sphere of application. What it has been established by collective agreement, it has

to be applied to every worker and employer, even in case of disagreement with the contents. Therefore, there is no need to include any “bridge clause” in employment contracts, in order to incorporate their terms and conditions into the individual employment relation.

1.4 Collective agreements’ content

It may cover all types of **issues within the field of industrial relations**; they essentially concern terms and conditions of employment and other matters relating to the contract of employment (pay, working hours, working time, health and safety, occupational groups and categories, promotion, vocational training, selection tests, geographical and functional mobility, disciplinary procedures, equal opportunities, no discrimination etc.) **or relating to the collective aspects of labour relations** (trade union rights, the rights of workforce representatives, bargaining levels, the joint collective agreement committee, settlement of disputes concerning the interpretation and application of the agreement, no-strike clauses, etc.).

Saving free autonomies of both negotiating parties, collective agreements have to enclose the following **content**:

- a) Identification of the signatory parties;
- b) Determination of their personal, temporal, geographic and functional scope;
- c) Waiver clause from economic conditions provided by collective agreement, in case of crisis;
- d) Notice of termination, formal requirements, etc.;
- e) Designation of a Joint Committee as the signatories’ representative;

In addition to the above-mentioned mandatory content, collective agreements usually regulate the terms of individual contracts of employment, the relationship between workers representatives and employers or their associations, some aspects of social benefits, etc. The parties are free to negotiate on the quoted matters, within the framework of the law (Art. 85.1)

6. Practical guide to some useful issues: institutions (incl. addresses, telephones, e-mails) where to turn in case of any difficulties

1. Most typical problems

EU immigrants usually are exposed to fewer risks than immigrants coming from the rest of the world, as they can legally enter and stay in Spain just for being EU citizens. Consequently, they face the same daily problems which affect also Spaniards. In most cases, abuses or frauds are perpetrated in their work places and they concern unfair working conditions, dismissal without notice, wages and number of working hours, overtime or night time. These problems mainly affect less-educated or unskilled employees and workers. In this case, it is important to contact the Trade Union or to be affiliated to.

7. Practical guide to some useful issues: what to do facing most typical problems:

Ministry for Employment and Social Affairs

At national level, the Ministry for Employment (Ministerio de Trabajo) offers a wide range of information to EU citizens who want to live and work in Spain.

Ministerio de Trabajo

C/. Augustin de Bethancourt, 4 – 28071 Madrid, tel: 0034 91 363 0000

<http://extranjeros.mtas.es/>

Autonomous Communities’ Immigration Departments

Autonomic Communities and Municipalities’ Immigration Departments provide for basic services (Immigration departments, guide books, websites, etc.) to inform immigrants about issues of interest, such as living and working in Spain, employment opportunities, work legislation and individual contracts.

For example on the webpage of the Immigration and Cooperation Department of the Region of Madrid

(http://www.madrid.org/cs/Satellite?pagename=PortalInmigrante/Page/INMI_home&language=es)

it is possible to find information on residence, housing, employment, healthcare, education and training social services, national houses.

Autonomous Communities’ Employment Services

Andalucía <http://www.juntadeandalucia.es/servicioandaluzdeempleo>

Aragón <http://www.portal.aragob.es>

Asturias <http://www.princast.es/trabajastur>

Canarias <http://www.gobiernodecanarias.org/empleo>

Cantabria <http://www.empleacantabria.com>

Castilla-La Mancha <http://www.sepecam.jccm.es/>

Castilla y León <http://www.empleocastillayleon.com>

Cataluña <http://www.gencat.net/treball>

Comunidad de Madrid http://www.madrid.org/servicio_regional_empleo/

Comunidad Valenciana <http://www.servef.es>

Extremadura <http://www.empleaextremadura.com>

Galicia <http://www.xunta.es/emprego/portal.htm>

Illes Balears <http://infosoib.caib.es>

La Rioja <http://www.larioja.org>

Navarra <http://www.cfnavarra.es/webgn/sou/instituc/cp/>

Región de Murcia <http://www.sefcarm.es>

Trade Unions

Trade Unions offer specific services too. Comisiones Obreras in Spain is committed in giving information on housing, assurance, discounts for travelling and staying as well as offer services of legal assistance, rights’ defence, professional and trade unionist training.

