Brussels, 12 October 2006
JM/CP/cd

e-mail: jose-manuel.barroso@ec.europa.eu

José Manuel Barroso
President of the European Commission
Berlaymont
1049 Brussels

Re: draft Green Paper on labour law

Dear President,

More than 6 years ago, in the summer of 2000, the European Commission sent a paper to the Social Partners at the European level: "First Stage Consultation of social partners on modernising and improving employment relations".

The then Commission wanted to start a discussion on 'the need to review the essential elements of the system of laws and collective agreements to make sure that they are relevant to a modern organisation of work'. Two types of action were proposed:

1) To establish the principles and a framework for action, among other things a mechanism to review the existing legislative and contractual rules governing employment relationships at all levels (European, national, regional, enterprise), with a view to allowing for an adequate coverage of the diversity of new forms of work;
2) To take action in specific areas, namely: telework, and economically dependent workers who do not or may not correspond to the traditional notion of 'employee', to ensure adequate protection for these categories of workers.

As you know, the social partners at EU-level concluded in 2002 a framework agreement on telework.

However, on the important issue of the inadequate coverage of new forms of work and especially 'economically dependent workers', we are still waiting for further action by the European Commission, after a research document was finished already in 2003, and after an initial discussion that took place during the Dutch presidency in autumn 2004. Since then, a Green Paper has been announced several times, but until today has not been published.

In the meantime, there are only more reasons for a thorough debate on the modernisation of labour law at national as well as at European level.

In several Member States, labour law reforms have been proposed or introduced, often in the framework of a competitiveness agenda, which have not led to qualitative

EUROPEAN TRADE UNION CONFEDERATION
CONFEDERATION EUROPEENNE DES SYNDICATS
John Monks, General Secretary
Boulevard du Roi Albert II, 5 • B - 1210 Bruxelles • Tel: +32 2 224 04 11
Fax: +32 2 224 04 54 / 55 • e-mail: etuc@etuc.org • www.etuc.org

employment opportunities but have promoted a two tier labour market on which increasing amounts of workers – and often the most vulnerable groups of workers, such as women, young workers and migrants - are working under conditions of permanent precarity.

A shift in production methods, work organisation, the spreading of subcontracting and outsourcing, and the way firms are nowadays moving around and financial capital is taking over from enterprise, is creating insecurity not only for the most marginal groups of workers in the periphery but increasingly also for 'standard' workers in core companies.

The increasing cross border mobility of workers, enterprises and services in an enlarging European Union poses serious questions if we can continue to manage emerging European labour markets in the framework of the single European market with just national labour law.

The ETUC therefore believes that a Green Paper which puts the question to all relevant stakeholders, if and how labour law should be adapted to fit to the modern world of work while providing for fair and decent working conditions and labour standards to all workers on EU territory, is long overdue.

I am very unpleasantly surprised by the initiative of UNICE, that in its letter to you of 3 October has demanded a 'fundamental redraft' of the draft Green Paper, because it would give a 'negative picture of flexible forms of work', while saying that 'rushing' the publication 'could lead to unnecessary confrontation during the tripartite social summit'.

Let me say to you, that if the Commission is yielding to this kind of pressure, it would be interpreted as yet another signal that the Commission is more concerned about the interests of business than the interests of citizens and workers. It would also lead to more serious harm done to the image of Europe in the eyes of its citizens than the publication of the Green Paper would do to the atmosphere during the social summit.

A Green Paper is supposed to start a debate. ETUC is ready for such a debate.
We urge you to promote the publication of a Green Paper that puts the right questions on the table, and shows the commitment of the European Commission to a Europe that is not only a single market but also the workplace of so many million workers – men and women, young, old and migrant - who keep this market going. They deserve, according to the European Charter of Fundamental Rights, fair and just working conditions.

Awaiting your reply,
Yours sincerely

John Monks
General Secretary

Cc: Commissioners Vladimir Spidla, Charlie McCreevy, Margot Wallström, Günter Verheugen, Peter Mandelson, UNICE, Philippe de Buck