

**EUROPEAN DIALOGUE 2015  
PROSPERITY IN EUROPE  
Only if we stop growing inequality  
Brussels, 16 April 2015**

**Workshop 2  
EU's REFIT for growth agenda  
sounds good but fatal consequences for Europe's  
workers**

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# UNDERSTANDING REFIT

## REGULATORY FITNESS AND PERFORMANCE PROGRAMME

**WHAT does REFIT mean?**

To **cut red tape**,

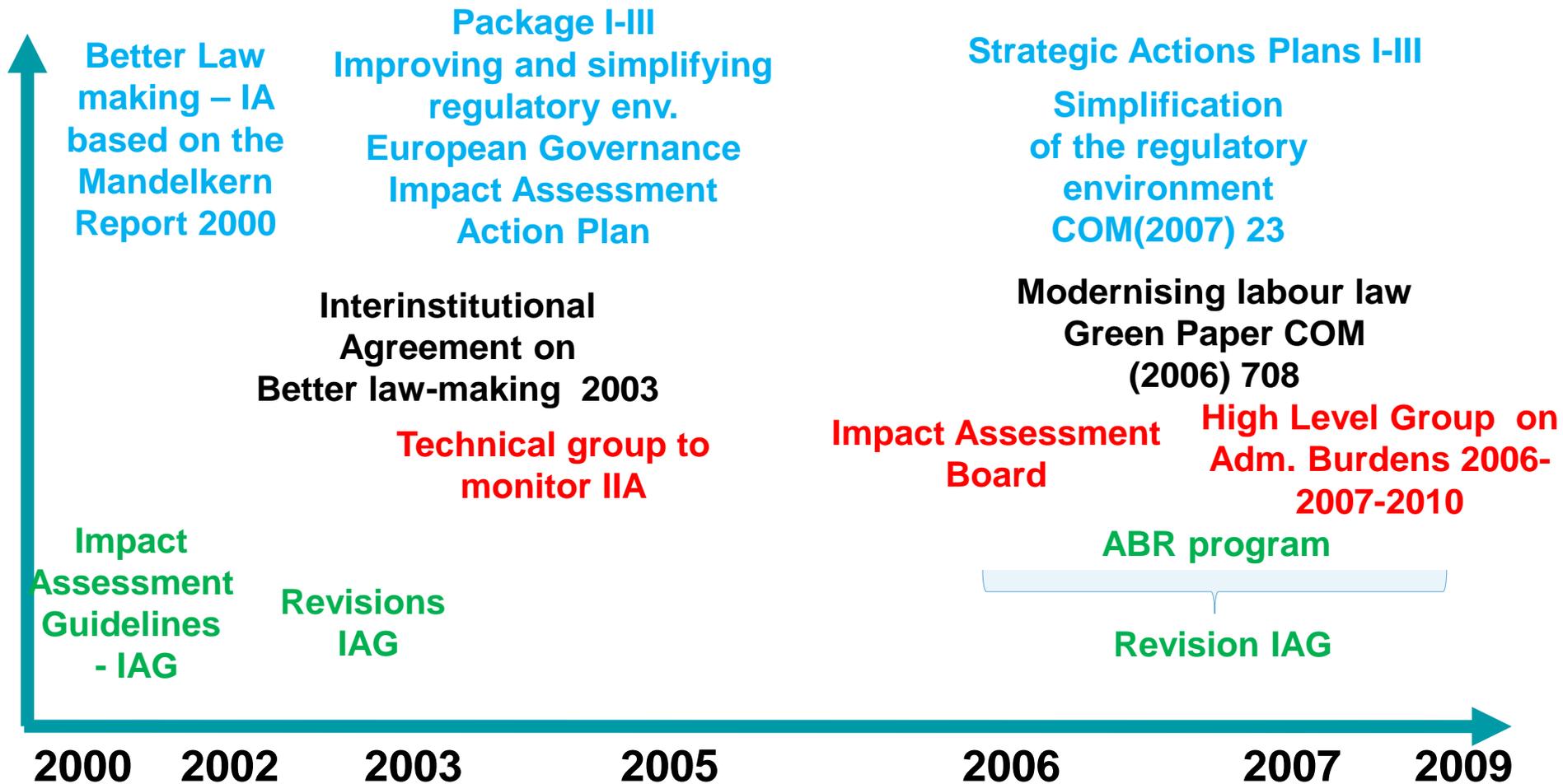
- To **remove regulatory** burdens,
- To **simplify and improve the design and quality of legislation**
- To keep **legislation simple** and **not to go beyond what is strictly necessary** to achieve policy goals
- To avoid overlapping layers of regulation...  
.. so that the benefits of EU legislation are enjoyed at **lowest cost and with a minimum of administrative burden**

