



**2017/0355(COD)**

28.6.2018

# **AMENDMENTS 77 - 312**

**Draft report**  
**Enrique Calvet Chambon**  
(PE621.099v01-00)

Transparent and predictable working conditions in the European Union

Proposal for a directive  
(COM(2017)0797 – C8-0006/2018 – 2017/0355(COD))



**Amendment 77**  
**Anthea McIntyre, Helga Stevens**

**Proposal for a directive**  
**Recital 2**

*Text proposed by the Commission*

(2) **Principle 7 of** the European Pillar of Social Rights, proclaimed at Gothenburg on 17 November 2017, provides that workers have the right to be informed in writing at the start of employment about their rights and obligations resulting from the employment relationship, including any probationary period, and that they have the right to access to effective and impartial dispute resolution and, in case of unjustified dismissal, a right to redress, including adequate compensation. Principle 5 provides that regardless of the type and duration of the employment relationship, workers have the right to fair and equal treatment regarding working conditions, access to social protection and training, that employment relationships that lead to precarious working conditions is to be prevented, including by prohibiting abuse of atypical contracts, that any probationary period should be of reasonable duration and that the transition towards open-ended forms of employment is to be fostered.

*Amendment*

(2) The European Pillar of Social Rights, proclaimed at Gothenburg on 17 November 2017, ***states that the Principles should be implemented at both Union level and Member State level within their respective competences, taking due account of different socio-economic environments and the diversity of national systems, including the role of social partners, and in accordance with the principles of subsidiarity and proportionality. At Union level, the European Pillar of Social Rights does not entail an extension of the Union's powers and tasks as conferred by the Treaties. It should be implemented within the limits of those powers. The European Pillar of Social Rights respects the diversity of the cultures and traditions of the peoples of Europe, as well as the national identities of the Member States and the organisation of their public authorities at national, regional and local levels. In this context, Principle 7 of the Pillar,*** provides that workers have the right to be informed in writing at the start of employment about their rights and obligations resulting from the employment relationship, including any probationary period, and that they have the right to access to effective and impartial dispute resolution and, in case of unjustified dismissal, a right to redress, including adequate compensation. Principle 5 provides that regardless of the type and duration of the employment relationship, workers have the right to fair and equal treatment regarding working conditions, access to social protection and training, that employment relationships that lead to precarious working conditions is to

be prevented, including by prohibiting abuse of atypical contracts, that any probationary period should be of reasonable duration and that the transition towards open-ended forms of employment is to be fostered.

Or. en

## **Amendment 78**

**Michaela Šojdrová, Romana Tomc, Danuta Jazłowiecka, Ádám Kósa**

### **Proposal for a directive**

#### **Recital 2**

##### *Text proposed by the Commission*

(2) Principle 7 of the European Pillar of Social Rights, proclaimed at Gothenburg on 17 November 2017, provides that workers have the right to be informed in writing at the start of employment about their rights and obligations resulting from the employment relationship, including any probationary period, and that they have the right to access to effective and impartial dispute resolution and, in case of unjustified dismissal, a right to redress, including adequate compensation. Principle 5 provides that regardless of the type and duration of the employment relationship, workers have the right to fair and equal treatment regarding working conditions, access to social protection and training, that employment relationships that lead to precarious working conditions is to be prevented, including by prohibiting abuse of atypical contracts, that any probationary period should be of reasonable duration and that the transition towards open-ended forms of employment is to be fostered.

##### *Amendment*

(2) Principle 7 of the European Pillar of Social Rights, proclaimed at Gothenburg on 17 November 2017, provides that workers have the right to be informed in writing at the start of employment about their rights and obligations resulting from the employment relationship, including any probationary period, and that they have the right to access to effective and impartial dispute resolution and, in case of unjustified dismissal, a right to redress, including adequate compensation. Principle 5 provides that regardless of the type and duration of the employment relationship, workers have the right to fair and equal treatment regarding working conditions, access to social protection and training, that employment relationships that lead to precarious working conditions is to be prevented, including by prohibiting abuse of atypical contracts, that any probationary period should be of reasonable duration and that the transition towards open-ended forms of employment is to be fostered. ***Principle 5 also provides that necessary flexibility for employers to adapt swiftly to changes in the economic context must be ensured. Accordingly, rules applicable to non-standard forms of employment must strike a balance***

*between the need to maintain flexibility in order to foster labour market development, and the entitlement of all workers to social protection.*

Or. en

#### *Justification*

*If the directive is to be balanced, both aspects of Principle 5 of the European Pillar of Social Rights should be mentioned.*

