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1. What would you consider to be the priorities for a meaningful labour law reform agenda?	<p>Merci de vous reporter sur ce petit site http://actuantichomage.monsite.orange.fr ENVISAGER DE REPENSER LES RAPPORTS CONTRACTUELS DU TRAVAIL, DE LA DUREE INDETERMINEE A LA DUREE DETERMINEE RENOUVELABLE PAR TACITE CONDUCTION</p> <p>1. Constatons tout d'abord que les entreprises trouvent toujours les moyens de faire face aux mesures régulièrement imaginées ou aggravées pour « combattre la précarité », mais c'est aussi, et surtout, au détriment de la capacité d'embauche C'est une politique qui ne marche pas et qui aggrave la brutalité sociale : une action préservant la cohésion sociale doit donc partir sur d'autres bases. Les contrats de travail que l'on peut proposer aux salariés sont essentiellement des formules du C.D.I. et du C.D.D., assorties de diverses contraintes destinées à tenter de limiter le recours abusif ou excessif à cette formule. Ponctuelle est la fin de contrat ou le licenciement, individuel ou collectif. Long est le reclassement, durable est, bien souvent, le temps de chômage qui l'accompagne, Définitif, enfin, l'oubli qui succède à l'émotion médiatique du plan social passé. 2. A la mesure du « dégât social » causé, le remède est donc à trouver en amont, dans la conception même du contrat de travail, qu'il faut rapprocher de réalités concrètes, également partagées par l'employeur comme par le salarié Or on sait que la gestion des entreprises et de l'appareil productif fait ressortir • une part de fonctions stables, qui font tout à la fois sa pérennité économique, et sa longévité sociale, en termes de recherche-développement, de qualité et de force de vente, et de gestion des ressources humaines, au bout du compte, • alors qu'une autre part d'emplois plus directement productifs de biens ou de services, est par la force des choses, davantage exposée aux aléas de la conjoncture économique, de la concurrence, et de la flexibilité Les moyens d'un contrat de travail aux contraintes intermédiaires entre celles des C.D.I. et celles des C.D.D. sont à imaginer à partir de ces repères, à côté des formules existantes, si ce n'est dans un contrat de travail unique, au moins par l'introduction de la notion de « durée déterminée renouvelable par tacite reconduction » dans le droit du travail, notion qui ne diffère guère de la notion d'indétermination, principe intangible aux yeux de la Cour de Cassation française par exemple. 3. Ce se</p>

	<p>serait alors à la négociation sociale de définir : • la périodicité minimale de reconduction en fonction des principaux niveaux de qualification repères dans la profession • la durée croissante du préavis en cas de non renouvellement tacite, à mesure que les reconductions précédentes se sont accumulées et • le montant progressif de l'indemnité de séparation qui, se substituant à la notion de licenciement, pourrait également être convertie en temps de formation par alternance pour faciliter le reclassement ultérieur ou prévisible. Ce « Contrat de Travail Européen », ainsi unifié, offrirait alors le moyen de mieux lutter contre la précarité, tout en concourant utilement à une flexibilité mieux aménagée et moins brutale, en évitant le développement de contentieux toujours coûteux et traumatisants</p>
<p>2(a). Can the adaptation of labour law and collective agreements contribute to improved flexibility and employment security and a reduction in labour market segmentation?</p>	<p>Yes</p>
<p>2(b). How?</p>	<p>A la condition d'une véritable professionnalisation des partenaires sociaux PARTENAIRES SOCIAUX ou REPRESENTATION SYNDICALE OT UN ROLE A JOUER 1. Sachant que le souffle européen à donner au dialogue social passe par une technicité accrue des négociateurs sur les dossiers qui leur sont proposés, Ø sachant aussi combien les pouvoirs « économiques » des comités d'entreprise ont été accrus – sans parler du rôle qui est devenu le leur lors des opérations de restructuration, Ø sachant, également, ce qu'est devenue la complexité d'un Code du Travail qui n'en manquait pourtant déjà pas, il faut en inférer que l'activité syndicale, toute militante qu'elle est, se professionnalise, à son tour. Constatons qu'une reconnaissance officielle de la nécessité d'une professionnalisation accrue du paritarisme devrait en éviter l'enlisement actuel 2. Suggérons, alors, quelques pistes, côté employeurs Ø Pourquoi ne pas encourager la création et le recrutement d'emplois syndicaux permanents, au sein des syndicats et confédérations, par une exonération temporaire ou durable des charges fiscales et/ou sociales correspondant à cet effort, sous certaines conditions ? Ø Pourquoi ne pas encourager auprès des employeurs, la facilitation des mandats syndicaux à travers une aide fiscale – exonération ou réduction de taxe sur les salaires pour la durée des mandats, par exemple ? Ø Pourquoi ne pas encourager également le paritarisme par l'instauration d'un « chèque congé-formation à la négociation collective », avec un régime comparable à celui des chèques-vacances, voire celui des chèques-services « à la française »? 3. Et tournons-nous, aussi, vers les salariés qui au mieux se désintéressent de leur représentation syndicale, et au pire, s'en plaignent En vertu de ce principe selon lequel, « j'ai versé, j'y ai droit »</p>

