



Northern Ireland  
Assembly

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# European Commission Work Programme 2016 – Initiatives of Potential Interest to the Office of the First Minister and deputy First Minister

## 1 Introduction

This paper briefly discusses the new initiatives listed in the European Work Programme 2016<sup>1</sup> that are of potential interest to the Office of the First Minister and deputy First Minister (OFMdfM)<sup>2</sup>. The paper summarises these initiatives and outlines their potential relevance for Northern Ireland.

<sup>1</sup> Work Programme of the European Commission 2016, European Commission website, accessed 14 December 2015: [http://ec.europa.eu/atwork/key-documents/index\\_en.htm](http://ec.europa.eu/atwork/key-documents/index_en.htm).

<sup>2</sup> See Research and Information Service Research Paper 135/15 *European Work Programme 2016* 20 November 2015, pp.42-4: <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2015/ofmdfm/13515.pdf>.

## 2 New Initiatives

This section summarise the new initiatives in the European Work Programme and their relevance to Northern Ireland.

### **New Initiative 1: New Skills Agenda for Europe**

The Agenda aims at promoting skills development, including the mutual recognition of qualifications, supporting vocational training and higher education and reaping the full potential of digital jobs.

This initiative builds on the Agenda for New Skills and Jobs<sup>3</sup>, which flows from the Europe 2020 Strategy for growth<sup>4</sup>, part of which aims to have 75% employment by 2020. The Commission has already been developing measures to improve skills for employment across the EU, such as the European Qualifications Framework<sup>5</sup> and the classification of European skills/competences, qualifications and occupations (ESCO)<sup>6</sup>. It is not yet clear how this initiative will increase the mutual recognition of qualifications.

In Northern Ireland, the lack of mutual recognition of qualifications is one of the equality-related issues impeding integration of migrants and their participation in the workforce at an appropriate level<sup>7</sup>. This has relevance for the impending Racial Equality Strategy, 'participation' being one of the shared aims of the draft strategy<sup>8</sup>.

### **New Initiative 2: New start for working parents**

A set of legislative and non-legislative measures to better address the challenges of work-life balance faced by working parents and support the participation of women in the labour market.

The Commission has been consulting on measures to improve work-life balance for working families. The initiative is intended to seek<sup>9</sup>:

<sup>3</sup> Agenda for new skills and jobs, European Commission website, accessed 15 December 2015:

<http://ec.europa.eu/social/main.jsp?catId=958>.

<sup>4</sup> Europe 2020, EC website, accessed 15 December 2015: [http://ec.europa.eu/europe2020/index\\_en.htm](http://ec.europa.eu/europe2020/index_en.htm).

<sup>5</sup> Learning Opportunities and Qualifications in Europe, EC website, accessed 15 December 2015:

<http://ec.europa.eu/ploteus/en?cookie=no>.

<sup>6</sup> European Skills/Competences, qualifications and Occupations (ESCO), EC website, accessed 15 December 2015:

<http://ec.europa.eu/social/main.jsp?catId=1042&langId=en>.

<sup>7</sup> For example, OFMdfM (2015), *Racial Equality Strategy 2015–2025: Consultation Analysis Document*, Belfast: OFMdfM, pp.21-2: <https://www.ofmdfmi.gov.uk/sites/default/files/publications/ofmdfm/racial-equality-strategy-2015-2025-consultation-analysis.pdf>.

<sup>8</sup> OFMdfM (2014), *Racial Equality Strategy 2015–2025*, Belfast: OFMdfM, p.30:

<https://www.ofmdfmi.gov.uk/sites/default/files/publications/ofmdfm/racial-equality-strategy-2015-2025.pdf>.

<sup>9</sup> 'New start for working parents and caregivers: Commission launches public consultation on work-life balance', EC press release 18 November 2015: <http://ec.europa.eu/social/main.jsp?langId=en&catId=1061&newsId=2388&furtherNews=yes>.

- to address the low participation of women in the labour market by improving the current EU legal and policy framework,
- to enable a better balance between caring and professional responsibilities for working parents and people with dependent relatives,
- to allow for a greater sharing of caring responsibilities between women and men,
- to strengthen gender equality

The consultation is open until 17 February 2016.

