Response to the European Commission’s Consultation on Modernising Labour law to meet the challenges of the 21st century

General

The European Federation of Employees in Public Services groups 52 Christian and other democratic trade unions in 23 European countries, including recently joined and possible future member states. Our field of interest is the public service in its largest possible sense. Naturally, proposals coming from the European Commission regarding labour market reform, could also directly affect those represented by Eurofedop. Although it is not clear what the scope of the proposed reforms would be and the special statute belonging to public service employees is not directly mentioned in the Green Paper, Eurofedop would like to express its thoughts on this Green Paper.

Reforming labour law

The fact that we are facing a new reality today with regard to work contracts and family situations requires us to reflect on the way our labour markets are organised today. However, the clear-cut questions that are incorporated in the Green Paper do not allow us to answer more broadly the question if reform is necessary and if so, which path needs to be taken in Europe. In addition to this, another question is to what extent should such reform take place at European level? Eurofedop has therefore decided to provide the European Commission with a brief, general reaction to the idea of modernising labour law and to the debate on flexicurity in particular. Within the Lisbon Strategy Eurofedop is not the only one who fears for the position of the most important capital that Europe possesses, namely the human capital. Eurofedop always strives for more and improved investments in the human capital particularly within the public sector. Ultimately this will result in better services at an affordable price for the citizens. In the discussion on Labour law reform too, the call for a greater flexibility within the labour law systems is understandable but there is a realistic danger that this leads to a scenario in which the employers receive much greater authority to approach work contracts in a flexible way (easy hiring and firing). In this same scenario, a lot is being asked from the employee in terms of flexibility, life-long learning and productivity.
Flexicurity is about finding a balance between greater flexibility on the labour market and offering maximised security to the workers. According to the Green Paper, the rules in relation to dismissal should not stand in the way of flexibility and workers should be able to sufficiently adapt to the labour market. Maximised security for the workers means, according to the Green Paper, that workers should be able to easily switch jobs, find quickly a new job and, when temporarily unemployed, have income security. What is striking in this respect is that the Green Paper starts from the idea that a reform of labour law is necessary for this. Equally striking is that the responsibility for job security is too unilaterally placed on the shoulders of the worker. It is expected from the worker that they easily adapt to the labour market. We are of the opinion that the employer also has a responsibility within this framework.

In our view, the starting point for increasing the individual job security of the worker is to facilitate the position of the worker on the labour market. Examples that contribute to this are measures that combine work and care, measures for training, as well as a personnel policy that takes account of the different phases of life of the worker. Social partners can play a great role in this respect, namely by making collective bargaining agreements about this, which, at the present time, is already happening.

Considering the power relations between employers and workers, we are against the introduction of more flexibility in dismissal practices. In the Green Paper, it is indicated that greater flexibility in dismissal practices is compensated by measures to increase job security, but these measures do not offer a guarantee for work, while dismissal always means that you lose your job.

**The role of social partners**

Social partners have a task in enforcing labour law. In most EU Member States, Ministries have agreements with the social partners on a framework for cooperation for the enforcement of regulations in relation to cross-border labour, considering the free circulation of workers from Central and Eastern European member states of the EU. The aim of this cooperation is to reduce as much as possible the negative effects of the open borders. So, we subscribe to the importance of enforcing labour law within Europe and offering equal opportunities and an equal treatment to all workers. By bringing about this cooperation between the public authorities and the social partners, it will be possible to strengthen the enforcement of working conditions and fight more effectively against dishonest competition on working conditions.

The role and the level of autonomy of social partners are arranged at national level in every member state. Any newly initiated European legislation should not undermine the rules existing at national level.

**Concluding remark**

The question remains what the place of public service employees will be in such a framework. As one of the European Social partners EUROFEDOP is willing to participate in the debate on a framework that shapes the future labour markets and working situations in Europe. However, the scope of such a framework remains to be seen; we do not consider it desirable that European labour law legislation will contain detailed regulations and cover all employees no matter what status.