	<p>une part du financement syndical ne pourrait-elle provenir d'une légère contribution salariale et patronale, sans pour autant supprimer cotisations militantes, subventions et dons ? Participation aux élections professionnelles et représentativité syndicale gagneraient peut être à une transposition/adaptation au sein du monde salarié du principe et des mécanismes du financement public de la vie politique. La question de l'assainissement et du renforcement de la vie paritaire est incontestablement d'intérêt collectif : elle pourrait faire songer à un mode de financement public comparable à celui des partis politiques : mais on ne peut faire participer l'impôt de tous au financement d'une préoccupation qui n'est pas pour autant d'intérêt général, puisqu'elle ne touche qu'aux intérêts réciproques des salariés et des employeurs, privés ou publics? Pour favoriser une relance de la vie paritaire et la participation aux élections syndicales, en vertu du principe « puisqu'on paye, j'y ai droit », on pourrait motiver les parties prenantes en les mettant à contribution, par une taxe parafiscale, assise sur le salaire ou le traitement, • gagée sur une diminution du taux de cotisation à la collecte formation professionnelle voire aux autres cotisations de la protection sociale • frappant également salarié et employeur, à hauteur de 0,25% du brut, par exemple, • redistribuée, régionalement, en proportion de la représentativité de chaque syndicat, A moins qu'on imagine un système de Chèque Syndical Européen, anonyme, acquis par le salarié et abondé par l'employeur, que le salarié pourrait ensuite utiliser à sa guise et remettre à l'organisation syndicale de son choix, tant pour les prestations culturelles et sociales que pour le financement des instances représentatives du personnel - du délégué d'entreprise aux comités existant là où la taille de l'entreprise le veut – jusqu'à l'échelle européenne pour quoi pas. Dans ces deux formules, un mode de financement national propre subsisterait, par la cotisation militante, qui resterait du ressort de la souveraineté interne des syndicats : gageons, alors, que la rationalisation des circuits financiers conduira les syndicats (comme le font les entreprises) à la recherche d'économies d'échelle et de synergies – donc à des regroupements ou des fusions salutaires pour un paritarisme trop émietté dans ses corporatismes ou ses chapelles.... En résumé, il convient assurément de structurer et crédibiliser le dialogue social, afin de confier à la négociation ce qui n'a pas lieu de relever du législateur. Mais il y faut des interlocuteurs respectables et respectés : l'aspect des ressources financières du paritarisme ne peut donc guère être écarté du champ du livre vert..</p>
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<p>3. Do existing regulations, whether in the form of law and/or collective agreements, hinder or stimulate enterprises and employees seeking to avail of opportunities to increase productivity and adjust to the introduction of new technologies and changes linked to international competition? How can improvements be made in the quality of regulations affecting SMEs, while preserving their objectives?</p>	<p>ENVISAGER DE REPENSER LES RAPPORTS CONTRACTUELS DU TRAVAIL, DE LA DUREE INDETERMINEE A LA DUREE DETERMINEE RENOUVELABLE PAR TACITE CONDUCTION</p> <p>1. Constatons tout d'abord que les entreprises trouvent toujours les moyens de faire face aux mesures régulièrement imaginées ou aggravées pour « combattre la précarité », mais c'est aussi, et surtout, au détriment de la capacité d'embauche. C'est une politique qui ne marche pas et qui aggrave la brutalité sociale : une action préservant la cohésion sociale doit donc partir sur d'autres bases. Les contrats de travail que l'on peut proposer aux salariés sont essentiellement des formules du C.D.I. et du C.D.D., assorties de diverses contraintes destinées à tenter de limiter le recours abusif ou excessif à cette formule. Ponctuelle est la fin de contrat ou le licenciement, individuel ou collectif. Long est le reclassement, durable est, bien souvent, le temps de chômage qui l'accompagne. Définitif, enfin, l'oubli qui succède à l'émotion médiatique du plan social passé.</p> <p>2. A la mesure du « dégât social » causé, le remède est donc à trouver en amont, dans la conception même du contrat de travail, qu'il faut rapprocher de réalités concrètes, également partagées par l'employeur comme par le salarié. Les moyens d'un contrat de travail aux contraintes intermédiaires entre celles des C.D.I. et celles des C.D.D. sont à imaginer à partir de ces repères, à côté des formules existantes, si ce n'est dans un contrat de travail unique, au moins par l'introduction de la notion de « durée déterminée renouvelable par tacite reconduction » dans le droit du travail, notion qui ne diffère guère de la notion d'indétermination, principe intangible aux yeux de la Cour de Cassation française par exemple.</p> <p>3. Ce se serait alors à la négociation sociale de définir :</p> <ul style="list-style-type: none">• la périodicité minimale de reconduction en fonction des principaux niveaux de qualification repères dans la profession• la durée croissante du préavis en cas de non renouvellement tacite, à mesure que les reconductions précédentes se sont accumulées et• le montant progressif de l'indemnité de séparation qui, se substituant à la notion de licenciement, pourrait également être convertie en temps de formation par alternance pour faciliter le reclassement ultérieur ou prévisible. <p>Ce « Contrat de Travail Européen », ainsi unifié, offrirait alors le moyen de mieux lutter contre la précarité, tout en concourant utilement à une flexibilité mieux aménagée et moins brutale, en évitant le développement de contentieux toujours coûteux et traumatisants.</p>
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<p>4. How might recruitment under permanent and temporary contracts be facilitated, whether by law or collective agreement, so as to allow for more flexibility within the framework of these contracts while ensuring adequate standards of employment security and social protection at the same time?</p>	<p>ENVISAGER DE REPENSER LES RAPPORTS CONTRACTUELS DU TRAVAIL, DE LA DUREE INDETERMINEE A LA DUREE DETERMINEE RENOVELABLE PAR TACITE CONDUCTION Or on sait que la gestion des entreprises et de l'appareil productif fait ressortir • une part de fonctions stables, qui font tout à la fois sa pérennité économique, et sa longévité sociale, en termes de recherche-développement, de qualité et de force de vente, et de gestion des ressources humaines, au bout du compte, • alors qu'une autre part d'emplois plus directement productifs de biens ou de services, est par la force des choses, davantage exposée aux aléas de la conjoncture économique, de la concurrence, et de la flexibilité Les moyens d'un contrat de travail aux contraintes intermédiaires entre celles des C.D.I. et celles des C.D.D. sont à imaginer à partir de ces repères, à côté des formules existantes, si ce n'est dans un contrat de travail unique, au moins par l'introduction de la notion de « durée déterminée renouvelable par tacite reconduction » dans le droit du travail, notion qui ne diffère guère de la notion d'indétermination, principe intangible aux yeux de la Cour de Cassation française par exemple. 3. Ce se serait alors à la négociation sociale de définir : • la périodicité minimale de reconduction en fonction des principaux niveaux de qualification repères dans la profession • la durée croissante du préavis en cas de non renouvellement tacite, à mesure que les reconductions précédentes se sont accumulées et • le montant progressif de l'indemnité de séparation qui, se substituant à la notion de licenciement, pourrait également être convertie en temps de formation par alternance pour faciliter le reclassement ultérieur ou prévisible. Ce « Contrat de Travail Européen », ainsi unifié, offrirait alors le moyen de mieux lutter contre la précarité, tout en concourant utilement à une flexibilité mieux aménagée et moins brutale, en évitant le développement de contentieux toujours coûteux et traumatisants</p>
<p>5. Would it be useful to consider a combination of more flexible employment protection legislation and well-designed assistance to the unemployed, both in the form of income compensation (i.e. passive labour market policies) and active labour market policies?</p>	<p>PAS D'EFFICACITE SANS REFONDER LA DEPENSE EMPLOI – FORMATION AUTOUR D'UN OFFICE CENTRAL d'APPUI aux POLITIQUES D'EMPLOI e de FORMATION La démographie propre des marchés du travail suggèrent souvent une dépense sociale coûteuse aux résultats parfois lus statistiques que structurels, les périodes de reprise économique ne parvenant même pas toujours à se traduire en termes de reprise des recrutements sur le front de l'emploi. Et lorsqu'elles se produisent, ces évolutions positives profitent à ceux qui apparaissent le plus directement ou le plus rapidement employables, ceux qui, au contraire, restent en marge de l'emploi s'enkystant profondément dans un chômage structurel lourd et durable. 1. La sécurité professionnelle durable qu'attendent nos concitoyens passe donc par un effort structurel de qualification, qui a toujours été et reste une des clefs collectives d'une activité économique soutenue, comme elle reste la clef individuelle d'une vie professionnelle stable. La prévention de cette exclusion progressive, insidieuse et massive passe par un ciblage authentique de la dépense individuelle pour le retour à l'emploi. S'il incombe à chaque état de libérer chaque</p>

	<p>pays de ses crispations spécifiques, il en est une, en tout cas, qui revient régulièrement au premier rang d'un pays à l'autre – le chômage contre lequel beaucoup reste à tenter, non sans coordination européenne, au moins sur des priorités de méthode clairement calibrées. 2. Toute proposition ne progressera utilement sur le retour à l'emploi qu'en adaptant à une conjoncture économique par essence évolutive un dispositif de dépense pour l'emploi dont la vocation doit moins tendre à la baisse des coûts salariaux qu'à un nécessaire au relèvement du rapport coût/compétences de la main d'œuvre. Le principe d'une individualisation des aides s'impose donc, intégrant à la gestion même de la recherche d'emploi celle de risque économique et professionnel car il n'est pas de « sécurisation des parcours professionnels » possible sans pilotage volontariste du retour à une situation de l'emploi, personnelle ou collective, plus saine :</p> <ul style="list-style-type: none">• avec de substantielles économies sur les effets d'aubaine massifs inévitablement induits par le caractère global et imprécis du système actuel qu'il faut clairement• réorientée au bénéfice de l'individualisation des aides en soutien à des parcours de retour au travail personnalisés, pertinents et efficaces• permettant d'attacher au candidat, un niveau d'aide à l'embauche sélectivement défini comme un véritable atout dans la négociation de son recrutement avec l'employeur,• en fonction des contraintes diagnostiquées de son profil et de ses difficultés, à travers un ciblage professionnel régulier, précis et régionalisé <p>3. Une forme de traitement social individualisé ne négligera donc pas la vocation économique collective des aides au retour à l'emploi : leur orientation précise vers les branches qui ont les plus graves difficultés de main d'œuvre et de recrutement est possible autour des objectifs de qualification et des priorités de formation. Ainsi redéfinie, la personnalisation des aides – seul gage de leur efficacité - suppose la pertinence du diagnostic individuel, à partir d'un cadre affiné du contrôle de la recherche d'emploi : la responsabilité des partenaires sociaux dans la gestion de l'assurance-chômage ne peut les laisser indifférent à un flou préjudiciable au respect même du système. 4. Reste à fonder, par conséquent, un cadre trans-national de référence et d'évaluation dans ce contexte de disparités économiques et géographiques inévitables. Tout d'abord autour d'une définition possible l'offre d'emploi valable :</p> <p>« Une proposition d'emploi sérieuse et concrète, permettant au candidat d'apporter la contribution économique de ses compétences (re)connues à une entreprise ayant fait connaître de manière clairement identifiée un ou des besoins de main d'œuvre, dans un cadre de références clairement posé en termes de qualification, de conditions d'exercice et de rémunération » qui permet alors une articulation claire avec la notion d'acte positif de recherche d'emploi, « toute initiative ou réponse utile du demandeur d'emploi en direction d'une sollicitation pertinente du marché du travail ou du service public de l'emploi en matière d'activité salariée, de mise à niveau, de (re)conversion ou de (ré)insertion professionnelle, dans des conditions objectivement compatibles avec sa situation personnelle globale. »</p>
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	<p>Rien dans ces formulations ne heurte des principes (parfois constitutionnels) qu'au contraire ces propositions cherchent à transposer nécessairement en termes naturels de droits et de devoirs quotidiens dans notre système social depuis trop longtemps déséquilibré vers les droits et tout de même assez muet sur les devoirs.</p>
<p>6. What role might law and/or collective agreements negotiated between the social partners play in promoting access to training and transitions between different contractual forms for upward mobility over the course of a fully active working life?</p>	<p>. Tout système d'aide au retour à l'emploi doit éviter une exclusion dont les systèmes d'assistance sont à la charge des états ou des collectivités locales. D'où la nécessité de contenir les dérives en amont, par un cadrage strict des obligations visées : c'est un double enjeu économique et social que de trouver le moyen de prévenir au plus vite ces trappes à exclusion abyssales qu'ouvre le flou institutionnel actuel, propice aux interprétations locales, individuelles, ou arbitraires en l'absence de véritable cadre de référence national. UNE PROBLEMATIQUE ELARGIE A L'ENSEMBLE EMPLOI-FORMATION L'aménagement réductions naturels ou légaux du temps de travail et l'introduction d'une flexibilité contrôlée, qui fait même bien besoin dans nos économies, exigent des " garde-fous " en matière d'emploi et de qualification. C'est incontestablement dans la mise en place des moyens et institutions d'une gestion territoriale de ces préoccupations qu'on pourra les créer.</p>
<p>7. Is greater clarity needed in Member States' legal definitions of employment and self-employment to facilitate bona fide transitions from employment to self-employment and vice versa?</p>	<p>envisager un compte professionnel avec une traçabilité tout au long de la vie des fonds engagés pour la formation, l'indemnisation d'une période d'inactivité ou l'aide à une éventuelle embauche ou création d'activité (voir ci après)</p>