#### **Amendment 79**

**Dennis Radtke, Dieter-Lebrecht Koch, Sven Schulze, Thomas Mann, Georges Bach, Jeroen Lenaers, Heinz K. Becker**

#### **Proposal for a directive**

#### **Recital 2**

##### *Text proposed by the Commission*

(2) Principle 7 of the European Pillar of Social Rights, proclaimed at Gothenburg on 17 November 2017, provides that ***workers have the right to be informed in writing at the start of employment about their rights and obligations resulting from the employment relationship, including any probationary period, and that they have the right to access to effective and impartial dispute resolution and, in case of unjustified dismissal, a right to redress, including adequate compensation.*** ***Principle 5 provides that*** regardless of the type and duration of the employment relationship, workers have the right to fair and equal treatment regarding working conditions, access to social protection and training, that employment relationships that lead to precarious working conditions ***is*** to be prevented, including by prohibiting abuse of atypical contracts, that any probationary period should be of reasonable duration and that the transition towards open-ended forms of employment is to be fostered.

##### *Amendment*

(2) Principle 5 of the European Pillar of Social Rights, proclaimed at Gothenburg on 17 November 2017, provides that regardless of the type and duration of the employment relationship, workers have the right to fair and equal treatment regarding working conditions, access to social protection and training, that employment relationships that lead to precarious working conditions ***are*** to be prevented, including by prohibiting abuse of atypical contracts, that any probationary period should be of reasonable duration and that the transition towards open-ended forms of employment is to be fostered. ***It further provides that the necessary flexibility for employers to adapt swiftly to changes in the economic context and to adopt new forms of employment on a collective bargaining basis is to be ensured, in accordance with legislation and collective agreements.***

*Justification*

*Complete the reference to Principle 5 of the European Pillar of Social Rights.*

**Amendment 80**

**Dennis Radtke, Sven Schulze, Dieter-Lebrecht Koch, Jeroen Lenaers, Georges Bach, Heinz K. Becker**

**Proposal for a directive**

**Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) Principle 7 provides that workers have the right to be informed in writing at the start of employment about their rights and obligations resulting from the employment relationship, including any probationary period, and that they have the right to access to effective and impartial dispute resolution and, in case of unjustified dismissal, a right to redress, including adequate compensation.***

Or. de

**Amendment 81**

**Anthea McIntyre, Helga Stevens**

**Proposal for a directive**

**Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) The establishment of the European Pillar of Social Rights does not affect the right of Member States to define the fundamental principles of their social security systems and manage their public finances, and must not significantly affect the financial equilibrium thereof.***

**Amendment 82****Eider Gardiazabal Rubial, Brando Benifei, Emilian Pavel, Bart Staes****Proposal for a directive****Recital 3***Text proposed by the Commission*

(3) Since the adoption of Council Directive 91/533/EEC,<sup>33</sup> labour markets have undergone far-reaching changes due to demographic developments and digitalisation leading to the creation of new forms of employment, which have supported job creation and labour market growth. New forms of employment are often not as regular or stable as traditional employment relationships and lead to reduced predictability for the workers concerned, creating uncertainty as to applicable rights and social protection. In this evolving world of work, there is therefore an increased need for workers to be fully informed about their essential working conditions, which should occur in a written form and in a timely manner. In order adequately *to* frame the development of new forms of employment, workers in the Union should also be provided with a number of new minimum rights aimed at promoting security and predictability in employment relationships while achieving upward convergence across Member States and preserving labour market adaptability.

*Amendment*

(3) Since the adoption of Council Directive 91/533/EEC,<sup>33</sup> labour markets have undergone far-reaching changes due to demographic developments and digitalisation leading to the creation of new forms of employment, which have supported job creation and labour market growth. New forms of employment, ***however***, are often ***precarious and*** not as regular or stable as traditional employment relationships and lead to reduced predictability for the workers concerned, creating uncertainty as to applicable rights and social protection. ***Non-standard forms of employment are particularly common among younger generations of workers. Precariousness affects young people disproportionately, as their position in the labour market is already vulnerable, due to protracted transitions between education and employment and a general lack of entry-level jobs.*** In this evolving world of work, there is therefore an increased need for workers to be fully informed about their essential working conditions, which should occur in a written form and in a timely manner. In order ***to*** adequately frame the development of new forms of employment, ***protect*** workers in the Union, ***and young workers in particular, workers*** should also be provided with a number of new minimum rights aimed at promoting ***quality***, security and predictability in employment relationships while achieving upward convergence across Member States and preserving labour market adaptability.

