Resolution on responding to petitions on tackling precariousness and the abusive use of fixed-term contracts

2018/2600(RSP) - 31/05/2018 - Text adopted by Parliament, single reading

The European Parliament adopted by 312 votes to 75 with 155 abstentions a resolution tabled by the Committee on Petitions on tackling precariousness and the abusive use of fixed-term contracts.

Members began by noting that precarious employment, including zero-hours contracts, results in little or no job security, inadequate access to social protection, insufficient remuneration for a decent standard of living and undermines the right to collective bargaining, particularly in terms of protection from unfair dismissal.

They called on the Commission and Member States to **combat precarious employment such as zero-hours contracts** by ensuring the development of new instruments, coherent respect for the jurisprudence of the Court of Justice of the European Union, and by working with stakeholders to strengthen labour inspectorates.

Parliament also noted that several Member States have experienced a significant increase in atypical and temporary employment contracts, in a legal framework where the **abusive use of fixed-term contracts** could neither be adequately prevented nor sanctioned owing to the absence of effective remedies. This has **undermined the integrity of European employment legislation.** The resolution condemned the fact that workers who had been recognised by competent judicial authorities as victims of an abusive use of fixed-term contracts, in violation of Directive 1999/70/EC, have been made redundant. Members stated that they strongly believed that where abuses of successive fixed-term contracts have taken place, a measure offering guarantees for the protection of workers can be applied in order to safeguard the employment position of the workers affected.

Parliament stressed that **inspections** must be ensured so that workers subject to temporary or flexible contractual arrangements benefit from at least the same protection as all other workers.

It also made the following points:

- the Commission and Member States must fully ensure **equal pay for equal work** at the same workplace;
- Member States must improve job standards in non-conventional jobs by providing, at the very least, a set of **minimum standards** for social protection, minimum wage levels and access to training and development;
- the **Working Time Directive** can and must be applied to workers on zero hours contracts and that they are therefore covered by the rules on minimum rest periods and maximum working times;
- an overall assessment of the circumstances surrounding the **renewal of fixed-term employment contracts** must be carried out, as the services required of the worker were not able to meet merely temporary needs, thus revealing a breach Directive 1999/70/EC; Parliament denounced the renewal of fixed-term employment contracts with the aim of covering needs which are not temporary in nature but fixed and permanent;
- the Commission and Member States must assess legislation concerning precarious work in relation to its **gender impact** since women in precarious work are already over-represented group that will continue to be overly affected.

Lastly, Parliament called on the Member States to take measures to **respect the workplace rights** that concern those working in the informal economy, and to put in place appropriate mechanisms or review existing ones in order to ensure compliance with national laws.