Services are provided by the Confederation, as well as by each Federation at national and local level. Moreover, CC.OO. has issued the **Information Centres for Foreign Workers (CITEs)** which freely advice and support immigrated people and offer mediation and communication in different languages.

Confederation

Comisiones Obreras (CC.OO)

Calle Fernández de la hoz, 12 - 28010 – Madrid, tel. 917028000

www.ccoo.es

Federations

Various Activities	http://www.ccooactividadesdiversas.org
Agrifood	http://www.ccooagroalimentaria.org
Shops, hotels, catering and tourism	http://www.fecoht.ccoo.es
Communication and Transport	http://www.fct.ccoo.es
Construction, Wood and related Areas	http://www.fecoma.es
Teaching Federation	http://www.fe.ccoo.es
Textile-fur, Chemical and Related Industries	http://www.fiteqa.ccoo.es
Mining and Metallurgy	http://www.minerometal.ccoo.es
Pensioners and the Retired	http://www.minerometal.ccoo.es
Financial and Administrative Services	http://www.comfia.net
Health (FES)	http://www.sanidad.ccoo.es

Information centres for foreign workers (CITEs)

<http://www.ccoo.es/cscocoo/menu.do?Áreas:Migraciones:CITEs>

Employment national services

Public Employment Services, EURES:	http://europa.eu.int/eures
State Public Employment Service	http://www.inem.es

Health

Ministry of Health and Consumer Affairs (“Ministerio de Sanidad y Consumo”) Pº del Prado 18-20 (ground floor) 28014, Madrid. Telephones: 915961089 / 90 / 91-Fax: 915964480.

<http://www.msc.es>

Social security

Ministry of Employment (Ministerio de Trabajo)
Seguridad Social

www.seg-social.es

Taxes

In Spain, you may obtain information at the Provincial Offices of the State Tax Administration Agency and at the corresponding Administrations. You may consult the Tax Agency page on the internet at <http://www.aeat.es> , call on Tel.: 901 33 55 33 (basic tax information) or contact:

- Tax Office in Madrid (“Delegación de Hacienda en Madrid”) Exchequer (“Ministerio de Hacienda”) Guzmán El Bueno 139, 3ª plta., 28003 Madrid, Tel: (00 34) 91 582 67 67 (Ext. 6537), Fax: (00 34)91 582 65 77
<http://www.minhac.es>
- Tax Department (“Dirección General de Tributos”) c/ Alcalá, nº 5, 28014 Madrid, Tel.: 91 595 80 00 Ext.: 8043, Fax: 91 595 84 54
- State Tax Administration Agency (“Agencia Estatal de la Administración Tributaria”) San Enrique, 26, 28071 Madrid, Tel.: 91 583 70 00 Ext.: 8998, Fax: 91 583 70 05

<http://www.aeat.es/>

- Customs and Excise Department (“Departamento de Aduanas e Impuestos Especiales”) (Headquarters and Offices), Tel.: 91 728 96 08 / 05

<http://www.aeat.es/aduanas/donde/home.html>

Working conditions

Comisiones Obreras

www.ccoo.es

2004 Labour Guide

<http://www.mtas.es/Guia2004/portada.htm>

Salaries

<http://www.tusalario.es>

National Statistical Institute

<http://ine.es>

EU Qualifications Recognition

<http://wwwn.mec.es/mecd/jsp/plantilla.jsp?id=8&area=titulos>

Community Status (Home Office)

<http://www.mires/extranje/extregcomunitario.htm>

Youth Institute

<http://www.mtas.es/injuve/>

DENMARK

1. General description of the labour market

Denmark in general.

Denmark is a small country compared with its closest neighbours. Sweden is ten times and Germany eight times larger than Denmark, which has an area of 43,098 km². On the other hand, Denmark has a coastline that is extraordinary given the size of the country. Denmark has a coastline of 7,314 km corresponding to almost 1.5 metre coast per inhabitant.

The highest point is 171 m above sea level. No one in Denmark is more than 50 km from the sea. The climate is temperate coastal climate. January and February are the coldest months with an average temperature of 0.0°C and August the warmest with an average temperature of 15.7°C. The population in Denmark is 5.4 million.

Currency

The currency in Denmark is the “Kroner (kr or DKK)”. Each “krone” is divided into 100 øre. Kroner is linked to Euro (€); 1 € = 7,45 kr.

There are seven coins and five notes. The denominations are:

Coins: 25, 50 øre, 1, 2, 5, 10 and 20 kr.

