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Committee on Employment and Social Affairs

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NOTICE TO MEMBERS 5/2007

Subject: Hearing on flexicurity held on 21 March 2007

Members will find attached a note on the Hearing on flexicurity held on 21 March 2007.

DIRECTORATE-GENERAL
FOR INTERNAL POLICIES

MAIN ISSUES DISCUSSED DURING THE HEARING ON FLEXICURITY.

On the 21 march 2007, Willy Buschack, Deputy-Director of EUROFOUND presented his positions on flexicurity and was asked several questions from MEPs. Commissioner Spidla presented the Green Paper on Labour Law and answered to some questions. Finally, some academic experts (professor Wilthagen from Tilburg University and professor Bercusson from London University) gave their opinions and added remarks to the issues discussed during the hearing.

During the hearing the MEPs highlighted the following aspects:

I) Is Flexicurity a threat to our social model?

- There is a risk that current work contracts could become totally outdated and that we could end up having individualized work contracts. Workers would then become more vulnerable;
- We may have put the "roof before the walls" as we have not yet made sure that all employees have rights and minimum protection;
- Some members argued that contrary to the International Labour Organization (ILO) which looks at labour, the Green Paper has a tendency to treat labour as a commodity. Flexicurity should not mean Flex-exploitation;
- Still, some members recognized that flexicurity could be a great advantage for those today excluded from the job market.

II) Flexicurity' implementation is very difficult.

- For some MEPs, flexicurity is far from being realistic as high unemployment makes its implementation impossible;
- How risks will be financed? Who's going to cover it? Are changes needed within our social security systems?
- The EU should help workers in transition as they are most vulnerable during that period;
- The focus should not only be on labour law, in promoting flexicurity, the whole structure of our economy and job market has to be modified;
- Learning and training is fundamental, it should be part of work contracts and collective agreements.

III) There is a strong need for involvement of trade unions and social partners.

- What could the EU do to help and strengthen trade unions, social partners, to reinforce workers' trust in these? The EU could give social partners and trade-unions a primary role in the promotion of flexicurity.

IV) Flexicurity can take different forms, there is no single model.

- Different models of flexicurity already exist in Europe: in Denmark, in Austria, in the Netherlands, in Spain. There is no need to have a sole flexicurity model within Europe;
- Flexicurity implementation should take account of every EMS' different labour and social structures on its own merits;
- Different kinds of contracts can co-exist as long as they are within an overall framework, collective protection.

V) What can the EU do now?

- Although it is difficult, a common European definition of worker and employer should be given. EU could promote a Europe wide definition of worker;
- There is a need for a big debate on the rights and obligations of independent workers;
- Before implementing flexicurity, shouldn't the Commission make sure existing directives have been well implemented? For instance the Commission was criticized for not following the implementation of the working-time directive.