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<sup>33</sup> Council Directive 91/533/EC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32).

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<sup>33</sup> Council Directive 91/533/EC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32).

Or. en

### **Amendment 83**

**Anthea McIntyre, Helga Stevens**

#### **Proposal for a directive Recital 3**

##### *Text proposed by the Commission*

(3) Since the adoption of Council Directive 91/533/EEC,<sup>33</sup> labour markets have undergone far-reaching changes due to demographic developments and digitalisation leading to the creation of new forms of employment, which have supported job creation and labour market growth. New forms of employment are often not as regular *or stable* as traditional employment relationships and lead to reduced predictability for the *workers* concerned, creating uncertainty as to applicable rights and social protection. In this evolving world of work, there is therefore an increased need for *workers* to be fully informed about their essential working conditions, *which should occur in a written form and in a timely manner. In order adequately to frame the development of new forms of employment, workers in the Union should also be provided with a number of new minimum rights aimed at promoting security and predictability* in employment relationships *while achieving upward convergence across Member States and preserving labour market adaptability.*

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<sup>33</sup> Council Directive 91/533/EC of 14

PE623.835v01-00

##### *Amendment*

(3) Since the adoption of Council Directive 91/533/EEC,<sup>33</sup> labour markets have undergone far-reaching changes due to demographic developments and digitalisation leading to the creation of new forms of employment, which have supported job creation and labour market growth. New forms of employment are often not as regular as traditional employment relationships and *can* lead to reduced predictability for the *employee* concerned, creating uncertainty as to applicable rights and social protection. In this evolving world of work, there is therefore an increased need for *employees* to be fully informed about their essential working conditions *while at the same time maintaining certain degree of flexibility* in employment relationships.

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<sup>33</sup> Council Directive 91/533/EC of 14

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October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32).

October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32).

Or. en

#### **Amendment 84**

**Michaela Šojdrová, Romana Tomc, Danuta Jazłowiecka, Ádám Kósa**

#### **Proposal for a directive**

#### **Recital 3**

##### *Text proposed by the Commission*

(3) Since the adoption of Council Directive 91/533/EEC,<sup>33</sup> labour markets have undergone far-reaching changes due to demographic developments and digitalisation leading to the creation of new forms of employment, which have supported job creation and labour market growth. New forms of employment are often not as regular or stable as traditional employment relationships and lead to reduced predictability for the workers concerned, creating uncertainty as to applicable rights and social protection. In this evolving world of work, there is therefore an increased need for workers to be fully informed about their essential working conditions, which should occur in a written form and in a timely manner. In order adequately to frame the development of new forms of employment, workers in the Union should also be provided with a number of new minimum rights aimed at promoting security and predictability in employment relationships while achieving upward convergence across Member States and preserving labour market adaptability.

##### *Amendment*

(3) Since the adoption of Council Directive 91/533/EEC,<sup>33</sup> labour markets have undergone far-reaching changes due to demographic developments and digitalisation leading to the creation of new forms of employment, which have supported job creation and labour market growth. New forms of employment are often not as regular or stable as traditional employment relationships and lead to reduced predictability for the workers concerned, creating uncertainty as to applicable rights and social protection. In this evolving world of work, there is therefore an increased need for workers to be fully informed about their essential working conditions, which should occur in a written form and in a timely manner. In order adequately to frame the development of new forms of employment, workers in the Union should also be provided with a number of new minimum rights aimed at promoting security and predictability in employment relationships while achieving upward convergence across Member States and preserving labour market adaptability. ***It must be recognized that flexible forms of employment also have a positive impact on the labour market and workers, as they foster innovation and facilitate access to the labour market to individuals who are not apt to work in a standard form of***

*employment.*

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<sup>33</sup> Council Directive 91/533/EC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32).

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<sup>33</sup> Council Directive 91/533/EC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32).