# UNDERSTANDING REFIT

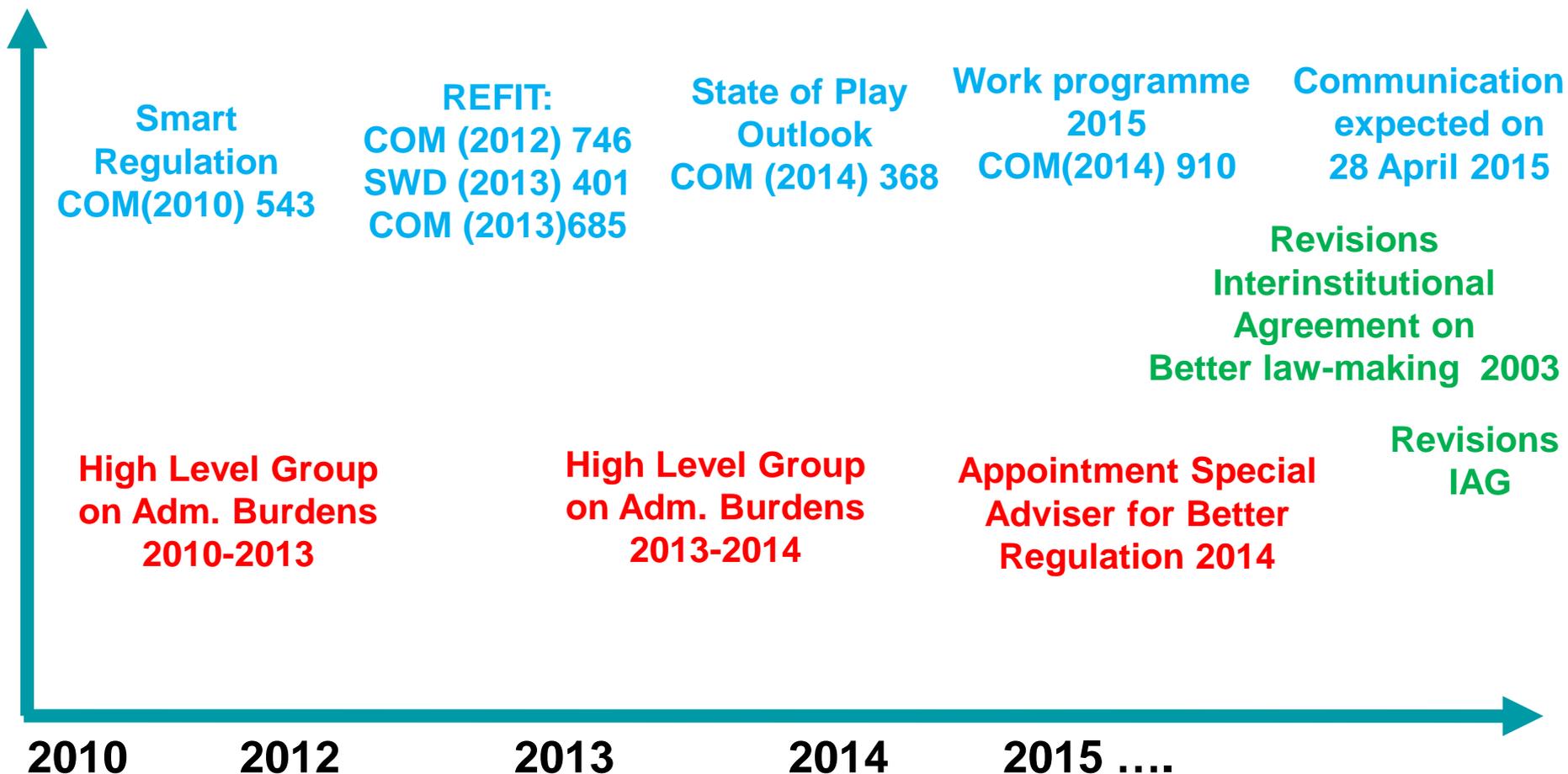
## WHERE does REFIT come from?:

- **Simplification agenda:**
  - ‘fill in gaps between the existing legal frameworks and the realities of the labour market’
  - ‘to secure that how labour law can help to promote flexibility in conjunction with security, regardless of the type of employment contract’
- **Better regulation agenda:** reducing **administrative** costs
- **Smart regulation agenda:** reducing **regulatory** costs
  - Smart Regulation agenda fights gold plating ‘over-implementation’
  - Good legislation management = Deregulation?

# UNDERSTANDING REFIT in the BETTER REGULATION AGENDA

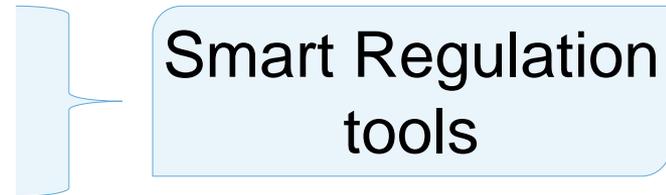


# UNDERSTANDING REFIT in the BETTER REGULATION AGENDA



## HOW does REFIT function?

- Screening the entire stock of EU legislation to identify burdens, gaps inefficient measures with a stronger SME test.
  - Impact Assessment
  - Evaluation
  - Stakeholder consultation
  - Fitness check
- Withdrawal of proposals (long) blocked in the legislature
- Repealed of pieces of legislation so as to allow for a 'fresh' start or for alternative ways to achieve the intended legislative purpose (good legislative management)



