

Commission proposal for a Directive on transparent and predictable working conditions (COM (2017)0797)

The World Employment Confederation-Europe, voice of the private employment industry in Europe is strongly concerned about the EU debates on the Directive on transparent and predictable working conditions and the positions taken in Council and in the EP Employment Committee on the information obligations linked to the employment relationship. This position paper puts forward main recommendations on the information obligations, definitions and the right to request another form of employment for the trilogue negotiations.

19th November 2018

General Assessment

- The EU Commission proposal for a Directive on transparent and predictable working conditions is of major concern to the employment industry. The proposal does not respect the principles of subsidiarity and proportionality.
- The proposal does not adequately reflect the changing world of work, which is characterised by increasingly dynamic and adaptable labour markets and diverse forms of work. Rather than imposing conditions and restrictions on appropriately regulated and existing employment relationships, it would be more appropriate to create new safety nets based on social innovation and the transferability and portability of rights.

Information on the employment relationship (Article 3)

- The World Employment Confederation-Europe supports the appropriate information of workers on the employment relationship in which they are engaged.
- However, the timing of the information provision on the first day of employment is often not feasible in practice, given the fact for temporary agency work, work assignments are provided on short notice to respond to the needs of a third party, namely the user undertaking. Furthermore, based on the principle of equal treatment, the information on the rights linked to the employment relationship needs to be collected first from the user undertaking (for example the remuneration). Against this background, the World Employment Confederation-Europe calls for a longer period of at least one week to provide the information on the employment relationship.
- Where relevant and possible, reference to laws and collective labour agreements should be sufficient to inform workers about the employment relationship and the rights attached to it.

Definitions (Article 2)

- The World Employment Confederation-Europe supports the position of the Council to delete the European definition of the “worker” and the “employer” from Article 2 of the Directive. These legal concepts are rooted in national labour law and should not be governed by a European definition.
- Furthermore, the World Employment Confederation-Europe does not support the integration of a definition in Article 1, paragraph 2 as provided by amendments included in the EP Report.

Right to request another form of employment (Article 10)

- The World Employment Confederation-Europe supports the concept of transitions to other forms of employment, which is at the very centre of the activities of the employment industry. This includes the right to be informed about vacant positions at user companies as already provided in Article 6, paragraph 1 of the Directive 2008/104/EC on temporary agency work.
- The right to request another forms employment as provided for in Article 10 of the Directive on temporary agency work needs to be limited to situations where these other forms of employment are legally available for the employer. Furthermore, there should be the option to limit at national level the number and frequency of requests for another, more secure form of employment.