<p>8. Is there a need for a "floor of rights" dealing with the working conditions of all workers regardless of the form of their work contract? What, in your view, would be the impact of such minimum requirements on job creation as well as on the protection of workers?</p>	<p>envisager la création d'un OFFICE EUROPEEN relayé par pays membre, aux missions élargies au DEVELOPPEMENT DES POLITIQUES TERRITORIALES DE L'EMPLOI ET DE LA FORMATION. 4. Ces établissements publics d'intervention seraient compétents en matière d'insertion/réinsertion, de formation professionnelle initiale et de formation professionnelle adultes. En tant qu'établissement public national, ils ont pour mission de préparer et mettre en œuvre les mesures relatives à l'orientation du secteur formation et à sa maîtrise des liens emploi-formation par secteur professionnel : § gestion du potentiel formation/formateurs, animation de la profession, § évaluation et défense de la qualité des interventions, § analyse, développement et suivi des débouchés, etc... En tant qu'organisme d'intervention de la Communauté Economique Européenne l'Office a pour fonction d'appliquer les règles et d'en distribuer les fonds. A ce titre, il est responsable vis à vis de Bruxelles de l'exécution des différentes interventions spécifiques et participe à la mise en œuvre des programmes communautaires. Doté de la personnalité civile et de l'autonomie financière, il est placé sous la double tutelle du Ministre de l'Emploi et de la Solidarité et du Ministre de l'Economie et des Finances. Les fonctions essentielles de ce type d'établissement public en feront § un organisme de concertation et de conseil pour l'ensemble de la filière " formation ", des organismes aux pouvoirs publics, en passant par les usagers. § un organisme aux structures décentralisées, avec un siège central dans chaque capitale et autant de délégations régionales que le pays compte de régions, chargé de structurer le marché autour de la liaison emploi/ formation, et d'en assurer la transparence, du stade de l'évaluation des besoins à celui de la réponse adéquate en termes de prestations assurées, et d'orienter la profession vers un service de qualité. § un organisme favorisant et valorisant la recherche, le développement, et la promotion des produits pédagogiques issus de la filière. § un organisme inter-institutionnel à vocation transversale au premier chef exprimée à travers la composition de son Conseil de Direction qui comprendrait 25 membres (12 représentants des branches professionnelles concernées + 4 représentants de l'administration + 6 représentants des salariés des filières " insertion " " emploi " et " formation " + 3 représentants des usagers) § un organisme conduit à débattre de toute question relative à l'orientation de la création locale d'emploi et du secteur de la formation, dont il a la responsabilité et qui émet des avis transmis aux Ministres de tutelle, missions pour lesquelles le Conseil est assisté par plusieurs instances consultatives spécialisées, afin d'analyser régulièrement la situation du marché du travail et de la formation en vue d'émettre un avis sur les propositions d'affectation de crédits qui lui sont soumises. Le Conseil de Direction joue donc un rôle actif dans la préparation, puis la mise en œuvre et le suivi des dossiers du dispositif, national et communautaire, de l'emploi et de la formation professionnelle Les ressources financières de ces Etablissements Publics</p>
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	<p>proviennent § de subventions de l'Etat-membre et de ses collectivités locales, regroupant les aides à l'emploi, les crédits de l'apprentissage et de la formation professionnelle § et des crédits d'intervention des programmes communautaires. Les missions de ces Offices en font des organismes publics décentralisés chargés d'orienter et de réguler le marché du travail et de la formation dans le cadre communautaire des Pactes Européens pour l'Emploi, et d'orienter l'ensemble dans le cadre des directives gouvernementales nationales. Organisme d'intervention, avec pour mission le contrôle, l'orientation et la régulation du service rendu, les Offices agissent tout d'abord au stade de l'évaluation des besoins en emploi et en qualification des différents secteurs professionnels de l'économie. Ils assurent également le contrôle des organismes prestataires et gèrent la création d'un " casier territorial " en vue d'améliorer, par des contrôles sur le terrain, la fiabilité des informations déclaratives recueillies auprès des acteurs agréés ou en recherche d'agrément, par les services spécialisés. Enfin les Offices sont directement chargés du contrôle et de l'agrément des dossiers d'aide à l'emploi et des dossiers des formations, notamment après évaluation de la satisfaction des besoins en compétence, collectives ou individuelles. Dans leur secteur d'activité, les Offices ont une compétence nationale qui s'exerce dans le ressort de délégations régionales, exerçant une action décentralisée d'orientation économique, à travers des contrats CEE/Etat/Régions, permettant aux Offices de disposer de crédits d'orientation autres que ceux résultant de la réglementation nationale ou communautaire. Dans le cadre d'une concertation régionale approfondie et continue, leurs interventions de l'Office visent à la cohérence de l'effort national par rapport aux logiques territoriales. Une action continue en faveur de l'amélioration de la compétence des hommes et de la qualité des prestations ainsi que l'adaptation globale de la filière formation aux nouvelles conditions technologiques, comme aux conditions issues de la politique communautaire en matière d'emploi/formation, s'inscrira dans le prolongement direct des programmes d'initiative territoriale en cours de développement, par ailleurs. Pour ce faire, les aides distribuées par les Offices ont notamment pour objectif de favoriser la création de structures pérennes, souples et susceptibles de répondre rapidement à la transformation des besoins, et de l'accompagner. Les financements seront réservés aux acteurs qui assurent un débouché dans le cadre d'une relation contractuelle avec le secteur professionnel concerné, de façon à éviter les risques d'apparition trop marquée d'inadéquations quantitatives ou qualitatives des créations d'emploi et de la formation par rapport aux tendances locales avérées de l'emploi et des qualifications existants. La concertation permanente entre Offices et Régions devra permettre d'optimiser la dimension et la réponse "emploi- formation " des Contrats CEE/Etat/Régions, ainsi que l'utilisation des crédits indispensables pour accompagner efficacement les mesures structurelles mises en place, dans ces</p>
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	<p>domaines, au niveau national, voire européen. Parallèlement, des actions d'accompagnement seront encouragées en matière d'expérimentation et ou d'appui technique à travers la mise en place d'investissements spécifiques dans un cadre collectif. Ces Offices assurent à l'intention des professionnels et administrations concernés un service de conjoncture sur l'ensemble du marché du travail et de la formation en synthétisant les informations communiquées par les services administratifs ou les différents organismes concernés, et en exploitant les données issues des différents contrats de prestation qui sont soumis par ses délégations régionales à un visa préalable à l'agrément des programmes et formations concernées. L'informatisation de la saisie et du traitement des données relatives à la transparence du marché et au dialogue permanent avec les correspondants régionaux permettra d'accompagner l'amélioration de la perception des marchés régionaux de l'emploi et de la formation, en mettant à la disposition des professionnels et administratifs des indicateurs fiables qui devront figurer sur les contrats-type de prestation entre les opérateurs et leurs clients ou partenaires, privés ou publics. Ces Offices contribueront à la réalisation et au financement d'outils pour l'analyse et l'évaluation socio-économique et professionnelle des besoins et prestations, l'évolution des débouchés, les conditions de la concurrence, locale, régionale, ou nationale, afin de déterminer la place et/ou l'impact des outils et mesures proposés ou mis en œuvre. Les Offices assument également une participation aux activités ou programmes de recherche techniques ou pédagogiques, à travers un service d'information réglementaire et économique, où l'actualité communautaire autant que nationale et la conjoncture tiendront une large place en partenariat avec les organisations professionnelles et interprofessionnelles, ainsi que les autres organismes, publics ou para publics. Ils participent au financement et à l'organisation des actions en faveur de l'emploi, de la formation et de la qualification, avec pour objectif de valoriser, diffuser et promouvoir l'adéquation emploi/formation en relation avec la conjoncture, dans une démarche interprofessionnelle et interdisciplinaire, et mènera, dans ce but, une politique de communication active à travers l'organisation de colloques, salons, manifestations, etc... En résumé, chaque Office dans chaque pays, à travers son Conseil de direction, animera et adaptera « nationalement » la réflexion de l'Europe sur ces enjeux afin de sensibiliser et orienter simultanément les partenaires et acteurs de la création d'emploi et ceux de l'offre de formation, intervenant en somme, 1. à tous les stades, de l'évaluation des besoins collectifs en termes de qualification 2. jusqu'à celle des compétences individuelles disponibles, 3. en passant par l'organisation structurelle du marché, 4. l'information du public et des acteurs. 5. à tous les niveaux de l'organisation territoriale, 6. grâce à sa structure décentralisée 7. qui lui permettra, aussi, d'apporter son expertise au développement local. Ils faciliteront ainsi, parallèlement, 1. la création d'emploi, 2. la dimension nécessaire de la formation tout au long de la vie, 3. la</p>
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	<p>transparence et la rigueur indispensables au respect de l'argent public engagé. auce</p>
<p>9. Do you think the responsibilities of the various parties within multiple employment relationships should be clarified to determine who is accountable for compliance with employment rights? Would subsidiary liability be an effective and feasible way to establish that responsibility in the case of sub-contractors? If not, do you see other ways to ensure adequate protection of workers in "three-way relationships"?</p>	<p>y- a-t-il une directive européenne en la matière ?</p>
<p>10. Is there a need to clarify the employment status of temporary agency workers?</p>	<p>non c'est une forme d'emploi choisie auprès d'employeurs comme les autres</p>
<p>11. How could minimum requirements concerning the organization of working time be modified in order to provide greater flexibility for both employers and employees, while ensuring a high standard of protection of workers' health and safety? What aspects of the organization of working time should be tackled as a matter of priority by the Community?</p>	<p>On doit, désormais, voir la formation comme une clef de la cohésion sociale et comme un moyen à part entière de la gestion prévisionnelle de l'emploi. En période de réduction du temps de travail pour sauvegarde de la compétitivité de l'entreprise, voire en cas de licenciement économique ou autre que pour faute grave, l'employeur devrait pouvoir • en accord avec le salarié, ou avec les partenaires sociaux en cas d'opération collective, • convertir auprès d'organismes agréés tout ou partie du temps de travail en période de difficulté, ou des indemnités de départ et du temps de préavis, en cas de licenciement • en capital temps formation pour reclassement ou reconversion Alors qu'en attendant, pourquoi pas, un véritable code du travail européen on envisage ici et là des assouplissements nationaux on peut au moins innover en plaçant la formation et l'alternance au coeur même du contrat de travail et de ses obligations réciproques. Les employeurs y trouveraient alors une variable d'ajustement positive et supportable pour la gestion du temps de travail et des emplois à travers la triple opportunité • d'éviter des réductions d'effectifs irrémédiables, • de pouvoir revenir à un temps de travail normal en cas d'amélioration de la conjoncture • et d'assurer l'évolution et la valorisation des compétences entre temps.</p>