# REFIT OF INFORMATION AND CONSULTATION RIGHTS

Equal treatment in social security

Professional qualifications

Temporary agency work

Data protection

Part time and fixed term work

Working time

Public procurement

Posting of workers

Company law

**Information and consultation Rights:**

General framework

Collective redundancies

Transfer of undertaking

**Information obligations**

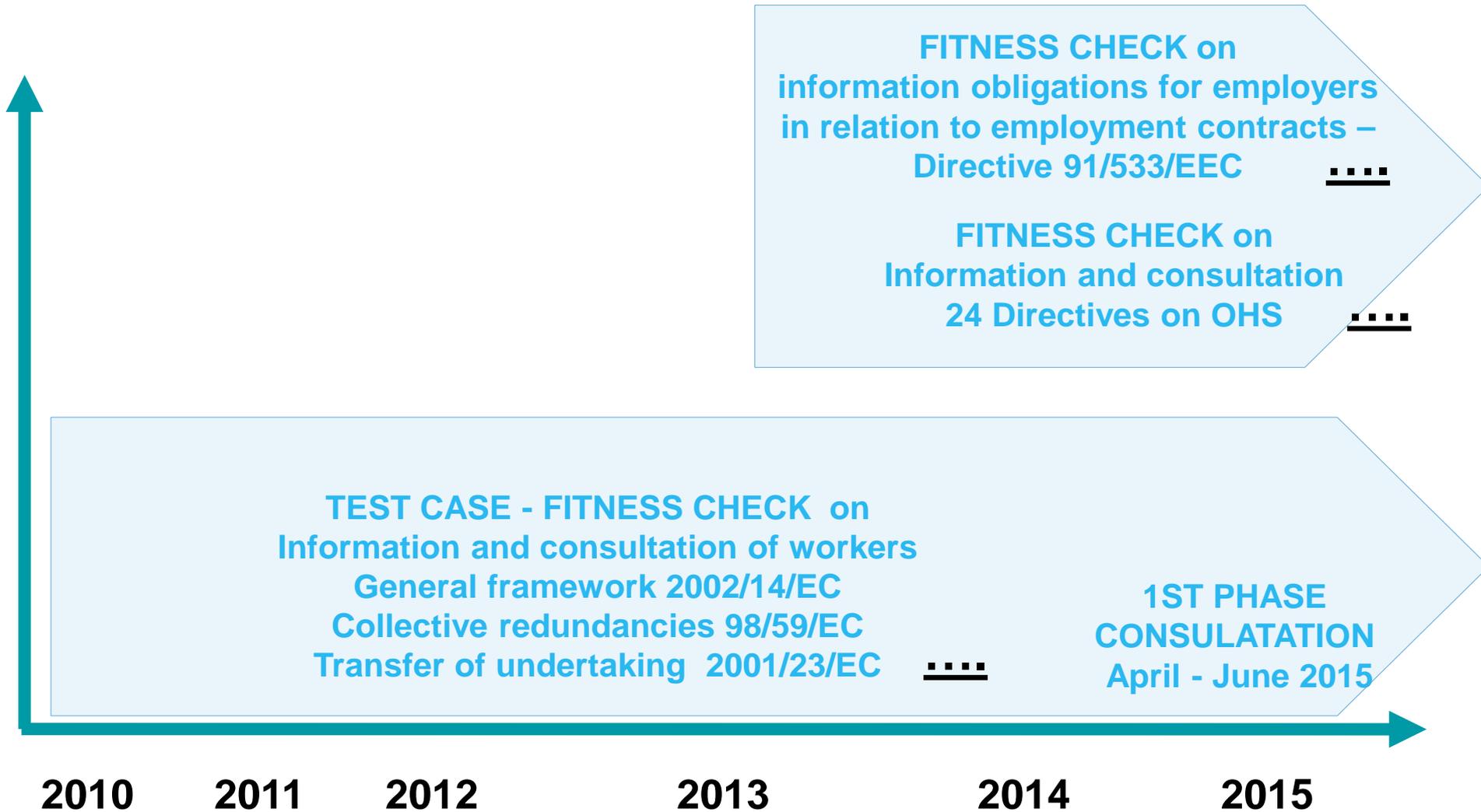
of employers in relation to work contracts

**Occupational health and safety**

**REACH**

**REGULATORY FITNESS AND PERFORMANCE  
ON INFORMATION AND CONSULTATION RIGHTS**

# REFIT OF INFORMATION AND CONSULTATION RIGHTS



## Examples (Staff Working Document 2014):

### Withdrawal

- Proposal for a revised Directive on **pregnant workers** (COM(2008)600/4) if no agreement occurs within 6 months
- Statute of **European private company** April 2014

### Legislative initiatives:

- **Information and consultation of workers** – first consultation of social partners launched 10.4.2015
- Organisation of **working time** – simplification – in preparation scheduled for 2015
- **Posting of workers** – adopted in May 2014 (Dir. 2014/67/EU)
- **Professional qualifications** – simplification – ongoing until January 2016

## Legislative initiatives:

- Company law – simplification/codification – in preparation
- Proposal for a **Single Member Company** – in preparation
- **Data protection** – simplification
- Women on company boards - simplification
- **Cabotage rules in road transport** – simplification – in preparation
- No proposition for legislation: **2012 Hairdresser sectoral agreement**

## Evaluations and Fitness Checks:

- Directive 2008/104/EC on **temporary agency** work – done March 2014
- Directives 97/81/EC on **part-time work** and 99/70/EC on **fixed-term work** – ongoing and expected for completion in 2014
- Directive 91/533/EEC regarding **information obligations for employers in relation to employment contracts** – ongoing and expected to be completed Q3 2015
- legislation in the area of **health and safety at work**;  
Framework Directive 89/391/EEC – ongoing and expected to be completed end 2015

