Part-time work: framework agreement concluded by UNICE, CEEP and the ETUC

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OBJECTIVE: the implementation, through a Community directive, of the framework Agreement on part-time work concluded by the social partners (UNICE, CEEP and the ETUC), in accordance with paragraph 2 of Article 4 of the Agreement on Social Policy. SUBSTANCE: the framework Agreement has two main objectives: - to provide for the removal of discrimination against part-time workers and to improve the quality of part-time work; - to facilitate the development of part-time work on a voluntary basis and to contribute to the flexible organization of working time in a manner which takes into account the needs of employers and workers. The framework Agreement lays down the principle that, in terms of working conditions, part-time workers should not be treated any less favourably than full-time workers, unless different treatment was justified on objective grounds (principle of non-discrimination). The implementing procedure for this principle will be defined by the Member States and/or social partners, having regard to Community legislation, national law, collective agreements and national practices. The Agreement applies to part-time workers who have a defined working relationship in the Member States. When justified on objective grounds, Member States and/or social partners may make access to particular conditions of employment subject to a period of service, time worked or an earnings qualification. In addition, it would also be possible to limit or totally eliminate provisions in the Agreement affecting part-time workers who worked only occasionally. These access and exclusion criteria involving part-time work should be reviewed periodically, having regard to the principle of non-discrimination. Under the terms of the framework Agreement, a worker's refusal to transfer from full-time to part-time work or vice-versa should not in itself constitute a valid reason for termination of employment (without prejudice to the possibility of termination on other grounds such as might arise from the operational requirements of the establishment concerned). As far as possible, employers should give consideration to requests from workers to transfer from full-time to part-time work (and vice versa), including skilled and managerial positions. Measures should also be taken with a view to facilitating access by part-time workers to vocational training. The Directive included a 'non-regression' standard clause that affected the Member States which had, at the time of adoption of the Directive, a higher level of protection than that guaranteed by the framework Agreement. It also included a non-discrimination clause on sex, race, ethnic origin, religion or sexual orientation, as well as a clause obliging Member States to provide for penalties if the Directive was not applied.