Safeguarding of employees' rights in the event of transfers of undertakings

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The Committee on Social Affairs and Employment adopted the draft legislative resolution embodying the opinion of the European Parliament on the Commission's proposed amendment to the directive safeguarding employees' rights in the event of transfers of undertakings, businesses or parts of businesses. The rapporteur, Mr Kerr (PSE, UK) , appreciated the Commission's changes to the initial proposal, especially with regard to the choice to maintain the wording of Article 1 of the 1997 directive on the definition of "transfer" in order to avoid legal uncertainty and the application of the directive in the event of insolvency. On this point, the proposed text grants employees the same level of protection as that for which provision is made in the 1980 "insolvency" directive and, as the result of certain amendments tabled, strengthens the role of employees' representatives when agreements are concluded which change the terms of employment or make provision for redundancies in order to ensure the company's survival. In other amendments, the rapporteur has endeavoured to: include pension rights not due on the date of transfer into the terms of employment transferred to the transferee; guarantee that there is no discrimination against women; strengthen the provisions on information and consultation in the event of transfer and of sub-contracting and second generation delegation.