Protection of employees: insolvency of employer, transnational situations (amend. Directive 80/987 /EEC)

2001/0006(COD) - 29/11/2001 - Text adopted by Parliament, 1st reading/single reading

The European Parliament approved the report drafted by Mr Theodorus BOUWMAN (Greens/EFA, NL) on amending Council Directive 80/987/EEC on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer. Parliament adopted several amendments to the proposal. The Directive should cover employment relationships, such as subcontracts, quaesi self-employment - particularly former employees of the insolvent company, if there is clear evidence that the employee's situation is independent from the plaintiff for accounting purposes. Workers with a training contract, home workers and those regarded under national legislation as being in a similar category to paid workers, should be included explicitly in the scope of the directive. MEPs say that exceptions should be allowed only if there were already similar exceptions in the national legislation. Parliament also approved amendments on insolvency procedures in order to safeguard workers' rights. Member States should not be allowed to make exclusions on the grounds of threshold provisions (e.g. a specific minimum period of employment agreement). Parliament stressed the need to ensure that 'pay' covers all elements of remuneration (salary, overtime supplements, holidays and bonuses) over the previous six months and the corresponding social security contributions payable by the employer. It should also cover indemnities or compensation owed for terminating the contract of employment. MEPs did not want to introduce a ceiling on payments to be made by guarantee institutions in insolvency cases. They called for detailed rules for the organisation, financing and operation of these institutions.