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<p>12. How can the employment rights of workers operating in a transnational context, including in particular frontier workers, be assured throughout the Community? Do you see a need for more convergent definitions of 'worker' in EU Directives in the interests of ensuring that these workers can exercise their employment rights, regardless of the Member State where they work? Or do you believe that Member States should retain their discretion in this matter?</p>	<p>par un contrat de travail européen (voir proposition plus haut)</p>
<p>13. Do you think it is necessary to reinforce administrative co-operation between the relevant authorities to boost their effectiveness in enforcing Community labour law? Do you see a role for social partners in such cooperation?</p>	<p>dégager les états de cette police sociale et donner à des partenaires socaux habilités ou assermentés la possibilité 1° de saisir l'employeur pour le rappeler à ses devoirs 2° s'il le faut de dresser procès verbal 3° au pire, dénoncer la persistance du problème aux autoités</p>
<p>14. Do you consider that further initiatives are needed at an EU level to support action by the Member States to combat undeclared work?</p>	<p>se donner une règle unique: pas de régularisation définitive de "sans papiers" sans un contrat de travail suivi d'au moins six mois de bulletins de paie et de cotisations sociaies effectivement versées et attestées par les organismes collecteurs</p>

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Creation date	14-01-2007
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1. What would you consider to be the priorities for a meaningful labour law reform agenda?	Harmonisation juridique en matière de santé au travail (harcèlement moral, épuisement professionnel, troubles-musculo-squelettiques) de manière à protéger les personnes salariées Protection efficace et substantielle de personne humaine du travailleur contre l'esclavage économique, contre la violence en situation de travail. Protéger la personne humaine du travailleur de la vulnérabilisation croissante des relations de travail qui est due à des politiques de flexibilisation du management moderne Distinguer le travail de l'emploi. Renforcement du contrôle et de l'inspection du travail avec des moyens réels (financiers et humains) Répression plus importante des abus de situation de vulnérabilité.
2(a). Can the adaptation of labour law and collective agreements contribute to improved flexibility and employment security and a reduction in labour market segmentation?	No
3. Do existing regulations, whether in the form of law and/or collective agreements, hinder or stimulate enterprises and employees seeking to avail of opportunities to increase productivity and adjust to the introduction of new technologies and changes linked to international competition? How can improvements be made in the quality of regulations affecting SMEs, while preserving their objectives?	Le droit du travail à l'échelle nationale ne constitue pas en soi, un frein à l'accroissement de la productivité du travail. Néanmoins, le droit communautaire peut contribuer à harmoniser certaines règles de droit au niveau des droits fondamentaux qui ne le sont pas actuellement (en matière de harcèlement moral notamment) Il faut simplifier les procédures bureaucratiques tout en garantissant un niveau de contrôle élevé de l'effectivité du droit social dans les PME.
4. How might recruitment under permanent and temporary contracts be facilitated, whether by law or collective agreement, so as to allow for more flexibility within the framework of these contracts while ensuring adequate standards of employment security and social protection at the same time?	Le problème principal n'est pas à mon avis au niveau de la procédure de recrutement qui est nécessairement rigide car elle protège les personnes des situations de dépendance économique. C'est un problème politique et économique et non juridique. Il faudrait savoir dans quelle mesure les procédures de recrutement représentent un frein pour la création d'embauche. Seuls les employeurs peuvent répondre

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<p>5. Would it be useful to consider a combination of more flexible employment protection legislation and well-designed assistance to the unemployed, both in the form of income compensation (i.e. passive labour market policies) and active labour market policies?</p>	<p>Ce serait scandaleux car cela renforcerait les disparités économiques et sociales entre salariés et employeurs. Ce serait inefficace sans contrepartie certaine de la part des employeurs. Il s'agirait d'abaisser le niveau de protection juridique des personnes en situation de travail dépendant au bénéfice d'un renforcement du pouvoir de subordination de l'employeur. La collectivisation des coûts sociaux n'est légitime si la perte d'emploi est consécutifs à une décision unilatérale d'un employeur qui n'est pas en situation de licenciement économique.</p>
<p>6. What role might law and/or collective agreements negotiated between the social partners play in promoting access to training and transitions between different contractual forms for upward mobility over the course of a fully active working life?</p>	<p>La loi doit permettre l'accès à une formation à tous types de salariés, c'est à dire assurer le principe de l'égalité de traitement.</p>
<p>7. Is greater clarity needed in Member States' legal definitions of employment and self-employment to facilitate bona fide transitions from employment to self-employment and vice versa?</p>	<p>Affirmatif. Mais cela sera difficile.</p>
<p>8. Is there a need for a "floor of rights" dealing with the working conditions of all workers regardless of the form of their work contract? What, in your view, would be the impact of such minimum requirements on job creation as well as on the protection of workers?</p>	<p>Cela peut être intéressant, encore faut-il que cette plateforme de droits ne soit pas réduit à une peau de chagrin. En effet, il y a une telle hétérogénéité de situation de travail qu'il est difficile de couvrir l'ensemble. Il faudrait un socle commun adaptable aux situations particulières et définie par l'inspection du travail ou une autorité administrative compétente en la matière (pour les autres pays que la France). La nécessité du travail décent pour toutes et tous n'est pas négociable au profit de la rentabilité économique des entreprises. Le respect des droits fondamentaux est la condition de l'existence d'emplois durables.</p>
<p>9. Do you think the responsibilities of the various parties within multiple employment relationships should be clarified to determine who is accountable for compliance with employment rights? Would subsidiary liability be an effective and feasible way to establish that responsibility in the case of sub-contractors? If not, do you see other ways to ensure adequate protection of workers in "three-way relationships"?</p>	<p>La responsabilité devient de plus en plus invisible du fait de certains mouvements transnationaux des entreprises et de la logique de sous-traitance. Il faut renforcer la traçabilité des contrats entre entreprises, voire les contrôler de manière à rendre visible la responsabilité du/des donneur(s)-d'ordre. Il faut une intervention plus importante de l'Etat qui jugera à qui incombe la ou les responsabilités. Les partenaires sociaux peuvent jouer un rôle décisif d'intermédiaires. Il faudrait pour cela inciter à la syndicalisation et disqualifier les politiques managériales d'anti-syndicalisation ainsi que renforcer la lutte contre les discriminations du fait de l'appartenance à un syndicat.</p>
<p>10. Is there a need to clarify the employment status of temporary agency workers?</p>	<p>Oui. Notifier l'employeur réel.</p>

