

Social/OR/5/2000/modernisation-01-en

## MODERNISING AND IMPROVING EMPLOYMENT RELATIONS

### FIRST CONSULTATION OF THE SOCIAL PARTNERS

#### UNICE RESPONSE

5 October 2000

1. UNICE has noted the first document for consultation of the social partners on modernising employment relations.
2. In the light of the clarifications provided at the meeting with the social partners on 29 August 2000, UNICE understands that the Commission's objectives through this consultation are as follows:

in the medium term: to invite the social partners to reflect together on the broad principles which should apply for a reform of the rules governing employment relations with a view to their modernisation, and to define an appropriate method for achieving this aim;

in the short term: develop an action targeting two specific aspects of labour relations, telework and "economically dependent" work, with a view to possible EU initiatives in these two areas.

#### **I. MODERNISING THE FRAMEWORK OF LEGISLATION, REGULATION AND COLLECTIVE AGREEMENTS** (*Questions 1 and 2 of consultation document*)

3. For many years UNICE has called for a modernisation of the framework of legislation, regulation and collective agreements pertaining to all levels of the labour market, in order to adapt them to economic and social developments, foster the competitiveness of companies and improve the functioning of labour markets. It therefore welcomes pursuit of the debate in this area, and the willingness to involve the social partners. Like the Commission, UNICE believes that this modernisation process would fit perfectly into the framework of the employment guidelines and the conclusions of the Lisbon European council.
4. However, UNICE regrets that the Commission document is ambiguous, and often contradictory, about the philosophy and methods which would underpin actions in this area.

5. For European employers, the starting point of any process for modernising employment relations should be based on national evaluations of the rules governing the functioning of labour markets.

At European level, UNICE considers that the method which should be retained is that of **open coordination** advocated by the Lisbon European Council. The direction of any EU initiatives (whatever their nature) can only be considered after these national evaluations and identification of problems encountered in each Member State. UNICE considers that the Commission has a critical role to play in this process, in fostering the open coordination and that, by facilitating the structured exchange of good practice between member states, it can ensure that real steps towards greater labour market flexibility are taken.

6. By contrast with what is suggested in the Commission document, UNICE believes that it is only after the main problems in each Member State have been identified that the EU Commission and European Social Partners will be able to identify questions for which EU action might add value (e.g. by modifying some of the existing directives) and hence to define the principles which should guide possible further action. UNICE believes that it would be premature to propose general principles at this stage and will not therefore comment on those set out in the Commission document.
7. In any case, UNICE considers that, the Commission should consult Social Partners on the conclusions it would draw from this open coordination process.

## II. TELEWORK

8. The development of information and communication technologies has made it possible to develop innovative solutions for the organisation of work, to the great advantage of companies and their employees alike. UNICE's shares the Commission's analysis that "telework", in highly varied forms, looks likely to continue to increase considerably in Member States of the European Union.
9. UNICE recalls that the European social partners, further to a seminar organised by the Commission, have agreed a method for examining this question. This method is described in their statement to the High Level Forum held on 15 June 2000 presenting a work programme for the social partners with a view to contributing to European strategy for employment, and can be summarised as follows:
  - ▣ definition of different forms of telework;
  - ▣ analysis of questions posed at national level in this regard;
  - ▣ identification of those which have transnational aspects for which EU action (without prejudging its form) could add value.
10. UNICE is ready to start working together with its partners on the basis of the above-mentioned methodology, without prejudging of the possible forms the result of these works could take.
11. European employers also recall that the Advisory Committee for Safety Hygiene and Health protection at work has put in place a working group charged with studying the safety, hygiene and health protection aspects of telework. It would therefore be appropriate for ETUC and UNICE, which coordinate the ACSHH interest groups, to ensure the compatibility of the social partners' discussions in that forum with their work in the social dialogue, and for the Commission to ensure good coordination between its services.

### III. "ECONOMICALLY DEPENDENT" WORK

12. The notion of "economically dependent" work is too vague for UNICE to be able to take a stance at this stage on the justification for an EU initiative and hence on what direction it might take. The Commission document limits itself to giving a very vague definition of this notion, which makes it impossible to delimit the problems which the Commission says it has identified with regard to this type of work.
13. Before going further in the consultation process, it would be necessary for the Commission to clarify the very notion of "economically dependent" work, and provide details as to the extent of the phenomenon it covers and the type of problems to which it refers in the document. Once this is achieved, the Commission should consult again social partners in good time on its intentions.

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