Transparent and predictable working conditions in the European Union

2017/0355(COD) - 26/10/2018 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Employment and Social Affairs adopted the report by Enrique CALVET CHAMBON (ALDE, ES) on the proposal for a directive of the European Parliament and of the Council on transparent and predictable working conditions in the European Union.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows.

Objective: the Directive shall establish **minimum rights that apply to every worker** in the Union. Member States shall ensure that all the persons to which this Directive applies can make effective use of those minimum rights within the framework of national law or practice, including collective agreements.

The objectives of the Directive shall be in line with the **Charter of Fundamental Rights of the European Union and the European Social Charter** and shall contribute to the implementation of several of the principles set out in the European Pillar of Social Rights, in particular principles 5 (secure and adaptable employment) and 7 (information about employment conditions and protection in case of dismissals)

Self-employed workers who do not meet the criteria set out in the Directive shall be excluded from the scope.

Information on the employment relationship: workers shall have the right to be informed in writing (on paper or in electronic form) of their rights and obligations resulting from the employment relationship, **as soon as they take up their duties**, **regardless of the type of employment contract**. The basic information shall be provided in writing to them no later than the first day of the employment relationship. It shall be possible to extend this deadline by a maximum of 7 days for micro enterprises.

Members specified that this information shall also include:

- the full names and addresses of the parties to the employment relationship;
- the measures in place to enable the worker to travel to the site, where the employee works in different places;
- in the case of temporary agency workers, the name of the user undertaking;
- any **training entitlement** that the employer is required to provide pursuant to Union or national law and relevant collective agreements;
- the method for determining such notice periods as well as the formal requirements for the notice of termination and the deadline for bringing an action contesting dismissal;
- any other component elements indicated separately such as bonuses, overtime payments, payments in kind and other entitlements;
- **the length of the worker’s standard working day or week**, and, where applicable, the arrangements for working outside the standard working day or week, including arrangements for shift changes and overtime, and reasonable advance notice of, and remuneration for, such work;
- the principle that the work schedule is variable, the number of guaranteed paid hours and the remuneration for work performed in addition to those guaranteed hours;
- the deadline for the employer to cancel that work assignment after the worker has accepted it;
- the contact details of the workers’ or their trade unions’ representatives;
- proof of registration with a social security institution where this is the employer's responsibility.

Trainees shall have access to all necessary information about their training and work plan.

Workers posted or sent abroad shall also receive additional information specific to their situation before they leave.

Probation period: this period shall not exceed six months. In the case of fixed-term contracts of less than 12 months, the probationary period shall not exceed **25% of the expected duration of the contract**. In the case of the renewal of a contract, the employment relationship shall not be subject to a new probationary period.

Exceptionally, and after consultation with the social partners, Member States may provide for longer probationary periods not exceeding 9 months where the nature of the job justifies it, for example for managerial posts. Workers should enjoy their rights during this period.

Member States may provide for **probationary periods to be extended**, subject to the initial agreement between the worker and the employer, where the worker has been continuously absent from work due to a long illness or extended leave, in order for both the employer and the worker to verify if the work matches their respective expectations and requirements. Under no circumstances shall it be possible to extend a probationary period unilaterally.

Employment with other employers: employers shall not prohibit, attempt to prevent, sanction or penalise workers from working for other employers for this reason.

Predictability: Members proposed introducing measures to ensure greater predictability in employment contracts and relationships. Thus, Member States may prohibit any employment relationship that does not provide for a predetermined minimum volume of guaranteed paid hours before the beginning of the employment relationship.

Under the amended text, Member States shall:

- ensure that the **principle of equal pay and working conditions** applies to all workers, regardless of their employment status;
- implement the necessary measures to protect all workers, regardless of the type and duration of their employment relationship;
- allow trade unions to seek representative actions to protect the collective interests of workers;
- ensure that workers have access to **social protection**, regardless of the type of employment relationship;
- ensure that workers in variable work schedules and variable reference hours/days have access to **safety and health protection**;
- ensure that the introduction of '**zero hour' or similar contracts** is stopped;
- ensure that effective and adequate **inspections** are carried out to monitor and enforce the implementation of this Directive by national bodies or by social partners;
- provide effective mechanisms for workers to **lodge complaints** in the event of violations of their rights.

Lastly, Member States shall involve the **social partners** in the implementation of the Directive, in accordance with their national legislation and practices.