Notes: 50, 100, 200, 500 and 1000 kr.

Labour market.

Most people are employed. Since the early 1990s, the unemployment rate has decreased drastically. In 2007 the unemployment rate is below 4%. Denmark is one of the countries with the highest proportion of women in the labour market.

In Denmark, 82% of the workforce is unionised. The central organisations are LO (the central organisation of 18 affiliated unions), FTF (The Confederation of Salaried Employees and Civil Servants in Denmark) and AC (The Danish Confederation of Professional Associations). The employers, on their side, are also organised into employer organisations, such as DA (The Danish Employers' Confederation).

Living in Denmark

In Denmark, there is a high standard of living, but prices are also high. It is important to be aware of the fact that even though the pay level is high, the costs of living are equally high. This can be illustrated by the fact that a standardised product such as the Big Mac (from the fast food chain, McDonalds) is twice as expensive in Denmark as in Poland (the Economist, January 2004).

In Denmark, public services are financed through taxation. These services include hospitals, doctors, libraries, education & training, pensions etc. The average tax incidence is at 48.6%. In addition to this, all consumer goods are subject to 25% VAT.

The average worker covered by a LO/DA collective agreement has an income of approx. DKK 281,000 per year (about 37,700 €). After taxation and labour market contributions, the remaining sum is approx. DKK 170,721 a year (about 22,900 €). In addition to this, at least 1/3 of this amount should be set aside for housing costs.

A construction worker in Denmark on average earns about DKK 145 per hour. To this you can add a holiday period of 6 weeks, payment for holidays, pension and holiday payment of about 25 per cent. All this has not come by itself, but is reached through union organization and tough bargaining.

Before leaving home - Suggestions

- Get a return ticket. If your time in Denmark is not successful then at least you will be able to get back home if you run out of money.
- Denmark is a very expensive country to live in. Make sure before you arrive in Denmark that you have enough money with you to survive until you get a job.
- Good Danish language skills or to a certain degree – good English language skills improve your chances of getting work in Denmark. If you do not have good Danish/English, you may find it hard to get the work.
- If you do not have friends or family to come to in Denmark, there are some contact details of useful organisations in this publication
- If possible, bring a Danish CV (or perhaps an English language CV), references and details of all qualifications.
- Bring at least two forms of photo identification, e.g.,: Passport, Driving License or national identity card.
- You should obtain a European Health Insurance Card from your local Social Welfare office in Latvia. As an EU citizen, you are entitled to emergency medical cover using this card. You should also obtain forms E104 and E301. These are a record of social insurance contributions paid by you in Latvia and may help you to get support if you lose your job or become ill while in employment in Denmark.

2. Legislation

In most European countries, the labour market is heavily regulated through legislation. This is not the case in Denmark. For more than a hundred years, the Danish labour market has mainly been regulated through collective agreements negotiated between trade unions and employer organisations.

The central aspect of the Danish labour market model is that disputes on wages and working conditions are solved through an institutionalised system of negotiation between the two sides of industry. The labour market is well-organised and is characterised by a low level of disputes and stoppages. One of the consequences of this regulation through negotiations is that there is no statutory minimum wage in Denmark.

As a worker on the Danish labour market, everyone, regardless their nationality, has the right to an **employment contract** with information on all relevant employment conditions including; a job description, information on working hours, holidays, pay, etc. Furthermore, everyone has the right

and the opportunity for membership of a trade union. As part of the employment contract, the employer must indicate which collective agreement or other agreement the employment contract is covered by.

Most workers are members of a trade union which attends to their rights and interests vis-à-vis the employer. The trade union negotiates collective agreements on issues such as:

- Pay
- Working hours and conditions
- Protection in case of dismissal
- Notice of termination
- Rules on maternity/paternity leave
- Rules on shop stewards

The trade unions thus safeguard workers’ rights and working conditions. As a member of a trade union, workers have the opportunity to contact their shop steward or the local trade union branch if problems arise at the workplace. As a general rule, in the case of an actual dispute, a worker will have the right to free legal aid and assistance for solving the dispute in question.

For the duration of the transitional period for workers from the new EU-member countries, the residence and work permit will lapse upon the expiration of the contract or upon dismissal.

There is no statutory protection against dismissals. But in the General Agreement concluded between LO and DA there is a rule establishing that employers cannot make arbitrary dismissals and that the worker has a right to a written explanation of the grounds for the dismissal if he/she has been employed at the workplace for at least nine months. This rule applies at all workplaces.