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<p>11. How could minimum requirements concerning the organization of working time be modified in order to provide greater flexibility for both employers and employees, while ensuring a high standard of protection of workers' health and safety? What aspects of the organization of working time should be tackled as a matter of priority by the Community?</p>	<p>Contrôler si les heures supplémentaires ne sont l'objet d'une contrainte du fait de l'employeur. Revoir la fiscalité des heures supplémentaires. Améliorer l'efficacité des lois existantes.</p>
<p>12. How can the employment rights of workers operating in a transnational context, including in particular frontier workers, be assured throughout the Community? Do you see a need for more convergent definitions of 'worker' in EU Directives in the interests of ensuring that these workers can exercise their employment rights, regardless of the Member State where they work? Or do you believe that Member States should retain their discretion in this matter?</p>	<p>Le droit du travail à vocation à être applicable à n'importe endroit de l'Union (en ce qui concerne les droits fondamentaux abstraits et concrets) . Le reste doit faire l'objet d'une négociation collective et individuelle sous le contrôle de la loi nationale.</p>
<p>13. Do you think it is necessary to reinforce administrative co-operation between the relevant authorities to boost their effectiveness in enforcing Community labour law? Do you see a role for social partners in such cooperation?</p>	<p>Il faut améliorer la coopération des services d'inspection du travail au niveau européen.</p>

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Creation date	28-03-2007
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1. What would you consider to be the priorities for a meaningful labour law reform agenda?	<p>Risposta al quesito N. 1 di Paolo GRECO. Alla prima domanda la mia risposta è "regolamentare le multinazionali". Vorrei ora illustrare il motivo per cui, pur occupandomi professionalmente di diritto del lavoro, ho dato una risposta così poco coerente con la filosofia del libro verde. Prima, però, intendo precisare che la mia non lo vuol essere una risposta "ben altrista" una risposta cioè tipica di coloro che allorquando vengano messi alle strette rispondono che il problema è ben altro rispetto a quello prospettato. Non è ben altro perché esaminando un documento che parla della proiezione del diritto del lavoro nel ventunesimo secolo è necessario alzare lo sguardo e valutare le problematiche secondo un orizzonte più vasto. La mia risposta è motivata dal fatto che sempre più il mercato del lavoro nel mondo si sta unificando e pertanto regolamentare uno spezzone di questo mercato, per quanto vasto come l'Europa, senza tenere presente le dinamiche che percorrono le altre porzioni del mercato rischia di concentrare il dibattito su questioni marginali e perdendo di vista i fattori di influenza più importanti. Vorrei solo ricordare che nell'ultimo decennio sono entrati nel mondo del lavoro "moderno" più di 500 milioni di persone, una trasformazione grandissima e che, nello stesso tempo, è regolamentata in modo pressoché integrale dalle sole esigenze del mercato. Tra i motori principali di questo cambiamento vi sono le imprese multinazionali e, stante il fatto che la velocità con cui avviene la trasformazione è molto alta, non è possibile rinviare la discussione ad un tempo futuro perché già ora le risposte sono molto più gravose rispetto a quelle che potevano essere date solo alcuni anni fa. È ben noto che il lavoro, lungi dallo scomparire, si sta spostando verso l'Asia si tratta di uno spostamento che contrariamente alla generale vulgata, non è solo delle imprese labor intensive ma attira anche le attività più sofisticate e quelle di ricerca. Il fatto paradossale è che le attività che stanno mettendo in crisi la struttura economica dell'Europa, ma anche degli USA e del Giappone, sono in buona parte sostenute dal capitale e dal know how occidentale, così che potremmo paradossalmente dire che quelle nazioni (e tra le quali c'è uno Stato autoritario) ci muovono una guerra economica con i capitali nostri. Un fatto che è pienamente ammissibile nella logica neolibera ma non per questo è meno paradossale. I segni di declino economico che colpiscono le nazioni del G7 sono ben evidenti. A queste difficoltà non si può certo ovviare ricorrendo alla correzione, necessariamente limitata, della</p>

	<p>regolamentazione del lavoro. Anche se fossero approvati tutti i possibili aggiustamenti alla tutela del lavoro non sarebbe possibile arrestare il declino e invertire la tendenza. In un quadro come questo l'Europa, ma anche gli USA, sembrano somigliare alla Repubblica di Venezia che, non essendosi accorta della scoperta dell'America è vissuta per due secoli in uno splendido e fatale declino. Non si può, inoltre, sperare che la crisi del mondo del lavoro abbia un ciclo di breve durata, al declino del Nord non corrisponde una crescita significativa dei paesi di neo industrializzazione. Fra l'altro per il fatto che sono coinvolti paesi popolosissimi e c'è la possibilità di mettere in concorrenza i lavoratori delle singole nazioni. La dinamica della tutela del lavoro pare sostanzialmente bloccata: diminuisce quella dei lavoratori dei paesi ricchi mentre migliora di poco quella dei paesi di neoindustrializzazione. Si prospetta un incontro in basso, una prospettiva inaccettabile per i lavoratori del Nord che non potrebbero sopravvivere a retribuzioni alla "cinese" e inaccettabile anche per i lavoratori del Sud perché cresce troppo lentamente e in una situazione di forte compressione delle libertà individuali e collettive. Per tentare di modificare un quadro come questo, gli strumenti non possono essere quelli dei piccoli correttivi al mercato del lavoro ma quelli del ricorso ad una diversa strategia economico politica che coinvolga l'U.E. Occorre, infatti, capire che le condizioni dei lavoratori del Sud devono essere oggetto di una primaria attenzione e cura, non tanto per ragioni di solidarietà, ma soprattutto perché dal miglioramento della loro tutela dipende anche la condizione dei lavoratori dell'Europa. L'Europa ha ancora un grande peso politico-economico negli equilibri internazionali. Esso va speso in una visione di più ampio respiro ad es. se nella organizzazione mondiale del commercio, invece di difendere i suoi assurdi privilegi in agricoltura, ritrovasse la forza di parlare di clausole sociali, di rafforzamento delle organizzazioni internazionali, di diritti dell'uomo, di libertà di associazione, di responsabilità sociale delle imprese, potrebbe contribuire a dare alla crescita economica complessiva una dimensione più equilibrata. Il diritto del lavoro è solo una pedina, e non tra le decisive, in un'ampia panoramica di mosse che vanno fatte tenendo conto di tutta la scacchiera.</p>
<p>2(a). Can the adaptation of labour law and collective agreements contribute to improved flexibility and employment security and a reduction in labour market segmentation?</p>	<p>No</p>

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1. What would you consider to be the priorities for a meaningful labour law reform agenda?	<p>Finding the common level of Member States labour indicators, to the end of a 'Common employment market'. And that supposes to involve the legislative agenda to the matters that actually have to concern the E.U. institutions: general principles of work. Obviously, that means finding those equivalent and general working conditions, security level of labour, rules for establishing minimum wage in E.U. (even, at this stage, in percentage on medium salary in various Member State, but in future with regard on a european minumum wage), and in particular to the right of strike. This last element, in my view, is naturally sensible for every Member State, but there ar certain parameters that must constitute an frame for E.U. as an unit. In short, those are priorities that I consider the agenda of european institutions has to follow in near future.</p>
2(a). Can the adaptation of labour law and collective agreements contribute to improved flexibility and employment security and a reduction in labour market segmentation?	Yes
2(b). How?	<p>As I pointed, by finding relevant elements wich join or have to join the different legislations of the Member States. There are interest points of them, and trying to observe what are they tracking in national regulations, is the first step of this adaptation wich is tryied here. So, in other words, if european institutions find - by help of the Member States is understood - what elements unites and what elements separates the legislation of Member States on this matter, there it must be found a common fund, on one hand, and a variety, on the other hand. Second step is to conclude an agreement on the common fund, and third step is to manage the variety into common fund, as much and as fast as it is possible.</p>