Or. en

*Justification*

*Non-standard forms of employment are not necessarily perceived as undesirable by workers. For many workers (including individuals with disabilities or with caring responsibilities), flexible working arrangements may be the only or the most ideal form of employment.*

**Amendment 85**

**Joëlle Mélin, Dominique Martin**

**Proposal for a directive**

**Recital 3**

*Text proposed by the Commission*

(3) Since the adoption of Council Directive 91/533/EEC<sup>33</sup>, labour markets have undergone far-reaching changes due to demographic developments and digitalisation leading to the creation of new forms of employment, which have supported job creation and labour market growth. New forms of employment are often ***not as regular or stable as*** traditional employment relationships ***and lead to*** reduced predictability for the workers concerned, creating uncertainty as to applicable rights and social protection. In this evolving world of work, there is therefore an increased need for workers to be fully informed about their essential working conditions, which should occur in a written form and in a timely manner. In order adequately to frame the development of new forms of employment, workers in the Union should also be provided with a

*Amendment*

(3) Since the adoption of Council Directive 91/533/EEC<sup>33</sup>, labour markets have undergone far-reaching changes due to demographic developments and digitalisation leading to the creation of new forms of employment, which have supported job creation and labour market growth. New forms of employment are often ***characterised by their instability in comparison with*** traditional employment relationships. ***This instability makes employment insecure, which means that the transition between two jobs takes a long time and entails*** reduced predictability for the workers concerned, creating uncertainty as to applicable rights and social protection. In this evolving world of work, there is therefore an increased need for workers to be fully informed about their essential working conditions, which should occur in a written

number of new minimum rights aimed at promoting security and predictability in employment relationships while achieving upward convergence across Member States and preserving labour market adaptability.

form and in a timely manner. In order adequately to frame the development of new forms of employment, workers in the Union should also be provided with a number of new minimum rights aimed at promoting security and predictability in employment relationships while achieving upward convergence across Member States and preserving labour market adaptability.

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<sup>33</sup> Council Directive 91/533/EC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32).

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<sup>33</sup> Council Directive 91/533/EC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32).

Or. fr

#### **Amendment 86**

**Dennis Radtke, Georges Bach, Heinz K. Becker, Anne Sander, Jérôme Lavrilleux, Geoffroy Didier, Elisabeth Morin-Chartier, Thomas Mann**

#### **Proposal for a directive**

#### **Recital 3**

##### *Text proposed by the Commission*

(3) Since the adoption of Council Directive 91/533/EEC<sup>33</sup>, labour markets have undergone *far-reaching* changes due to demographic developments and digitalisation leading to the creation of new forms of employment, which have supported job creation and labour market growth. New forms of employment *are often not as regular or stable as* traditional employment relationships and lead to reduced predictability for the workers concerned, creating uncertainty *as to* applicable rights and social protection. In this evolving world of work, there is therefore an increased need for workers to be fully informed about their essential working conditions, which should occur in a written form and in a *timely manner*. In order adequately to frame the development

##### *Amendment*

(3) Since the adoption of Council Directive 91/533/EEC, labour markets have undergone changes due to demographic developments and digitalisation leading to the creation of new forms of employment, which have supported *innovation*, job creation and labour market growth. New forms of employment *can vary greatly in their predictability from* traditional employment relationships and *can sometimes* lead to reduced predictability for the workers concerned, creating uncertainty *over* applicable rights and social protection. In this evolving world of work, there is therefore an increased need for workers to be fully informed about their essential working conditions, which should occur in a *timely manner and in a* written form and

of new forms of employment, workers in the Union should also be provided with a number of new minimum rights aimed at promoting security and predictability in employment relationships while achieving upward convergence across Member States and preserving labour market adaptability.

in a *form easily accessible to workers*. In order adequately to frame the development of new forms of employment, workers in the Union should also be provided with a number of new minimum rights aimed at promoting security and predictability in employment relationships while achieving upward convergence across Member States and preserving labour market adaptability.

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<sup>33</sup> Council Directive 91/533/EC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32).

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<sup>33</sup> Council Directive 91/533/EC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32).

Or. de

#### **Amendment 87**

**Tamás Meszerics**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

##### **Recital 3**

*Text proposed by the Commission*

(3) Since the adoption of Council Directive 91/533/EEC,<sup>33</sup> labour markets have undergone far-reaching changes *due to demographic developments and digitalisation leading to the creation of new forms of employment, which have supported job creation and labour market growth*. New forms of employment are often not as regular or stable as traditional employment relationships and lead to reduced predictability for the workers concerned, creating uncertainty as to applicable rights and social protection. In this evolving world of work, there is therefore an increased need for workers to be fully informed about their essential working conditions, which should occur in a written form and in a timely manner. In order adequately to frame the development

*Amendment*

(3) Since the adoption of Council Directive 91/533/EEC,<sup>33</sup> labour markets have undergone far-reaching changes. New forms of employment are often not as regular or stable as traditional employment relationships and lead, *among others*, to reduced predictability for the workers concerned, creating uncertainty as to applicable rights and social protection. In this evolving world of work, there is therefore an increased need for workers to be *not only* fully informed about, *but also better protected as regards* their essential working conditions, which should occur in a written form and in a timely manner. In order adequately to frame the development of new forms of employment, workers in the Union should also be provided with a number of new minimum rights aimed at

of new forms of employment, workers in the Union should also be provided with a number of new minimum rights aimed at promoting security and predictability in employment relationships while achieving upward convergence across Member States and preserving labour market adaptability.