Upon dismissal, the trade union may conduct litigation in the Dismissals Board on behalf of the worker. The employer must inform the employee of the name of the trade union that provides collective agreement cover for the workplace in question can be of help.

Wages and Wage Slips

The employer must give you, with your wages, a written statement of your gross wages and details of all deductions made.

It is recommended that you keep a record of the hours you work and payment received, as this will be needed if there is ever a dispute about payment. It is also necessary as a proof that you have paid your taxes.

In some cases of underpayment that Unions have dealt with, the employer’s records of hours worked show a lower number than those actually worked. If you do not receive a wage slip, contact your Union.

3. Advantages of labour markets – a practical guide to access the labour market

Work permit

As a citizen from one of the new EU countries you are not allowed working in Denmark for a Danish employer without a **residence and work permit**. Working without work permit is in Denmark considered illegal work which is punished with fines, confiscation of a possible profit, imprisonment and expulsion from the country.

If you apply in your country of origin, you must submit your application at the Danish diplomatic mission (embassy or consulate general). You can obtain it from the diplomatic mission. When you have completed and submitted the application form, the diplomatic mission will forward it to the Immigration Service, where it will be processed.

There are **four ways of working in Denmark**:

- As an *employee* employed in a Danish enterprise,
- As a *posted worker* employed with an enterprise providing services in Denmark,
- As a *foreign registered self-employed person* providing services in Denmark, or
- As a *Danish registered self-employed person* setting up his/her own business in Denmark.

Different rules apply in these different situations. The rules are briefly described below. A more detailed description of the rules can be found in the manual: *Rules on residence and work in Denmark for citizens from the new East European EU Member States*. The manual can be found on the website of the Ministry of Employment

<http://www.bm.dk/sw11498.asp>

A more general guide about the Danish labour market can be found on the following link:

<http://www.bm.dk/sw11138.asp>

1. Rules on employment: the Danish transitional scheme

Presently, access to the Danish labour market for workers from the new East European EU Member States is regulated by a national transitional scheme. It is a requirement of the transitional scheme that citizens from these eight Member States must have a residence and work permit that will be granted if the following conditions are met:

- The job must be for at least 30 hours per week.
- The employment must be covered by a collective agreement or in other ways meet the prevailing standards for pay and working conditions for the type of job in question.
- The employer must be registered and be liable to pay tax in accordance with the Danish Act on Taxation at the Source.
- The employer must not be involved in a lawful industrial dispute.

Taking up work is only allowed after having obtained a residence and work permit from the Immigration Service, which makes an effort to deal with all applications as efficiently and quickly as possible.

In the case of an offer of a job in an enterprise holding a prior approval from the Immigration Service, the work may, however, be started as soon as the employment relationship has been notified to the Immigration Service.

A residence and work permit only applies to the employment relationship for which it has been granted and a person cannot start in a new job until a new residence and work permit has been granted by the Immigration Service. If the residence and work permit is to be prolonged, the person concerned may continue in the same job while the Immigration Service is considering the application. The application for prolongation must be sent to the Immigration Service one month before the expiry of the old permit.

If a person works continuously in a job in Denmark for a minimum of 12 months under the rules of the transitional scheme he/she may after 12 months change job without having to obtain a new residence and work permit. This does not apply if the person leaves the labour market of his/her own accord.

In Denmark, it is a criminal offence to work without a residence and work permit when such a permit is required.

2. Rules for foreign providers of services and posted workers

An enterprise that is established in an EU Member State may provide services in Denmark and may post its employees to perform the job.

It is a requirement that all foreign enterprises providing services in Denmark are registered with the Danish tax authorities with a view to payment of VAT. The registration must take place at least eight days before the activities are initiated in Denmark.

No transitional rules apply to enterprises from the East European EU Member States providing services in Denmark. Thus, citizens of the East European EU Member States who work in Denmark as a result of a genuine posting are not required to hold a residence permit under the rules laid down in the transitional scheme. But if an employee is posted for more than three months, he/she must acquire an EEA/EU residence permit from the Immigration Service.

The posting enterprise will be covered by the Danish Act on posting of workers with a requirement to comply with the Danish rules on safety and health at work, working hours, holiday, equal opportunities, etc. More information on these rules can be found on

www.posting.dk – the Danish website on posting of workers. The Danish Act on posting of workers contains no rules concerning minimum wage to posted workers. This is because there is no statutory minimum wage in Denmark.