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<p>3. Do existing regulations, whether in the form of law and/or collective agreements, hinder or stimulate enterprises and employees seeking to avail of opportunities to increase productivity and adjust to the introduction of new technologies and changes linked to international competition? How can improvements be made in the quality of regulations affecting SMEs, while preserving their objectives?</p>	<p>In my view, their objectives, i.e. the scope of enterprises, are factors that have to be changed in first. So, the EI Dorado for economical position is nothing without the respect of work standards. By paraphrase, power is nothing without controll. So, I think that the management of the enterprises have to be orientated towards naturally relation between in and out. It can not be found an balance if one of them is 'deaf', or 'blinded' by economic results severely. Than, the question, in my opinion, is somehow wrong, while the question is how to change de mechanism of relationship 'employer-employee' to the end of common benefit, preserving in this process - on the contrary whith the question - all the aquisitions that the labour law has made it along time. And the position have to be that, because of the meanig of labour law : protection of workers and of their product. Otherwise, we leave this meaning and have to negotiate on the basis, inspite of what has been acquiered in almost a century of written labour law, as well as in centuries of 'de facto' labour law.</p>
<p>4. How might recruitment under permanent and temporary contracts be facilitated, whether by law or collective agreement, so as to allow for more flexibility within the framework of these contracts while ensuring adequate standards of employment security and social protection at the same time?</p>	<p>This is a particular question. And requires a particular answer. So, is kind of difficult to produce something useful here. Trying to do so, anyway, I say that is possible firstly by clearing up the barriers form any form of flexibility of labour . Secondly, the legislation it have to be adequated for part-time work, specially, as well as for any other form of particular labour contract (home-work, tele-work, work by agencies or ather forms), in the way of legal equalizing the rights reserved to the workers, with the single referece point: time of work. Also, establishing european standards for occupational level, as well as finding european job references in view of work time (regulate, at the european level, all the positions that implies full time and/or separate, but evidently, part-time).</p>
<p>5. Would it be useful to consider a combination of more flexible employment protection legislation and well-designed assistance to the unemployed, both in the form of income compensation (i.e. passive labour market policies) and active labour market policies?</p>	<p>I think so. Whith a point on solutions for reforming active labour market policies.</p>
<p>6. What role might law and/or collective agreements negotiated between the social partners play in promoting access to training and transitions between different contractual forms for upward mobility over the course of a fully active working life?</p>	<p>A high role, certainly.</p>
<p>7. Is greater clarity needed in Member States' legal definitions of employment and self-employment to facilitate bona fide transitions from employment to self-employment and vice versa?</p>	<p>I think so. Possible to be clearer defined at E.U.level, as while as it is on principle matter, generally applicable.</p>

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<p>8. Is there a need for a "floor of rights" dealing with the working conditions of all workers regardless of the form of their work contract? What, in your view, would be the impact of such minimum requirements on job creation as well as on the protection of workers?</p>	<p>Certain, it is! As I pointed in previous answers, my opinion is that there is an 'historical' need, at this stage of evolution, for the E.U. to settle, as the question says, a 'floor of rights', as well as a 'floor' or a 'flat roof' of principles and general rules in labour market.</p>
<p>9. Do you think the responsibilities of the various parties within multiple employment relationships should be clarified to determine who is accountable for compliance with employment rights? Would subsidiary liability be an effective and feasible way to establish that responsibility in the case of sub-contractors? If not, do you see other ways to ensure adequate protection of workers in "three-way relationships"?</p>	<p>Perhaps the word 'subsidiary' is not the most adapted. In my view, in cas of three (or more) -way relationships the liability has to be principal. Anyway, it is clearly that stating the rule of subsidiarity it will drag a cluster of problems - starting with comercial dispute between contractors, maybe with the beneficiary, and in whole this frame the employee is the one who looses most. Each one has to have its responsibility, principal one, in relation with the object of the contract. Subsidiarity is not a solution. In Romania's legislation, in common legal frame, not in labour regulations, ther is a rule o 'direct action'. According to this, the worker (general definition for the one who makes something in benefit of another one, by comparation whith employee, wich defines the worker in labour law meaning) has an action for payment against the first contractor in case of unpaid by his employer - subcontractor. Starting with this rule, I think that there could be 'setteled down' a rule or even a principle of 'direct action' of worker against any and all the direct or indirect beneficiary of his work.</p>
<p>10. Is there a need to clarify the employment status of temporary agency workers?</p>	<p>For sure. Because, as I studied, in Germany, Poland and Slovenia is rather differend from Romania's legislation in this matter.</p>

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IPM ref	314433446592105407
Creation date	23-02-2007
Individual or organisation?	Individual
Consent to publication of replies?	Yes
name	magnus berglund
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sector	Manufacturing
Country of residence	SE - Sweden
age	25-44
gender	Male
1. What would you consider to be the priorities for a meaningful labour law reform agenda?	To distribute the welfare in the society, not only between the part of the citizens that have entered the work market in a good way, but to distribute the welfare even to those outside the system. Right now the system is based on Your salary, but for those without a salary there is nothing. Flexicurity like the danish have it is a start.
2(a). Can the adaptation of labour law and collective agreements contribute to improved flexibility and employment security and a reduction in labour market segmentation?	Yes
2(b). How?	When a loss of work is a personal catastrophe You life will focus on avoiding unemployment, even if Your health is getting worse by staying in a employment You hate. The matching of work and individual is probably one of the worst possible. Insweden we have a saying "You got promoted to Your right level of incompetence" and it's never said explicit, but You are supposed to stay there. Thus hurting You health/happiness and hurting the employers need for efficiency.
3. Do existing regulations, whether in the form of law and/or collective agreements, hinder or stimulate enterprises and employees seeking to avail of opportunities to increase productivity and adjust to the introduction of new technologies and changes linked to international competition? How can improvements be made in the quality of regulations affecting SMEs, while preserving their objectives?	Hinder. First You have to leave that work that is the base of all security in the system, and then You please You in the rare place where You actually can be sacked, during the first month of employments.
4. How might recruitment under permanent and temporary contracts be facilitated, whether by law or collective agreement, so as to allow for more flexibility within the framework of these contracts while ensuring adequate standards of employment security and social protection at the same time?	Personally i like the idea of looking at each employee as a selfemployed person that is placing his services on the market like a very small one-man company. The income side is placed in a company account, and it's first when you move it to Your personal account You have to tax for them. A good insurance based system will even out the worst hazards, but the social systems of a welfare state will provide a safety net in the lowest level must be there for all.

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<p>5. Would it be useful to consider a combination of more flexible employment protection legislation and well-designed assistance to the unemployed, both in the form of income compensation (i.e. passive labour market policies) and active labour market policies?</p>	<p>Yes of course, but i would like to add a tabula rasa approach to all labor law, and compensate it with a change in work time. Offer the working part of the population a 30 hour work week as a carrot. Base all income insurance welfare and everything connected to an employed person, to the first 30 hours of a week. thus is You want to work more, You can't make this extra time something to base your level of consumption if You expect to be covered when ill times happen to You. So a 30 hour week with full salary will make people love this reform. The employers can actually consider a 6+6 workday, thus get 50% more work out of the same resources.</p>
<p>6. What role might law and/or collective agreements negotiated between the social partners play in promoting access to training and transitions between different contractual forms for upward mobility over the course of a fully active working life?</p>	<p>Government must produce a carrot and a whip to set the parts (employer and employee organizations) to talk about changes.</p>
<p>7. Is greater clarity needed in Member States' legal definitions of employment and self-employment to facilitate bona fide transitions from employment to self-employment and vice versa?</p>	<p>Yes. (not entirely sure i understand the question)</p>
<p>8. Is there a need for a "floor of rights" dealing with the working conditions of all workers regardless of the form of their work contract? What, in your view, would be the impact of such minimum requirements on job creation as well as on the protection of workers?</p>	<p>Yes, else we will never get the people with us o the changes. Any government that doesn't get the people with them on this will be replace in the democratic process. And even if it hard for the old men in power in either side of work organization will also be replaced.</p>
<p>9. Do you think the responsibilities of the various parties within multiple employment relationships should be clarified to determine who is accountable for compliance with employment rights? Would subsidiary liability be an effective and feasible way to establish that responsibility in the case of sub-contractors? If not, do you see other ways to ensure adequate protection of workers in "three-way relationships"?</p>	<p>This is why a tabula rasa approach will keep the employments rights to a minimum, and thus we can build a new system of employments rights based on the way of organizing the future work.</p>
<p>10. Is there a need to clarify the employment status of temporary agency workers?</p>	<p>See number 9</p>
<p>11. How could minimum requirements concerning the organization of working time be modified in order to provide greater flexibility for both employers and employees, while ensuring a high standard of protection of workers' health and safety? What aspects of the organization of working time should be tackled as a matter of priority by the Community?</p>	<p>When we have a big mobility on the work market we don't have to make a generic work time law. What we nee is a instrument to ensure that all potential employees can assert the dangers involved and thus tell all what salary to expect. The worst works will then be phased out by the market.</p>

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<p>12. How can the employment rights of workers operating in a transnational context, including in particular frontier workers, be assured throughout the Community? Do you see a need for more convergent definitions of 'worker' in EU Directives in the interests of ensuring that these workers can exercise their employment rights, regardless of the Member State where they work? Or do you believe that Member States should retain their discretion in this matter?</p>	<p>No, here its important to replace all member states law with a common law system for every EU country. Free mobility of ware and services, must be followed by a free right of mobility of the laws. Actually, we can't for long have a product made in an "lesser" law system and sold in a country with "greater" laws. This will undermine the sense of democracy and will feed the foreign hating forces in the society.</p>
<p>13. Do you think it is necessary to reinforce administrative co-operation between the relevant authorities to boost their effectiveness in enforcing Community labour law? Do you see a role for social partners in such cooperation?</p>	<p>Doesn't understand the question.</p>
<p>14. Do you consider that further initiatives are needed at an EU level to support action by the Member States to combat undeclared work?</p>	<p>Yes. Unless we start to tax the companies and organisations, and leave the citizens without any need to declare.</p>

