



# **THE IMPACT OF NEW FORMS OF LABOUR ON INDUSTRIAL RELATIONS AND THE EVOLUTION OF LABOUR LAW IN THE EUROPEAN UNION**

**Committee on Employment and Social Affairs**

September 2, 2009

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# Content of the study

- **To provide an overview of the most characteristic and common types of non-standard contracts in the 27 MS**
- **To analyse the impact of new forms of labour on labour law, including collective relations and the social dialogue**
- **A specific analysis of the evolution of the labour markets at EU-27 with regard to new forms of employment contracts**

# Growing different forms of labour

- **Constantly increasing number of ‘special’ forms of labour become very hard to legally classify (home working, telework, insertion, juvenile, work-and-learning contracts, ...)**
- **New forms of labour are growing in Europe through 3 main ways, which are of diverse importance among the EU 27**
  - **Atypical employment contracts (part time, fixed term, temporary agency work, on call work, apprenticeships, etc..)**
  - **Self employment and economically dependent work**
  - **Development of new work arrangements and organisations (night and shift work, discontinuous working time, triangular and multi polar work relationships, “integrated sub contracting” etc..)**

# Impact on labour law and labour markets

- EU-27 is remarkably heterogeneous with respect to the incidence and development of different forms of atypical work. Increasingly complicated legal forms of labour, reconsidering the concept of “employment relationship”.
- New forms of labour contributes to the fragmentation of the labour market (particularly involuntary atypical work). In practice, inequalities persist.
- Collective rights might be affected and diminished due to most of employment rights have been adopted according to an open-ended contract model.
- Social dialogue and agreements at European and national level are playing an essential role, both disseminating and adapting the use of contractual forms by means of arrangements (internal flexibility).
- Soft law is not replacing traditional labour law.

# Flexicurity approach

- **Although criticised or viewed with suspicion, the flexicurity approach is the only common approach developed at European level at this moment in time.**
- **Its strength is also its weakness: its principles tend to cover everything and allow several options.**
- **Its implementation should require to be:**
  - **agreed in social dialogue and properly monitored as regards the effects**
  - **balanced in its overall components,**
  - **adapted to national reality**
  - **supported by public expenditure to strengthen labour transitions**

# Issues to be tackled (1)

**Specific legislation has been set up but does not sufficiently cope with values and provisions related to equality of treatment in terms of:**

- Occupational health and safety and social benefits**
- Equipment to deal with change (life long learning, access to redeployment measures etc..), especially in the context of the present crisis but also of more global transitions (green economy etc..)**
- Participation to social representation of interests and social dialogue**

## **Issues to be tackled (2)**

**The present crisis makes most of the employees involved in new forms of labour more out of many social nets**

- Unemployment benefits and continuity of incomes**
- Social measures implemented in the framework of collective dismissals**

**A fundamental issue is what responses are intended. In some MS, atypical forms of employment respond more to cheaper contractual forms rather than to reasons related to work or productive organisation.**

**A European focus tackling with types of work for this period of post-crisis relaunch ought to take into account the existing type of companies in the EU, and the quality of jobs, as a positive contributing factor to growth in productivity and European competitiveness.**

# Suggestions (1)

**Next European Strategy on Growth and Employment post-2010 should specifically deal with this increasing tendency of atypical work, easing transitions from precarious forms of labour to more stable ones.**

**Revising legislative frameworks in order**

- to analyse the suitability of new measures to provide minimal levels of cover and institutional working recognition to certain forms of work that are located at the margins of salaried employment.**
- to adapt representation of interest to new forms of labour and work organisation**

**Social partners would explore new forms of social dialogue organisation at national and European level in order to collate and protect the needs arising from the development of new forms of labour**

## Suggestions (2)

### **Taking into account the diversity of forms of labour in social policies and ensure effective equality of treatment**

- A growing feeling of unfairness among groups of workers - like temporary workers first sacrificed by the crisis for example - raise a need for revising some existing EU legislative framework in the light of equality of treatment

### **Paying special attention to self-employment and other forms of triangular relationships, beyond temporary agency work**

- This development, combined to other new forms of labour, within or without an employment contract, stresses the need about the definition of core European fundamental rights of people at work, independently from their form of labour



**Thank you**

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