An employer can decide whether to enter into a collective agreement with a trade union or not. A foreign enterprise posting its workers in Denmark must, however, be prepared to deal with Danish trade unions that will try to obtain a collective agreement concerning pay and working conditions.

Normally, a Danish trade union will contact the foreign enterprise and propose that an adhesion agreement is signed. The foreign enterprise can choose to negotiate an agreement with the trade union. The enterprise may also choose to join a Danish employer organisation and subsequently be covered by any collective agreement that this organisation has concluded with the trade union. Membership of an employer organisation also gives the enterprise access to legal advice in connection with the negotiations with trade unions. Finally, the enterprise may choose not to enter

into a collective agreement. In this situation, the enterprise must be prepared for the trade union taking industrial action, cf. paragraph II.4.

In Denmark, trade unions and employer organisations agree that **posted workers from other EU Member States are to have the same rights in relation to pay and working conditions as Danish colleagues in similar jobs**. This appears from an agreement concluded by the parties’ central of Danish Employers in 1992.

This is also reflected in a clause that most major contractors in the Danish building industry apply when making agreements with sub-contractors. Under this clause, sub-contractors are bound to pay their employees in accordance with the contractual terms laid down for the building and construction sector in Denmark.

The social partners recommend that foreign employers join the relevant Danish employer organisation, thus committing themselves to respect Danish pay and working conditions.

It must be a matter of genuine posting of workers

In addition to the requirements laid down in the Danish Act on Posting of Workers, the following requirements must be met before it is a matter of a genuine posting of workers:

- The posting enterprise must have a genuine financial activity in the home country.
- The posted workers must be permanently employed in the enterprise.
- The posting must be temporary and aimed at the provision of the specific service.

Thus, if an employee has a loose attachment to the posting undertaking as a temporary worker, casual worker etc., he or she must apply for a residence permit in accordance with the rules laid down in the transitional scheme.

3. Rules for self-employed persons setting up a business in Denmark

EU citizens may set up a business in Denmark and they have a right to stay in Denmark for the purpose of running it.

Enterprises that are established in Denmark must be registered with the Danish Commerce and Companies Agency eight days before starting their activities in Denmark. In connection with the registration, the Danish authorities carry out a control to clarify whether it is genuinely a matter of self-employment or whether it is an employment relationship.

If it is found that it is not a matter of self-employment, but rather an employment relationship, the rules of the transitional scheme for employees will apply. It is illegal for a citizen from one of the eight East European EU Member States to work under the pretence of being self-employed if he/she is in fact employed by a Danish enterprise.

4. Rules on safety and health at work

The Danish rules on safety and health apply regardless of the context in which a person is working in Denmark. Thus, foreign employers and employees working in Denmark must always comply with the Danish rules on safety and health and like any Danish enterprises they are subject to the supervision and inspection of the Working Environment Authority.

Both employers and employees have duties

The employer must ensure that all persons are able to work under safe and sound conditions and in compliance with the Danish working environment legislation. Thus, the employer has a duty to supervise the work and ensure that it is performed in a safe and sound manner.

This includes a duty to inform the employees about dangers and health risks that maybe related to the work and to train them so that the work can be performed safely.

Employees have a duty to follow the safety instructions that are given on how to operate machines or how to handle dangerous substances. This includes using gloves, hearing protective equipment, breathing masks, etc. if required. Furthermore, the employees must contribute to the proper functioning of the safety measures. For example, employees must not remove shielding or inactivate extraction systems, and if an employee discovers safety related defects, it is his/her duty to report it to the safety representative, the supervisor or the employer. Employers as well as employees may be sanctioned for violating the working environment legislation.

Organisation of safety work

It is a statutory requirement that all enterprises with 10 or more employees are to set up a safety organisation that deals with the day-to-day safety and health work in the enterprise. The safety organisation consists of representatives of the employees and management.

In enterprises with less than 10 employees, the safety and health work must take place in cooperation between the employer and the employees. In temporary or mobile workplaces, including building sites, the safety and health work must be organised in a safety organisation already if the employer has 5 or more persons employed at the workplace.

Inspection and reactions of the Working Environment Authority

The Working Environment Authority supervises that private and public enterprises comply with the requirements of the working environment legislation. An enterprise can get both announced and unannounced inspection visits.