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IPM ref	108813224321708007
Creation date	21-03-2007
Individual or organisation?	Individual
Consent to publication of replies?	Yes
name	David A Robinson
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sector	Property and Business Services
Country of residence	UK - United Kingdom
age	45-64
gender	Male
1. What would you consider to be the priorities for a meaningful labour law reform agenda?	Something which sets out to balance & improve the objectives of both employers and employees across the whole spectrum of industry; an improvement in real rights & privileges while balancing the needs of genuine health & safety issues on all parties.
2(a). Can the adaptation of labour law and collective agreements contribute to improved flexibility and employment security and a reduction in labour market segmentation?	Yes
2(b). How?	It creates trust & understanding between all parties.
3. Do existing regulations, whether in the form of law and/or collective agreements, hinder or stimulate enterprises and employees seeking to avail of opportunities to increase productivity and adjust to the introduction of new technologies and changes linked to international competition? How can improvements be made in the quality of regulations affecting SMEs, while preserving their objectives?	No.
4. How might recruitment under permanent and temporary contracts be facilitated, whether by law or collective agreement, so as to allow for more flexibility within the framework of these contracts while ensuring adequate standards of employment security and social protection at the same time?	Just ensure that existing laws & agreements are explicit in content as regards content and limitations - and not implied.
5. Would it be useful to consider a combination of more flexible employment protection legislation and well-designed assistance to the unemployed, both in the form of income compensation (i.e. passive labour market policies) and active labour market policies?	Yes.
6. What role might law and/or collective agreements negotiated between the social partners play in promoting access to training and transitions between different contractual forms for upward mobility over the course of a fully active working life?	?.

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7. Is greater clarity needed in Member States' legal definitions of employment and self-employment to facilitate bona fide transitions from employment to self-employment and vice versa?	Yes.
8. Is there a need for a "floor of rights" dealing with the working conditions of all workers regardless of the form of their work contract? What, in your view, would be the impact of such minimum requirements on job creation as well as on the protection of workers?	Yes.
9. Do you think the responsibilities of the various parties within multiple employment relationships should be clarified to determine who is accountable for compliance with employment rights? Would subsidiary liability be an effective and feasible way to establish that responsibility in the case of sub-contractors? If not, do you see other ways to ensure adequate protection of workers in "three-way relationships"?	Yes.
10. Is there a need to clarify the employment status of temporary agency workers?	Yes - they are more often than not denied the same rights as others.
11. How could minimum requirements concerning the organization of working time be modified in order to provide greater flexibility for both employers and employees, while ensuring a high standard of protection of workers' health and safety? What aspects of the organization of working time should be tackled as a matter of priority by the Community?	Allow the voluntary opt-out to the 48 hour limit to continue - but impose an explicit maximum weekly working time limit of less than 72 hours in any one week period. Ensure that minimum daily & weekly rest periods are enforced - and remove some of the exceptions (derogations) as they are being exploited. Remove the inclusion of taking public & bank holiday leave from the minimum 4 week entitlements to annual leave - so that a full-time employee's entitlement increases to a minimum of 28 days per annum.
12. How can the employment rights of workers operating in a transnational context, including in particular frontier workers, be assured throughout the Community? Do you see a need for more convergent definitions of 'worker' in EU Directives in the interests of ensuring that these workers can exercise their employment rights, regardless of the Member State where they work? Or do you believe that Member States should retain their discretion in this matter?	?.
13. Do you think it is necessary to reinforce administrative co-operation between the relevant authorities to boost their effectiveness in enforcing Community labour law? Do you see a role for social partners in such cooperation?	Yes.
14. Do you consider that further initiatives are needed at an EU level to support action by the Member States to combat undeclared work?	Yes.

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IPM ref	599666137171202607
Creation date	26-01-2007
Individual or organisation?	Individual
Consent to publication of replies?	Yes
name	derek stevens
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sector	Other
Country of residence	UK - United Kingdom
gender	Male
1. What would you consider to be the priorities for a meaningful labour law reform agenda?	There are currently, within the UK, the bare minimum of SUBSTANTIVE Labour Laws that give the employee sufficient assistance when in employment distress. Maintaining their current rights to membership of Unions, representation by same and the facility for such groups to engage in useful dialogue with Employers cannot be undermined by the loosening of such legislation as currently exists. Least of all in an attempt to placate the widening of a global trade area such as the European Union. Ergo, maintain what we have but look to, via open dialogue with these organisation, remove that which is dated.
2(a). Can the adaptation of labour law and collective agreements contribute to improved flexibility and employment security and a reduction in labour market segmentation?	No
3. Do existing regulations, whether in the form of law and/or collective agreements, hinder or stimulate enterprises and employees seeking to avail of opportunities to increase productivity and adjust to the introduction of new technologies and changes linked to international competition? How can improvements be made in the quality of regulations affecting SMEs, while preserving their objectives?	The question is far too ambiguous to be answered effectively. Labour Law, as applied in whatever Nation, is in its current format via whatever suited that Social environment. An overarching set of Laws, as we now have via the EU, must always remain the FRAMEWORK GUIDELINES for our own Social evolution NOT the driving force. Engaging, via changes in the workplace and rules for it, the ever changing Global work environment requires massive human support that is only acquired via powerful communication and goodwill from the 'client' - us.
4. How might recruitment under permanent and temporary contracts be facilitated, whether by law or collective agreement, so as to allow for more flexibility within the framework of these contracts while ensuring adequate standards of employment security and social protection at the same time?	Almost an impossibility. Permanent/Temporary Contracts that carry with them an inbuilt 'flexibility' factor WOULD NOT/DO NOT engage the employee. There is an implicit social undertone by virtue of the word 'flexibility' of non-ownership ergo lack of substantive employee support for the employer. A potential return to a form of 'hire and fire'. No matter how it is portrayed.
5. Would it be useful to consider a combination of more flexible employment protection legislation and well-designed assistance to the unemployed, both in the form of income compensation (i.e. passive labour market policies) and active labour market policies?	No. Flexible employment legislation carries with it, by virtue of the word 'flexible', an implied lack of security. To further reinforce this tone any compensation system denotes further the unsubstantial nature of the Legislation. Labour Market Policies only work to support whatever is needed within that Country/Nation.

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<p>6. What role might law and/or collective agreements negotiated between the social partners play in promoting access to training and transitions between different contractual forms for upward mobility over the course of a fully active working life?</p>	<p>Here I am feeling that there is already an unwritten intent behind the question to implement the Policy to which the question refers. This indicates less the need for input from the 'client' - me - and more a substantial commitment and support for the proposal. Therefore, no reply is needed ?</p>
<p>7. Is greater clarity needed in Member States' legal definitions of employment and self-employment to facilitate bona fide transitions from employment to self-employment and vice versa?</p>	<p>YES.</p>
<p>8. Is there a need for a "floor of rights" dealing with the working conditions of all workers regardless of the form of their work contract? What, in your view, would be the impact of such minimum requirements on job creation as well as on the protection of workers?</p>	<p>YES. In its simplest format it enables all parties, Governments, Employers, Employees to have that benchmark from which to work.</p>
<p>9. Do you think the responsibilities of the various parties within multiple employment relationships should be clarified to determine who is accountable for compliance with employment rights? Would subsidiary liability be an effective and feasible way to establish that responsibility in the case of sub-contractors? If not, do you see other ways to ensure adequate protection of workers in "three-way relationships"?</p>	<p>Yes and yes to the first two questions.</p>
<p>10. Is there a need to clarify the employment status of temporary agency workers?</p>	<p>YES.</p>
<p>11. How could minimum requirements concerning the organization of working time be modified in order to provide greater flexibility for both employers and employees, while ensuring a high standard of protection of workers' health and safety? What aspects of the organization of working time should be tackled as a matter of priority by the Community?</p>	<p>In its simplest form, the hours of work status needs to be clearly defined and legally unambiguous, as is currently the problem in the UK vis a vis the implementation of the WorkingTime Directive. Within the working time all associate areas of contention, holidays, training, breaks etc need to be CLEARLY legally defined.</p>
<p>12. How can the employment rights of workers operating in a transnational context, including in particular frontier workers, be assured throughout the Community? Do you see a need for more convergent definitions of 'worker' in EU Directives in the interests of ensuring that these workers can exercise their employment rights, regardless of the Member State where they work? Or do you believe that Member States should retain their discretion in this matter?</p>	<p>They cannot. Definitions of 'worker'? Subjective terminology when the worker is less a National seeking employment through standard routes and a 'frontier' worker seeking financial status. Member States should retain their distinct discretionary powers and seek to, via dialogue, engage others in effort to negate such movement.</p>
<p>13. Do you think it is necessary to reinforce administrative co-operation between the relevant authorities to boost their effectiveness in enforcing Community labour law? Do you see a role for social partners in such cooperation?</p>	<p>Yes and yes.</p>