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<sup>33</sup> Council Directive 91/533/EC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32).

promoting security and predictability in employment relationships while achieving upward convergence across Member States and preserving labour market adaptability.

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<sup>33</sup> Council Directive 91/533/EC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32).

Or. en

## Amendment 88

**Javi López, Sergio Gutiérrez Prieto, Evelyn Regner, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Siôn Simon, Brando Benifei, Joachim Schuster, Georgi Pirinski, Vilija Blinkevičiūtė, Elena Gentile**

### Proposal for a directive

#### Recital 3

##### *Text proposed by the Commission*

(3) Since the adoption of Council Directive 91/533/EEC,<sup>33</sup> labour markets have undergone far-reaching changes due to demographic developments and digitalisation leading to the creation of new forms of employment, which **have supported job creation and labour market growth. New forms of employment** are often not as regular or stable as traditional employment relationships and lead to reduced predictability for the workers concerned, creating uncertainty as to applicable rights and social protection. In this evolving world of work, there is therefore an increased need for workers to be fully informed about their essential working conditions, which should occur in a written form and in a timely manner. In order adequately to frame the development of new forms of employment, workers **in**

##### *Amendment*

(3) Since the adoption of Council Directive 91/533/EEC,<sup>33</sup> labour markets have undergone far-reaching changes due to demographic developments and digitalisation leading to the creation of new forms of employment which are often not as regular or stable as traditional employment relationships and lead to reduced predictability for the workers concerned, creating uncertainty **and precariousness** as to **working conditions**, applicable rights and social protection. In this evolving world of work, there is therefore an increased need for **all** workers **in all types of employment relationship** to be fully informed about their essential working conditions, which should occur in a written form and in a timely manner. In order adequately to frame the development of new forms of employment, workers

*the Union* should also be provided with a number of new minimum rights aimed at promoting security and predictability in employment relationships while achieving upward convergence across Member States and preserving labour market *adaptability*.

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<sup>33</sup> Council Directive 91/533/EC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32).

should also be provided with a number of new minimum rights aimed at promoting security and predictability in employment relationships while achieving upward convergence across Member States and preserving labour market *legal certainty*.

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<sup>33</sup> Council Directive 91/533/EC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32).

Or. en

## Amendment 89

**Paloma López Bermejo, Tania González Peñas, Patrick Le Hyaric, Kostadinka Kuneva, João Pimenta Lopes**

### Proposal for a directive Recital 3

#### *Text proposed by the Commission*

(3) Since the adoption of Council Directive 91/533/EEC,<sup>33</sup> labour markets have undergone far-reaching changes due to demographic developments and digitalisation leading to the creation of new forms of employment, which *have supported job creation and labour market growth. New forms of employment* are often not as regular or stable as traditional employment relationships and lead to reduced predictability for the workers concerned, creating uncertainty as to applicable rights and social protection. In this evolving world of work, there is therefore an increased need for workers to be fully informed about their essential working conditions, which should occur in a written form and in a timely manner. In order adequately to frame the development of new forms of employment, workers in the Union should also be provided with a number of new minimum rights aimed at

#### *Amendment*

(3) Since the adoption of Council Directive 91/533/EEC,<sup>33</sup> labour markets have undergone far-reaching changes due to demographic developments and digitalisation leading to the creation of new forms of employment, which are often not as regular or stable as traditional employment relationships and lead to reduced predictability for the workers concerned, creating uncertainty as to applicable rights and social protection. In this evolving world of work, there is therefore an increased need for workers to be fully informed about their essential working conditions, which should occur in a written form and in a timely manner. In order adequately to frame the development of new forms of employment, workers in the Union should also be provided with a number of new minimum rights aimed at promoting security and predictability in employment relationships while achieving

promoting security and predictability in employment relationships while achieving upward convergence across Member States and preserving labour market adaptability.

upward convergence across Member States and preserving labour market adaptability.

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<sup>33</sup> Council Directive 91/533/EC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32).

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<sup>33</sup> Council Directive 91/533/EC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18.10.1991, p. 32).