The Working Environment Authority may demand that any conditions violating the working environment legislation are put in order. If an enterprise, an employee or other persons are not living up to the duties laid down in the working environment legislation, the Working Environment Authority may react by taking a range of different steps.

Employment/Recruitment Agencies

There has been a huge increase in the number of private recruitment agencies in Denmark in recent years. While they are an obvious starting point when looking for employment, you should be aware that some employers will hire through an agency rather than directly employ a worker and in this way try to avoid their responsibilities as an employer. Where possible, you should seek to be employed directly by the employer rather than through an agency.

If you are offered employment in Denmark through an Employment Agency in Latvia, and subsequently find that your terms or conditions are inferior to your fellow workers in Denmark, contact your Union immediately. As stated previously, once you are working in Denmark you must receive *at least* the legal minimum standards and protection laid down by the law.

Also note that it is illegal for employment agencies in Denmark to charge jobseekers for the basic service of registering on their databases. Agencies make their money by charging the employer a fee for “finding” you.

4. Specifics of the trade union work

Do you have problems with your employer?

If you have problems with your employer, you can contact the local trade union which will help you right away. If you have any doubts about the Danish rules and regulations, you can contact the Danish Immigration Service (Udlændingetjeneste), the embassy of your country in Denmark, or the trade union. If you are a construction worker you can also contact the BAT cartel.

If you get a valid work permit:

When you join a Danish union you are guaranteed the wage and rights to which you are entitled.

Membership of the union will give you certain advantages and assistance in many fields:

- Assistance in disagreements with employers
- Safeguard of good wage and terms of employment
- Assistance if the firm goes bankrupt collecting the money from the Employees’ Guarantee Fund
- Pension rights
- Wage during strike - if your employer is affected by an industrial conflict
- Instruction in contractual relations
- Assistance in case of injuries at work - award of indemnity
- Support in relation to continuing education
- Group life insurance / household policy
- Holiday bonus
- Public holiday payment.

5. Most important parts of a collective agreement at an enterprise and a branch level.

A collective agreement is a contract defining the working conditions applying to employees in a specific enterprise or within an occupational sector. On the employee side, the party to a collective agreement will always be a trade union. On the employer side it may be the individual employer/enterprise or an employer organisation.

An employer covered by a collective agreement must offer the terms of the agreement to all employees working within the area of the collective agreement. This means that an employee who is not a member of a trade union must nevertheless be offered the same pay and working conditions as other employees in the enterprise.

Collective agreements with non-organised employers

If an employer is not a member of an employer organisation, the trade union may negotiate a collective agreement with the individual employer. Such collective agreements between an

individual employer and a trade union most often take the form of the so-called “adhesion agreements”. An adhesion agreement obligates the employer to follow the relevant collective agreement in the occupational field concerned.

Adhesion agreements may, in particular, be relevant in relation to foreign employers.

A **typical collective agreement** at the enterprise or branch level contains among other things the following parts. This is an example from the construction workers.

1. The area covered by the agreement and some definitions.
2. Conditions of employment including a section about the contract of employment.
 - If the employment last more than 1 month and the weekly working time is more than 8 hours the employee shall have a contract of employment
3. Working hours.
 - Regulations about the lengths and breakdown of the working hours. The standard working week is 37 hours spread over 5 first weekdays. The average working day is 8 hours. A limited number of extra hours can be worked at premium rates (i.e. higher than the normal rate of pay). This is known as “overtime” in Denmark.
 - Absence
 - Displaced working hours
4. Holidays agreed by the trade union and the employers.
 - Your minimum leave entitlement is 5 working weeks paid annual leave per year (by law) plus 1 week because of collective agreements. However, annual leave entitlement is calculated based on time worked by the employee. It is 12½ % of all the hours you work.
 - Employees are also entitled to Public Holidays during the year
5. Rules about overtime.
 - Additions in relation to overtime
6. Wage conditions
 - Dirt money
 - Conditions in relation to shelter
 - Transport remuneration
 - Staying at night
7. Piece-rate pay.
8. Pension scheme
9. Illness, child’s illness, maternity leave etc.
10. Rules about shop stewards etc.
 - Shop steward
 - Co-operation councils
 - Safety steward
11. Vocational training.
12. Social chapter
13. Terms of notice
14. Industrial conflict. If you want information on your entitlements or need to make a complaint, your first recourse should be to your trade union. While information is available from several sources (see “Useful Contacts”) trade unions are best positioned to give you and your fellow workers, the support needed to secure your rights and entitlements.
15. The remainder provisions.