## Evaluations and Fitness Checks:

- Fitness check of legislation on [legal migration](#) – planned to start in 2016
- Directive 79/7/EEC regarding [equal treatment in social security](#) – planned to start in Q4 2015 and expected to be completed in Q4 2015
- Directive 2007/66/EC on [award of public contracts](#)
- Measurement of Regulatory Costs and Benefits:
- Cumulative cost assessment (CCAs provide industry-wide assessments of a variety of key cost factors) in chemical industry; construction sector is foreseen

# REFIT IN PRACTICE

## Evaluations and Fitness Checks:

- Fitness check of legislation on [legal migration](#) – planned to start in 2016
- Directive 79/7/EEC regarding [equal treatment in social security](#) – planned to start in Q4 2015 and expected to be completed in Q4 2015
- Directive 2007/66/EC on [award of public contracts](#)

## Measurement of Regulatory Costs and Benefits:

- Cumulative cost assessment in chemical industry; construction sector

## Others:

- Facilitating the implementation of REACH

## FOR WHOM is REFIT meant?

- European Institutions - Member States
- Stakeholders in business and civil society
  - > shared responsibility to reinforce the broader benefits that regulating at EU level can bring
- SMEs: 'Think Small First' principle: impacts on SMEs to be taken into account when designing legislation / existing regulatory environment be simplified
  - > lighter regimes for SMEs
  - > exemptions for micro-companies wherever appropriate

## FOR WHOM is REFIT meant?

SMEs: Smart regulation - Responding to the needs of small and medium - sized enterprises: focus on SMEs 'Top 10 most burdensome pieces of EU legislation' (COM (2013)122):

REACH

Posting of workers

Recognition of professional qualifications

Temporary agency work

Merger control

Health and Safety at work

Public procurement

Data protection

Working time

Directives in Company Law

## WHAT does REFIT mean for trade unions?

- Shortcomings in social, environmental and fundamental social rights
- Change in the (EU) legal environment:
  - Slowing down or freezing of legal initiatives: ‘Paralysis by analysis’
  - Revision of the entire *acquis communautaire*
    - downgrading of social standards
    - gold plating = preventing adoption of higher standards
    - ‘domino’ effect on national legislation
    - Quid of democratic legislative process?
  - European Social dialogue / European social partners as co-legislator is put on hold
- Change of paradigm: price of legislation drives labour protection and introduction of (higher) labour standards

## WHY should trade unions be involved?

- Workers and trade unions perceived as stakeholders in society = lost of specificity of labour in public consultation (Art. 154 TFEU); co-legislator (155 TFEU)?
- SMEs = priority = exemption from regulation < little regulation = 90% of undertaking in Europe
- Impact of the modalities, structure and level of collective bargaining (decentralisation)
- Impact on setting (by law or collective bargaining) of wage setting, working conditions, health and safety measures,....

# ASSESSING REFIT

## HOW should trade unions get involved?

- Need to critically assess deregulatory agenda in particular the REFIT programme and its impact:
  - on *acquis communautaire* and future legislation (working conditions, workers' involvement, health and safety)
  - on the labour market development ( segmentation / social dumping / )
  - Address the weakness of the methodology
  - Address the need for IA in respect of social, and environmental rights but also fundamental social rights (Charter of fundamental rights!)
- Need to provide for alternative narrative
- Need to strengthen SP participation to evaluation processes and consultations, rule setting

## HOW should trade unions get involved?

- Fitness Check on Information Consultation
- Health and Safety
- Professional qualifications
- Single Member Company
- Data protection
- Cabotage rules in road transport
- Part-time work on fixed-term work
- Information obligations for employers in relation to employment contracts
- Legal migration
- Equal treatment in social security
- Award of public contracts

# ASSESSING REFIT

HOW can ETUI help you: <http://www.etui.org/>



**Thank you very much for your attention**

**<http://www.etui.org/>**

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