



**Informal Meeting of Ministers
for Employment and Social Affairs
Berlin, 18/20 January 2007**

Proposal for discussion

All Member States of the EU seek to further improve living and working conditions in their countries and in the Union as a whole.

It is therefore a matter of

uniting forces, -
for a social Europe, -
and a social world.

The Lisbon Strategy aims at creating more and better jobs. The German Presidency has therefore made the issue of

GOOD WORK

a thematic focus of its programme.

GOOD WORK means:

- Fair wages.
- Protection against health risks at work.
- Workers' rights to assert their interests and to participate.
- Family-friendly working arrangements.
- Enough jobs.

The draft Constitutional Treaty champions the principle of a social market economy. Work is an integral part of human life, providing meaning, security, recognition and confidence.

The debate about the quality of work has been gaining importance and plays a central role in most Member States, and when it comes to the question of whether Europe meets its social challenge.

The Kok Report of 2004 recommends a comprehensive strategy to improve the quality of work in comprehensive terms, and reaches the following conclusions:

There is a highly-positive connection between quality of work and labour productivity. Workers' willingness to work is contingent on their job satisfaction, and vice versa. This is good for workers, and it is good for companies' competitiveness.

Major elements in this respect with regard to quality of work are:

- working conditions promoting lifelong learning and possibilities of vocational further training,
- adequate income,
- social dialogue, dependent on national traditions,
- participation and co-determination in companies,
- safety, health protection and prevention measures at the workplace,
- balance between flexibility and security,
- compatibility of working and private life ("work-life balance"),
- in-company integration management (disability management).

GOOD WORK corresponds to the concept of **flexicurity** and with the crucial task faced by our time, namely to guarantee security through change.

We hence include the state of the flexicurity debate in our considerations and the preliminary work for common principles which the Commission has carried out. The designated objectives aim at:

- modernising labour law to allow flexible working hours, reducing labour market segmentation and combating moonlighting; people should be able to develop optimal work patterns,
- reliable, need-oriented systems of lifelong learning and an active labour market policy to support people in coping with rapid

change, periods of unemployment and transitions to new employment,

- modern social security systems, facilitating – also cross-border – mobility in the labour market and providing adequate income security at the same time.

The social partners also play an important role here. They are responsible for many aspects of flexicurity. The social partners therefore bear a particular responsibility in this regard.

Moreover, sustainable improvements in living and working conditions are contingent on a life-cycle approach that takes account of the interaction between work and private life. The discussion of "work-life balance" therefore aims at intelligently **interlinking working and private life** against the background of a dynamically changing sphere of work and life. Business measures for a better work-life balance aim at allowing successful careers that take into account private, social, cultural and health requirements. A central aspect is the compatibility of family and work. Integrated work-life balance concepts include needs-oriented working time models, tailored work organisation, workplace flexibilisation models such as tele-working and supportive and health-protective benefits for employees.

The **current dossiers of the EU** contain many references to "GOOD WORK". In particular, this applies to the Commission's Communication on the Demographic Future of Europe and the Green Paper on Labour Law.

– **Communication on the Demographic Future of Europe**

There were calls to reduce the segmentation of the labour market and to considerably increase the number of women in work. Education systems that are more efficient and fair must improve the qualifications of employees and make it easier for them to become integrated. Transitions between different stages of life are to be made easier. This is to be achieved by increased labour market flexibility, lifelong learning, active labour market policies and social protection measures. This makes it necessary to involve all relevant stakeholders, employees

and entrepreneurs in terms of their social responsibility and to ensure a meaningful social dialogue.

The concept of "active ageing" is a comprehensive and sustainable approach. It is not acceptable to discriminate against older workers. Society and companies alike need the knowledge and the labour of older workers. Employees must be prepared to upgrade and use the skills they have acquired. The Member States and the other stakeholders must ensure continuous development of re-skilling and further training. All employees must be provided with easier access to lifelong learning. This is the prerequisite for professional activity beyond the age of 60, something which is becoming more and more necessary.

There is a need to pursue lifelong prevention strategies in the health sector and to focus more closely on the operational aspects of prevention and rehabilitation. Due to the changing age structure, the number of employees with chronic diseases or disabilities will increase, and the symptoms will change too. It is a matter of taking preventive measures in good time and of organising workplaces which suit older people.

– **Green Paper on Labour Law**

On 22 November 2006, the European Commission presented a Green Paper entitled "Modernising Labour Law to Meet the Challenges of the 21st Century". The purpose of the Green Paper is to launch a public debate on how in the context of global competition to safeguard minimum standards for all those concerned. The Green Paper marks the start of a broad discussion process. In particular, the issues raised concern the following aspects:

- flexibility in labour law,
- mobility in the labour market,
- disguised employment,
- protection in three-way relationships (temporary agency work, fixed-term employment, contract work),
- new initiatives against moonlighting,
- cooperation of the Member States concerning the enforcement of Community Law.

Questions 1 to 5 concern the whole range of European labour law. The cardinal issue in this regard is if and how companies can achieve more flexibility while safeguarding security for employees ("flexicurity"). Questions 6 to 14 deal with various forms of employment relationships. A central question is how to shape future labour law to ensure the social protection of employees in all different forms of employment. Particularly affected in this regard are women since they account for a disproportionate share in the new forms of employment. The same applies to the life-cycle. Security must be assured even where people make frequent transitions: when changing from one company to another, from dependent employment to self-employment or vice versa, when changing occupation, or during periods without employment, periods of further training, parental leave and leave on account of other family obligations or a sabbatical year.

In view of their increasing frequency, the new forms of employment such as fixed-term contracts, forms of part-time work and temporary work are becoming more common, and hence more commonplace. Their share in the total number of employment relationships is continuously increasing. More and more employees in the EU have insecure employment relationships. Certain groups of employees – women, older and partly also young workers – are particularly prone to being forced into fixed-term, precarious and insecure employment. The principle of non-discrimination in the EU, however, has enhanced equal treatment and the quality of part-time work and has eliminated mobility barriers. But on the other hand there is still a lack of job offers and frameworks for better reconciliation of work and family, allowing individuals to offer their work input in accordance with their personal needs. Many women take jobs for which they are overskilled and are employed in fixed-term or part-time contracts because otherwise they would not be able to reconcile family and work. The ensuing labour market segmentation is a special challenge in the context of shaping our social Europe and the goal of creating better jobs. Abuse of the said forms of employment must be counteracted to guarantee social protection for all employees.

Attention is also deserved by a group of persons who fall between the two established concepts of subordinate employment and independent

self-employment. They are called economically dependent workers (employee-like persons). In this case the question arises whether these persons – on account of their being economically dependent on a single employer – must be provided with the same social protection as comparable workers.

Such problems particularly arise in cases where these economically dependent workers perform cross-border activities in Europe. If these dependent employment relationships are not classified and registered as such, employees often lose protection and legal and social security. It is therefore necessary for the Member States to cooperate in order to counteract illegal employment and insecure cross-border activities.