Work-life balance is one of the key action areas of the Gender Equality Strategy to counter the imbalance in participation in the formal labour market by women and men<sup>10</sup>. However, a review of the Strategy found that there was no information attached to this action<sup>11</sup>.

### **New Initiative 8: Labour Mobility Package**

This initiative consists of a Communication on labour mobility, a targeted revision of the Directive on the posting of workers, and the revision of Regulations on social security coordination.

This initiative follows a review of the posting of workers directive, EURES and social security coordination in the previous work programme<sup>12</sup>. A consultation on views on these matters closed in October 2015. New proposals for this initiative have not yet been announced.

This initiative may have an indirect impact on integration, relevant to the impending Racial Equality Strategy.

### **New Initiative 18: Better Migration Management**

The initiative has two dimensions: 1) legal migration: a Communication and further legislative measures including extension of the Blue Card approach; 2) asylum and refugees: a proposal for a structured system on resettlement of refugees and revision of the Dublin system on asylum.

This initiative follows on from the European Agenda on Migration from the previous Work Programme<sup>13</sup>. The EU response to the significant upturn in irregular migration

<sup>10</sup> OFMdfM (2006), *A Gender Equality Strategy for Northern Ireland 2006-2016*, Belfast: OFMdfM, p.31:

[https://www.ofmdfmi.gov.uk/sites/default/files/publications/ofmdfm\\_dev/gender-equality-strategy-2006-2016.pdf](https://www.ofmdfmi.gov.uk/sites/default/files/publications/ofmdfm_dev/gender-equality-strategy-2006-2016.pdf).

<sup>11</sup> OFMdfM (2013), *Gender Equality Strategy 2006 – 2016 Review*, Belfast: OFMdfM, p.45:

[https://www.ofmdfmi.gov.uk/sites/default/files/publications/ofmdfm\\_dev/gender-equality-strategy-2006-2016-review.pdf](https://www.ofmdfmi.gov.uk/sites/default/files/publications/ofmdfm_dev/gender-equality-strategy-2006-2016-review.pdf).

<sup>12</sup> See Research and Information Service Briefing Paper 112/15 Committee for the Office of the First Minister and deputy First Minister EU Priorities 2015: Update, 9 October 2015, pp.2-4:

<http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2015/ofmdfm/11215.pdf>.

<sup>13</sup> *Ibid.*, p.3.

has so far been focussed on immediate actions<sup>14</sup>. This initiative is intended to put in place a more structured approach.

Immigration matters are not devolved in Northern Ireland and the UK has so far opted out of the EU refugee dispersal proposals, preferring to take refugees directly through the UNHCR, some of whom are to be resettled in Northern Ireland. The first 51 refugees arrived in December 2015<sup>15</sup>. However, elements of the initiative may have an indirect impact on integration of migrant workers in Northern Ireland. In addition, UK future participation in some form of EU system cannot be ruled out.

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<sup>14</sup> Migration, EC website, accessed 15 December 2015: [http://ec.europa.eu/priorities/migration/index\\_en.htm](http://ec.europa.eu/priorities/migration/index_en.htm).

<sup>15</sup> 'Syrian refugees: First families set to arrive in Northern Ireland', *BBC News* 15 December 2015: <http://www.bbc.co.uk/news/uk-northern-ireland-35098540>.

### 3 Priority Pending Proposals

The following proposals have been listed on the Work Programme as ‘priority pending proposals’, which means they are existing proposals that are to receive attention during the year<sup>16</sup>.

#### Priority Pending Proposal 3: Women on Boards

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures.

The Commission proposed a Directive for increasing the numbers of women on company boards in 2012<sup>17</sup>. The UK Government has resisted the introduction of quotas, but has supported voluntary targets under the Women on Boards initiative led by Lord Davies of Abersoch<sup>18</sup>.

A 2015 study of the boards of the top 100 companies in Northern Ireland indicated that 15% of directors were women<sup>19</sup>. The equal participation of women in economic life is one of the strategic objectives of the Gender Equality Strategy<sup>20</sup>.

#### Priority Pending Proposal 10: Data Protection Reform

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation).  
Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data.

