

We, members of MEDEL (European Magistrates for Democracy and Freedoms), gathered in Barcelona on November 9, 2007, in the framework of a symposium about the Green Book regarding the modernization of the Labour Law:

- I. Consider as positive the fact that the European Union recognizes the necessity to address the Labour Law in an European perspective, beyond national frameworks ;
- II. We welcome the method used for obtaining the opinions of social stakeholders interested in the Green Book and wish to remind you that we have sent to the European commission our critical opinion ;
- III. Remember that, for a century now, the Labour law is a guarantor of social cohesion and that it is the result of the struggles for equality of citizens and is concretizing the right to social citizenship ;
- IV. Demand that the European social model is maintained as a fundamental element of Europe's identity in the struggle against inequalities ;
- V. Acknowledge the necessary adjustment of different national situations to the evolutions of the needs of employees and the change of production trends ;
- VI. State that this adjustment would have to respect the rights gained in any case, without discrimination between workers and with full respect of the right to equality ;
- VII. Reject any resolution of the conflict between those who are *inside* and those on the *outside* of the social system by diminishing the welfare and guarantees resulting from more than one century of achievements ; on the contrary, the less-favored are the ones that today must be given access to these guarantees ;
- VIII. State that the notion of economically dependent labour must be subject to collective negotiations, without prejudice to the rights of employed workers ; only in this framework, the formulation of a set of rights allowing the gradual reinforcement of such guarantees can be envisaged ;
- IX. Demand the reinforcement of the competences of the European Union in terms of the Labour Law in order to avoid for the practices of « social dumping » to compromise such guarantees;
- X. Observe that different national experiences demonstrate the inefficiency of precarious contracts for job creation ; on the other hand, they result in major divisions on the labour market, the increase of social costs borne by the community, the devaluation of professional training, a lesser participation of employees in the company and problems in adjusting new production systems to new technologies ;

- XI. Reject every attempt to charge the public budget with the cost of continuous education or the one of indemnification of unemployment ; this would be contrary to the European social model ;
- XII. Demand a production model based on quality, the continuous training of employees and social responsibility of companies ;
- XIII. Consider that the company must take care of society, and society of the company, in order to take into account the social and environmental impact of economy ; we also consider necessary to implement the fundamental rights in labour relations, on all levels ;
- XIV. Demand the establishment of a national framework defining the minimum rights of employees, on the basis of standards defined by the International Labour Organization and international treaties, in order to avoid practices of outsourcing to countries the internal legislation of which authorizes the enslavement of labour ;
- XV. Say that the evolution of the Labour Law will have to respect the principle of non-discrimination of the worst discriminated groups, especially women, foreign workers and disabled persons ;
- XVI. Demand that any evolution of the social model be preceded by genuine collective negotiations and consultation with all social stakeholders ;
- XVII. Demand the setting up of the framework of collective negotiations at the European level, as a precondition for legal arrangements of member states ;
- XVIII. Request that the participation of workers be the highest priority of the evolution of the Labour Law ;
- XIX. Demand that control mechanisms be set up and in particular the setting up of a Labour Inspection at the European level ;
- XX. Consider that the principles of flexibility and security, founded on continuous education and political intervention in favor of employment, must respect the fundamental rights of European citizens and workers, as defined by the European Social Charter and in the Nice Charter of Fundamental Rights in order to build not only a common European market, but also a genuine common area of social citizenship.

Barcelona, on November 9<sup>th</sup>, 2007