6. Practical guide to some useful issues.

Some useful information – addresses, telephone numbers, email-addresses etc. - about authorities’ trade unions and other relevant institutions,

1. Authorities

The National Labour Market Authority

Holmens Kanal 20
DK-1060 Copenhagen K
Tel.no. +45 35 28 81 00
E-mail: ams@ams.dk

Authority undertaking tasks in relation to strengthening of a flexible and well functioning labour market. The National Labour Market Authority is the national liaison office in relation to posting of workers. Thus, it coordinates information activities in relation to foreign employers and employees, etc. concerning the rules on posting of workers in Denmark.

Website: www.ams.dk

Information on rules concerning posting of workers: www.posting.dk

Information concerning EURES: www.eures.dk

The Working Environment Authority

Landskronagade 33
DK-2100 Copenhagen Ø
Tel.no. +45 70 12 12 88
E-mail: at@at.dk

The Danish authority in the field of safety and health The Working Environment Authority is responsible for ensuring a safe, sound and good working environment at all workplaces in Denmark through inspection, information and regulation. The Working Environment Authority can provide more detailed information on occupational health and the rules in this field.

Website: www.at.dk

The Immigration Service

Ryesgade 53
DK-2100 Copenhagen Ø
Tel.no. +45 35 36 66 00
E-mail: udlst@udlst.dk

An authority under the auspices of the Ministry of Refugee, Immigration and Integration Affairs and the authority administering the legislation concerning foreigners, the Immigration Service handles most of the applications and cases concerning foreigners' stay in Denmark, including issues

concerning the Danish transitional scheme, the trainee scheme, stay for family members of foreigners working in Denmark and stay as posted workers in Denmark for more than three months. The Immigration Service also gives advice in cases where there are doubts as to a person’s basis for staying in Denmark. The Immigration Service may provide more detailed information on the rules and administration of the Aliens’ Act as well as answer specific questions in relation to foreigners’ stay in Denmark.

Website: <http://www.nyidanmark.dk/en-us/frontpage.htm>

In the website, a number of application forms and specific information on the various types of stay in Denmark can be found.

SKAT (the Danish Tax Authority)

Hovedcentret
Østbanegade 123
DK-2100 Copenhagen Ø
Telephone no.: +45 72 22 18 18
E-mail: skat@skat.dk

SKAT can provide information on the Danish tax rules including the rules applying to foreigners who stay in Denmark and foreign enterprises with activities in Denmark.

Website: www.skat.dk

Social partners

LO (The Danish Confederation of Trade Unions)
Islands Brygge 32D
DK-2300 Copenhagen S
Tel.no. +45 35 24 60 00
E-mail: lo@lo.dk
Website: www.lo.dk

DA (The Danish Confederation of Danish Employers)
Vester Voldgade 113
DK-1790 Copenhagen V
Tel.no. +45 33 38 90 00
E-mail: da@da.dk
Website: www.da.dk

SALA (The Danish Confederation of Employers in the Agricultural Sector)
Vester Farimagsgade 1, 5th
Postbox 367
DK-1504 Copenhagen V
Tel.no. +45 33 13 46 55
E-mail: info@sala.dk
Website: www.sala.dk

LO, DA and SALA are umbrella organisations having the smaller organisations and unions for the different sectors as their members. The umbrella organisations negotiate at the central level on behalf of their members.

Bygge-, Anlægs- og Trækartellet (BAT)

(The Cartel of unions in the Building, Construction and Wood sectors)

Kampmannsgade 4
1790 København V
Phone: + 45 70 300 300·
Fax.: + 45 88 92 11 29
bat@batkartellet.dk
www.batkartellet.dk

3F Faglig Fælles Forbund

(The United Federation of Danish Workers)

Kampmannsgade 4
1790 København V
Phone: + 45 70 300 300·
Fax: + 45 70 300 301·
E-mail: 3f@3f.dk
www.3f.dk

HK/Danmark

(The Union of Commercial and Clerical Employees in Denmark)

Weidekampsgade 8
P.O.Box 470
DK - 0900 København C
www.hk.dk
Telefon: + 45 33 30 43 43
E-mail: hk@hk.dk