

Declaration of European lawyers on the **European Commission's FLEXICURITY Concept**

For a labour law which really protects workers

On 13th and 14th November 2007 the European Parliament will hold its discussion of the Communication of the European Union on "Common Principles of FLEXICURITY". On 13th and 14th December the European Summit will discuss the matter, and decide upon common guidelines for the next 3 years.

The signatories of this Declaration are gravely alarmed by the concept of FLEXICURITY and its consequences for labour law. Officially, the concept of FLEXICURITY seeks to combine flexibility for the employers with security for the workers.

The last decades have already been marked by the abolition of various protective regulations of labour law, in favour of the employers. This development has created a situation where only as few as 60 % of the employees (the percentage is even lower in some countries of the European Union) work under regular "classical" working conditions. The others work in part-time, temporary contracts, mini-jobs, subcontracts and forced independent work - casualisation.

However for the employers, this existing flexibility is not sufficient. Under the pretext of competition they demand even more flexibility in their favour.

The European Commission has made it clear in its Green Paper of 2006 and in the "Common Principles of FLEXICURITY" (June 2007) that it shares the neo-liberal views of the employers, in particular that it is beneficial to intensify flexibility in labour law.

This debate is not merely theoretical, but has practical consequences. The Commission wants to make it easier still to terminate labour contracts. The Competition between those who have jobs and job seekers will become more intense. The creation of more precarious, casual, jobs will be promoted.. The costs of intensification of flexibility will have to be paid by the workers and by the state. The protective framework of labour law is to be weakened, with the consequence that there will be more precarious jobs, lower protective standards, and all this without any positive effect on the level of employment.

The signatories of this Declaration demand that the European Institutions must

- take all necessary economic and financial measures to reduce mass unemployment
- strengthen the existing protective regulations in labour law and in fundamental rights, and extend their field of application to all kinds of work, including so called “independent work”, in which workers are in reality economically, legally and personally dependent on their contracting employers
- strengthen the right to collective representatives of the workers, in particular the rights of the trade unions, so that the unions can defend workers’ rights against unsocial flexibility and casualisation
- give priority only to those flexibility measures that are in the interest of the workers
- abandon any policy which comprises a weakening of social protection, in order to increase the profits of the companies so as – allegedly - to allow the creation of employment: a policy which is condemned to fail.

This is a joint Declaration of

- European Association of Lawyers for Democracy and World Human Rights (ELDH)
- Progress Lawyers Network (Belgium)
- European Democratic Lawyers (EDL)

Everybody who wishes to support this Declaration is requested to confirm this until 11th November 2007 by email, giving his name and address and mentioning

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to the following address: info@terralaboris.be

The Declaration with the names of the signatories will be sent to the European Parliament for its next meeting on 13th and 14th November 2007.