Or. en

**Amendment 90**  
**Joëlle Mélin, Dominique Martin**

**Proposal for a directive**  
**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) The instability of employment is liable to make it insecure in view, in particular, of the lack of portability of entitlements to social protection, both compulsory and additional, during periods of transition between jobs.***

Or. fr

**Amendment 91**  
**Anthea McIntyre, Helga Stevens**

**Proposal for a directive**  
**Recital 4**

*Text proposed by the Commission*

*Amendment*

***(4) Pursuant to Directive 91/533/EEC the majority of workers in the Union have the right to receive written information about their working conditions. Directive 91/533/EEC does not however cover all workers in the Union. Moreover, gaps in***

***deleted***

*protection have emerged for new forms of employment created as a result of labour market developments since 1991.*

Or. en

#### **Amendment 92**

**Anthea McIntyre, Helga Stevens**

#### **Proposal for a directive**

##### **Recital 4**

*Text proposed by the Commission*

(4) Pursuant to Directive 91/533/EEC **the majority of workers** in the Union have the right to receive written information **about their working conditions. Directive 91/533/EEC does not however cover all workers in the Union. Moreover, gaps in protection have emerged for new forms of employment created as a result of** labour market developments since 1991.

*Amendment*

(4) Pursuant to Directive 91/533/EEC **employees** in the Union have the right to receive written information **containing information on the essential elements of their contract or employment relationship. Taking into account the changing nature of employment relationships and** labour market developments **in the Member States** since 1991, **amendments are necessary in order to ensure that all employees are informed about their essential working conditions.**

Or. en

#### **Amendment 93**

**Eider Gardiazabal Rubial, Brando Benifei, Emilian Pavel, Bart Staes, Tomáš Zdechovský**

#### **Proposal for a directive**

##### **Recital 4**

*Text proposed by the Commission*

(4) Pursuant to Directive 91/533/EEC the majority of workers in the Union have the right to receive written information about their working conditions. Directive 91/533/EEC does not however cover all workers in the Union. Moreover, **gaps in protection have emerged for** new forms of

*Amendment*

(4) Pursuant to Directive 91/533/EEC the majority of workers in the Union have the right to receive written information about their working conditions. Directive 91/533/EEC does not however cover all workers in the Union. Moreover, **the rise of** new forms of employment, created as a

employment created as a result of labour market developments since 1991.

result of labour market developments since 1991, ***has further highlighted existing gaps in protection.***

Or. en

#### **Amendment 94**

**Paloma López Bermejo, Tania González Peñas, Patrick Le Hyaric, Kostadinka Kuneva, Kostas Chrysogonos, João Pimenta Lopes**

#### **Proposal for a directive**

##### **Recital 4**

###### *Text proposed by the Commission*

(4) Pursuant to Directive 91/533/EEC the majority of workers in the Union have the right to receive written information about their working conditions. Directive 91/533/EEC does not however cover all workers in the Union. Moreover, gaps in protection have emerged for new forms of employment created as a result of labour market developments since 1991.

###### *Amendment*

(4) Pursuant to Directive 91/533/EEC the majority of workers in the Union have the right to receive written information about their working conditions. Directive 91/533/EEC does not however cover all workers in the Union, ***which is a necessity.*** Moreover, gaps in protection have emerged for new forms of employment created as a result of labour market developments since 1991.

Or. en

#### **Amendment 95**

**Michaela Šojdrová, Romana Tomc, Ádám Kósa**

#### **Proposal for a directive**

##### **Recital 5**

###### *Text proposed by the Commission*

(5) Minimum requirements relating to information on the essential aspects of the employment relationship and relating to working conditions that apply to every worker should therefore be established at Union level in order to guarantee all workers in the Union an adequate degree of transparency and predictability as regards their working conditions.

###### *Amendment*

(5) Minimum requirements relating to information on the essential aspects of the employment relationship and relating to working conditions that apply to every worker should therefore be established at Union level in order to guarantee all workers in the Union an adequate degree of transparency and predictability as regards their working conditions, ***while***

*maintaining reasonable flexibility of non-standard employment, thus preserving its benefits for workers and employers.*

Or. en

**Amendment 96**  
**Anthea McIntyre, Helga Stevens**

**Proposal for a directive**  
**Recital 5**

*Text proposed by the Commission*

(5) Minimum requirements relating to information on the essential aspects of the employment relationship and relating to working conditions that apply to every **worker** should therefore be established **at Union level** in order to guarantee all **workers** in the Union an adequate degree of transparency and predictability as regards their working conditions.