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14. Do you consider that further initiatives are needed at an EU level to support action by the Member States to combat undeclared work?	Yes.
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IPM ref	169753043411608807
Creation date	29-03-2007
Individual or organisation?	Individual
Consent to publication of replies?	Yes
name	JOHN MACMILLAN
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sector	Other
Country of residence	UK - United Kingdom
age	45-64
gender	Male
1. What would you consider to be the priorities for a meaningful labour law reform agenda?	Labour law must achieve what the Green Paper suggests in terms of making work life 'flexible and inclusive' but it does not need as the paper suggest to "maximise" security. In so far as the law fails to achieve this it must be reformed.
2(a). Can the adaptation of labour law and collective agreements contribute to improved flexibility and employment security and a reduction in labour market segmentation?	Yes
2(b). How?	By making the legal environment more workable from both sides of the spectrum, strengthening those rights which need to be strengthened and vice versa.
3. Do existing regulations, whether in the form of law and/or collective agreements, hinder or stimulate enterprises and employees seeking to avail of opportunities to increase productivity and adjust to the introduction of new technologies and changes linked to international competition? How can improvements be made in the quality of regulations affecting SMEs, while preserving their objectives?	yes. The legal framework needs to be relaxed to stimulate enterprise but as long as the principle aim is to maximise security in work the more unachievable that aim is. The European community should aim to reward risk taking entrepreneurship but overly restrictive work practices will never facilitate that
4. How might recruitment under permanent and temporary contracts be facilitated, whether by law or collective agreement, so as to allow for more flexibility within the framework of these contracts while ensuring adequate standards of employment security and social protection at the same time?	It won't if the guiding principle is "security". Our society needs risk taking but some of the risk taking has to be by employee. The risk of competition for a job will improve performance or it should. "Security" therefore limits performance as can be seen all across our industry.
5. Would it be useful to consider a combination of more flexible employment protection legislation and well-designed assistance to the unemployed, both in the form of income compensation (i.e. passive labour market policies) and active labour market policies?	No.
6. What role might law and/or collective agreements negotiated between the social partners play in promoting access to training and transitions between different contractual forms for upward mobility over the course of a fully active working life?	None. The regime should be available through social effect not legal.

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<p>7. Is greater clarity needed in Member States' legal definitions of employment and self-employment to facilitate bona fide transitions from employment to self-employment and vice versa?</p>	<p>Without any doubt. In the UK the employment tribunals have different views on this to HMRC (Revenue). Nothing can be more unclear than that.</p>
<p>8. Is there a need for a "floor of rights" dealing with the working conditions of all workers regardless of the form of their work contract? What, in your view, would be the impact of such minimum requirements on job creation as well as on the protection of workers?</p>	<p>Yes but that already exists in effect. So impact minimal.</p>
<p>9. Do you think the responsibilities of the various parties within multiple employment relationships should be clarified to determine who is accountable for compliance with employment rights? Would subsidiary liability be an effective and feasible way to establish that responsibility in the case of sub-contractors? If not, do you see other ways to ensure adequate protection of workers in "three-way relationships"?</p>	<p>Yes and yes</p>
<p>10. Is there a need to clarify the employment status of temporary agency workers?</p>	<p>not unless temporary means more than a year in which case yes</p>
<p>11. How could minimum requirements concerning the organization of working time be modified in order to provide greater flexibility for both employers and employees, while ensuring a high standard of protection of workers' health and safety? What aspects of the organization of working time should be tackled as a matter of priority by the Community?</p>	<p>Opting out and in to to the 48 hour week is a shambles. That should be tackled right away.</p>
<p>12. How can the employment rights of workers operating in a transnational context, including in particular frontier workers, be assured throughout the Community? Do you see a need for more convergent definitions of 'worker' in EU Directives in the interests of ensuring that these workers can exercise their employment rights, regardless of the Member State where they work? Or do you believe that Member States should retain their discretion in this matter?</p>	<p>Discretionary subject to minimum standards which already exist.</p>
<p>13. Do you think it is necessary to reinforce administrative co-operation between the relevant authorities to boost their effectiveness in enforcing Community labour law? Do you see a role for social partners in such cooperation?</p>	<p>Yes and probably not.</p>
<p>14. Do you consider that further initiatives are needed at an EU level to support action by the Member States to combat undeclared work?</p>	<p>Yes but only if the law is made more flexible. The more restrictive the regime the more "undeclared" work is inevitable.</p>

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IPM ref	317782535091502807
Creation date	28-01-2007
Individual or organisation?	Individual
Consent to publication of replies?	Yes
name	Peter David Adams
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sector	Manufacturing
Country of residence	UK - United Kingdom
age	45-64
gender	Male
1. What would you consider to be the priorities for a meaningful labour law reform agenda?	Protecting workers from exploitation. Ensuring working conditions and agreements are maintained and ensure future opportunity for further improvements. Have detailed procedures for dealing with grievances/diasgreements. Help new member states to achieve equal pay and conditions.
2(a). Can the adaptation of labour law and collective agreements contribute to improved flexibility and employment security and a reduction in labour market segmentation?	Yes
2(b). How?	Introduce legislation that ensures existing member states individual laws are respected to prevent a recurrence of a Vaxholm case situation. This measure would also ensure the maintenance of pay and conditions for workers in existing member states whilst new member states economies improve.
3. Do existing regulations, whether in the form of law and/or collective agreements, hinder or stimulate enterprises and employees seeking to avail of opportunities to increase productivity and adjust to the introduction of new technologies and changes linked to international competition? How can improvements be made in the quality of regulations affecting SMEs, while preserving their objectives?	Constant change is part of everyday life and both management and workers have to be flexible and ready for change. Management must be allowed to manage. Worker representation, normally trade unions, must be ready to talk, compromise, negotiate and agree necessary changes. By reaching agreement all parties are committed to the change and understand how the change will affect them. This leads to operational efficiency, adds to the bottom line which ensures job security.

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IPM ref	947367808281204407
Creation date	13-02-2007
Individual or organisation?	Individual
Consent to publication of replies?	Yes
name	Phil Wilson
email	phil.wilson@delphi.com
sector	Manufacturing
Country of residence	UK - United Kingdom
age	45-64
gender	Male
1. What would you consider to be the priorities for a meaningful labour law reform agenda?	One in which all workers are treated equally by the end user.
2(a). Can the adaptation of labour law and collective agreements contribute to improved flexibility and employment security and a reduction in labour market segmentation?	Yes
4. How might recruitment under permanent and temporary contracts be facilitated, whether by law or collective agreement, so as to allow for more flexibility within the framework of these contracts while ensuring adequate standards of employment security and social protection at the same time?	Agency workers should be allowed the same rights as permanent employees, so as an example these workers would be allowed to join the end users pension scheme, this allows the individual to build up pension rights whilst moving from one employer to the next.
7. Is greater clarity needed in Member States' legal definitions of employment and self-employment to facilitate bona fide transitions from employment to self-employment and vice versa?	Yes at the moment companies can argue that agency workers are not their employees yet demand allegiance to them.
8. Is there a need for a "floor of rights" dealing with the working conditions of all workers regardless of the form of their work contract? What, in your view, would be the impact of such minimum requirements on job creation as well as on the protection of workers?	This would eradicate the current two tier system which by its nature puts pressure on agency workers to out perform permanent employees with the hope of obtaining a permanent position in the host company. It would end the current position of agency workers being dismissed at the whim of a manager and allow unions to represent these workers in such cases.
9. Do you think the responsibilities of the various parties within multiple employment relationships should be clarified to determine who is accountable for compliance with employment rights? Would subsidiary liability be an effective and feasible way to establish that responsibility in the case of sub-contractors? If not, do you see other ways to ensure adequate protection of workers in "three-way relationships"?	Yes
10. Is there a need to clarify the employment status of temporary agency workers?	Absolutely

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<p>11. How could minimum requirements concerning the organization of working time be modified in order to provide greater flexibility for both employers and employees, while ensuring a high standard of protection of workers' health and safety? What aspects of the organization of working time should be tackled as a matter of priority by the Community?</p>	<p>Flexible working for all parents of children whilst in full time education should be a right enforced under law and not as it is at the moment where employers can use business needs as an excuse to deny flexible working.</p>
<p>12. How can the employment rights of workers operating in a transnational context, including in particular frontier workers, be assured throughout the Community? Do you see a need for more convergent definitions of 'worker' in EU Directives in the interests of ensuring that these workers can exercise their employment rights, regardless of the Member State where they work? Or do you believe that Member States should retain their discretion in this matter?</p>	<p>The definition of a worker should universal and their rights should be recognised throughout the EU</p>
<p>13. Do you think it is necessary to reinforce administrative co-operation between the relevant authorities to boost their effectiveness in enforcing Community labour law? Do you see a role for social partners in such cooperation?</p>	<p>Yes</p>
<p>14. Do you consider that further initiatives are needed at an EU level to support action by the Member States to combat undeclared work?</p>	<p>Unless we have a unified agreement on industrial workers rights then the problem of black market working will only increase. The bad employer will always undermine the efforts of good employers.</p>