Transparent and predictable working conditions in the European Union

2017/0355(COD) - 11/07/2019 - Final act

PURPOSE: to make working conditions more transparent and predictable across the EU.

LEGISLATIVE ACT: Directive (EU) 2019/1152 of the European Parliament and of the Council on transparent and predictable working conditions in the European Union.

CONTENT: the Directive introduces new minimum rights and new rules on the information to be provided to workers concerning their working conditions. Its main objective is to respond to the challenges posed to the labour market by demographic changes, the digitalisation and new forms of employment.

The Directive does not constitute a valid justification for reducing the general level of protection already granted to workers in the Member States. It does not prevent Member States from adopting or implementing legislation that is more favourable to workers.

Scope

The Directive applies to all persons working more than 3 hours per week over a four-week period (i.e. more than 12 hours per month) who are bound by an employment contract or employment relationship within the meaning of the law, collective agreements or practice in force in each Member State.

Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees and apprentices could fall within the scope of this Directive.

Certain categories of workers may be excluded from the application of some of the provisions, such as civil servants, the armed forces or members of emergency and law enforcement services. Genuinely self-employed persons should not fall within the scope of this Directive since they do not fulfil those criteria.

Information on the employment relationship

The Directive requires employers to inform workers in writing (in paper or electronic form), from their first working day and no later than the seventh calendar day, of the essential elements of the employment relationship, in particular:

- the identity of the parties to the employment relationship, the place of work and the nature of the activity;

- the start date of the employment relationship and the end date in the case of a fixed-term employment relationship, as well as the duration and conditions of the probationary period;

- the initial basic amount of remuneration and the duration of paid leave;

- the duration of the normal workday or week when the work rhythm is predictable;

- the identity of the social security body collecting social contributions, where this is the employer's responsibility.

Where the pattern of work is entirely or mostly unpredictable, employers shall inform workers of the reference hours and days on which they may be called upon to work, the minimum notice period that workers should have before starting work and the number of guaranteed paid hours.

Additional information for workers sent to another Member State or to a third country

Member States shall ensure that, where a worker is required to work in a Member State or third country other than the Member State in which he or she habitually works, the employer shall provide the relevant documents before the worker's departure and the documents shall include at least the following additional information:

- the country or countries in which the work abroad is to be performed and its anticipated duration;

- the currency to be used for the payment of remuneration;

- information as to whether repatriation is provided for, and if so, the conditions governing the worker's repatriation;

- where applicable, any allowances specific to posting and any arrangements for reimbursing expenditure on travel, board and lodging.

Minimum requirements for the employment contract

The Directive sets a number of other minimum rights for workers, including the right to:

- to limit the duration of the probationary period to a maximum of 6 months, longer probationary periods being allowed only when it is in the worker's interest or when the nature of the activity justifies it;

- to work in parallel with another employer outside the working hours established with the employer without being subjected to unfavourable treatment for this reason;

- to request, after at least six months' service with the same employer, a job with more predictable and secure working conditions and to receive a reasoned written reply;

- to benefit free of cost from training considered as working time when such training is required by Union or national law.

Additional measures for on-demand contracts

Member States which allow the use of on-demand contracts or similar employment contracts shall take measures to avoid abusive practices, such as:

- the limitation of the use and duration of on-demand employment contracts or similar contracts;

- the rebuttable presumption of the existence of an employment relationship with a guaranteed amount of paid hours based on hours worked in a preceding reference period.

ENTRY INTO FORCE: from 31.7.2019.

TRANSPOSITION: no later than 2.8.2022.