*Amendment*

(5) **While fully respecting the principles of subsidiarity and proportionality**, minimum requirements relating to information on the essential aspects of the employment relationship and relating to working conditions that apply to every **employee** should therefore be established in order to guarantee all **employees** in the Union an adequate degree of transparency and predictability as regards their working conditions.

Or. en

**Amendment 97**  
**Tamás Meszerics**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Recital 5**

*Text proposed by the Commission*

(5) Minimum requirements relating to information on the essential aspects of the employment relationship and relating to working conditions that apply to every worker should therefore be established at Union level in order to guarantee all workers in the Union **an adequate** degree of transparency and predictability as

*Amendment*

(5) Minimum requirements relating to information on the essential aspects of the employment relationship and relating to working conditions that apply to every worker should therefore be established at Union level in order to guarantee all workers, **regardless of their formal status**, in the Union **the highest possible** degree of

regards their working conditions.

transparency and predictability as regards their working conditions.

Or. en

#### **Amendment 98**

**Javi López, Sergio Gutiérrez Prieto, Evelyn Regner, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Brando Benifei, Joachim Schuster, Georgi Pirinski, Vilija Blinkevičiūtė, Elena Gentile**

#### **Proposal for a directive**

##### **Recital 5**

###### *Text proposed by the Commission*

(5) Minimum requirements relating to information on the essential aspects of the employment relationship and relating to working conditions that apply to every worker should therefore be established at Union level in order to guarantee all workers in the Union an adequate degree of transparency and predictability as regards their working conditions.

###### *Amendment*

(5) Minimum requirements relating to information on the essential aspects of the employment relationship and relating to working conditions that apply to every worker should therefore be ***strengthened and*** established at Union level in order to guarantee all workers in the Union an adequate degree of transparency and predictability as regards their working conditions

Or. en

#### **Amendment 99**

**Enrique Calvet Chambon**

#### **Proposal for a directive**

##### **Recital 5 a (new)**

###### *Text proposed by the Commission*

###### *Amendment*

***(5a) Member States may provide, on objective grounds, that provisions laid down in Chapter III shall not apply to the armed forces, and the police authorities, firemen, and other law enforcement services.***

Or. en

## Amendment 100

Javi López, Sergio Gutiérrez Prieto, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Siôn Simon, Joachim Schuster, Georgi Pirinski, Vilija Blinkevičiūtė, Elena Gentile

### Proposal for a directive

#### Recital 6

*Text proposed by the Commission*

*Amendment*

**(6) The Commission has undertaken a two-phase consultation with the social partners on the improvement of the scope and effectiveness of Directive 91/533/EEC and the broadening of its objectives in order to insert new rights for workers, in accordance with Article 154 of the Treaty. This did not result in any agreement among social partners to enter into negotiations on those matters. However, as confirmed by the outcome of the open public consultations carried out to seek the views of various stakeholders and citizens, it is important to take action at the Union level in this area by modernising and adapting the current legal framework.**

*deleted*

Or. en

## Amendment 101

Joëlle Mélin, Dominique Martin

### Proposal for a directive

#### Recital 6

*Text proposed by the Commission*

*Amendment*

(6) The Commission has undertaken a two-phase consultation with the social partners on the improvement of the scope and effectiveness of Directive 91/533/EEC and the broadening of its objectives in order to insert new rights for workers, in accordance with Article 154 of the Treaty.

(6) The Commission has undertaken a two-phase consultation with the social partners on the improvement of the scope and effectiveness of Directive 91/533/EEC and the broadening of its objectives in order to insert new rights for workers, in accordance with Article 154 of the Treaty.

This did not result in any agreement among social partners to enter into negotiations on those matters. ***However, as confirmed by the outcome of the open public consultations carried out to seek the views of various stakeholders and citizens,*** it is important to take action at ***the Union*** level in this area by modernising and adapting the current legal framework.

This did not result in any agreement among social partners to enter into negotiations on those matters. It is important to take action at ***Member-State*** level in this area by modernising and adapting the current legal framework.

Or. fr

## **Amendment 102** **Anthea McIntyre**

### **Proposal for a directive** **Recital 6**

#### *Text proposed by the Commission*

(6) The Commission has undertaken a two-phase consultation with the social partners on the improvement of the scope and effectiveness of Directive 91/533/EEC and the broadening of its objectives in order to insert new rights for ***workers***, in accordance with Article 154 of the Treaty. This did not result in any agreement among social partners to enter into negotiations on those matters. However, as confirmed by the outcome of the open public consultations carried out to seek the views of various stakeholders and citizens, it is important to take action at the Union level in this area by modernising and adapting the current legal framework.