The UK’s data protection legislation is based on the 1995 EU data protection Directive<sup>21</sup>. A review of this Directive in 2012 has produced proposals for the EU legislation to be updated<sup>22</sup>. This has resulted in the proposals indicated above, i.e.:

- a General Data Protection Regulation<sup>23</sup>

<sup>16</sup> European Commission - Fact Sheet, Questions and Answers: the 2016 Work Programme, 27 October 2015: [http://europa.eu/rapid/press-release\\_MEMO-15-5920\\_en.htm](http://europa.eu/rapid/press-release_MEMO-15-5920_en.htm).

<sup>17</sup> ‘Women on Boards: Commission proposes 40% objective’, EC press release 14 November 2012: [http://ec.europa.eu/justice/newsroom/gender-equality/news/121114\\_en.htm](http://ec.europa.eu/justice/newsroom/gender-equality/news/121114_en.htm).

<sup>18</sup> Lord Davies (2011), *Women on Boards*, London: Davies Review: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/31480/11-745-women-on-boards.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/31480/11-745-women-on-boards.pdf).

<sup>19</sup> Research and Information Service Briefing Note 113/15 *Women on Boards of the Top 100 Companies in Northern Ireland*, 27 October 2015: <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2015/eti/11315.pdf>.

<sup>20</sup> OFMdfM (2006), *A Gender Equality Strategy for Northern Ireland 2006-2016*, Belfast: OFMdfM, pp.24-5.

<sup>21</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995L0046:en:HTML>.

<sup>22</sup> Reform of the data protection legal framework in the EU, EC website, accessed 15 December 2015: [http://ec.europa.eu/justice/data-protection/reform/index\\_en.htm](http://ec.europa.eu/justice/data-protection/reform/index_en.htm).

- a Directive on the protection of data processed by criminal justice agencies<sup>24</sup>

The texts of these proposals are under discussion in the European Council<sup>25</sup>.

### Priority Pending Proposal 14: Anti-discrimination

Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation.

EU legislation refers to anti-discrimination measures in the labour market and outside the labour market in relation to racial or ethnic origin and sex<sup>26</sup>. In 2008, the Commission proposed to extend anti-discrimination legislation to outside the labour market, resulting in a proposed Directive<sup>27</sup>. This has generally been referred to as the 'Horizontal Directive'<sup>28</sup>. The proposal is under discussion in the European Council<sup>29</sup>.

Equality legislation in Northern Ireland consists of a public duty not to discriminate on nine equality grounds under Section 75 of the Northern Act 1998 and separate equality laws for sex, age, race or ethnicity, disability, religious or political opinion and sexual orientation<sup>30</sup>. The rest of the UK has unified equality legislation by virtue of the Equality Act 2010<sup>31</sup>.

<sup>23</sup> Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation): [http://ec.europa.eu/justice/data-protection/document/review2012/com\\_2012\\_11\\_en.pdf](http://ec.europa.eu/justice/data-protection/document/review2012/com_2012_11_en.pdf).

<sup>24</sup> Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data: <http://db.eurocrim.org/db/en/doc/1719.pdf>.

<sup>25</sup> COM (2012) 11: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation): <http://eur-lex.europa.eu/procedure/EN/201286>; Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data: [http://eur-lex.europa.eu/procedure/EN/2012\\_10](http://eur-lex.europa.eu/procedure/EN/2012_10).

<sup>26</sup> The principle of equal treatment between persons, EC website, accessed 15 December 2015: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:em0008>.

<sup>27</sup> Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2008:0426:FIN>.

<sup>28</sup> For a background to this Directive, see Research and Information Service Briefing Paper 121/11 'The EU 'Horizontal Directive'', August 2011: <http://www.niassembly.gov.uk/globalassets/Documents/RalSe/Publications/2011/OFMdfm/12111.pdf>.

<sup>29</sup> COM (2008) 426: Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation: [http://eur-lex.europa.eu/procedure/EN/2008\\_140](http://eur-lex.europa.eu/procedure/EN/2008_140).

<sup>30</sup> For a summary, see Research and Information Service Research Paper 75/11 *Equality and Human Rights Legislation in Northern Ireland: A Review*, 8 August 2011: <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2011/ofmdfm/7511.pdf>.

<sup>31</sup> Equality Act 2010: <http://www.legislation.gov.uk/ukpga/2010/15/contents>.