#### *Amendment*

(6) The Commission has undertaken a two-phase consultation with the social partners on the improvement of the scope and effectiveness of Directive 91/533/EEC and the broadening of its objectives in order to insert new rights for ***employees***, in accordance with Article 154 of the Treaty. This did not result in any agreement among social partners to enter into negotiations on those matters. However, as confirmed by the outcome of the open public consultations carried out to seek the views of various stakeholders and citizens, it is important to take action at the Union level in this area by modernising and adapting the current legal framework.

Or. en

## **Amendment 103** **Dennis Radtke, Sven Schulze, Thomas Mann, Dieter-Lebrecht Koch, Georges Bach, Heinz K. Becker, Anne Sander, Jérôme Lavrilleux, Geoffroy Didier, Elisabeth Morin-Chartier**

**Proposal for a directive**  
**Recital 6**

*Text proposed by the Commission*

(6) The Commission has undertaken a two-phase consultation with the social partners on the improvement of the scope and effectiveness of Directive 91/533/EEC and the broadening of its objectives in order to **insert** new rights for workers, in accordance with Article 154 of the Treaty. This did not result in any agreement among social partners to enter into negotiations on those matters. However, **as confirmed by** the outcome of the open public consultations carried out to seek the views of various stakeholders and citizens, it is **important** to take action at **the** Union level in this area by **modernising and** adapting the current legal framework.

*Amendment*

(6) The Commission has undertaken a two-phase consultation with the social partners on the improvement of the scope and effectiveness of Directive 91/533/EEC and the broadening of its objectives in order to **establish** new rights for workers, in accordance with Article 154 of the Treaty **on the Functioning of the European Union (TFEU)**. This did not result in any agreement among social partners to enter into negotiations on those matters. However, **on the basis of** the outcome of the open public consultations carried out to seek the views of various stakeholders and citizens, it is **essential** to take action at Union level in this area by adapting the current legal framework **to new developments**.

Or. de

*Justification*

*'Establish' is more accurate than 'insert' according to the legal basis of the proposal*

**Amendment 104**  
**Danuta Jazłowiecka**

**Proposal for a directive**  
**Recital 7**

*Text proposed by the Commission*

(7) ***In order to ensure effectiveness of the rights provided by the Union law, the personal scope of Directive 91/533/EEC should be updated. In its case law, the Court of Justice of the European Union has established criteria for determining the status of a worker<sup>34</sup> which are appropriate for determining the personal***

*Amendment*

***deleted***

*scope of application of this Directive. The definition of worker in Article 2(1) is based on these criteria. They ensure a uniform implementation of the personal scope of the Directive while leaving it to national authorities and courts to apply it to specific situations. Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees and apprentices could come within scope of this Directive.*

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<sup>34</sup> *Judgments of 3 July 1986, Deborah Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrlandklinik, Case C-216/15.*

Or. en

#### *Justification*

*Member States are using different, national definitions of a worker. Applying a vague definition, only via this directive, will create legal chaos.*

#### **Amendment 105**

**Anthea McIntyre, Helga Stevens**

#### **Proposal for a directive**

#### **Recital 7**

*Text proposed by the Commission*

*Amendment*

*(7) In order to ensure effectiveness of the rights provided by the Union law, the personal scope of Directive 91/533/EEC should be updated. In its case law, the Court of Justice of the European Union has established criteria for determining the status of a worker<sup>34</sup> which are appropriate for determining the personal*

*deleted*

*scope of application of this Directive. The definition of worker in Article 2(1) is based on these criteria. They ensure a uniform implementation of the personal scope of the Directive while leaving it to national authorities and courts to apply it to specific situations. Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees and apprentices could come within scope of this Directive.*

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<sup>34</sup> *Judgments of 3 July 1986, Deborah Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrlandklinik, Case C-216/15.*

Or. en

#### **Amendment 106**

**Michaela Šojdrová, Romana Tomc, Danuta Jazłowiecka, Ádám Kósa**

#### **Proposal for a directive**

#### **Recital 7**

*Text proposed by the Commission*

*Amendment*

**(7) *In order to ensure effectiveness of the rights provided by the Union law, the personal scope of Directive 91/533/EEC should be updated. In its case law, the Court of Justice of the European Union has established criteria for determining the status of a worker<sup>34</sup> which are appropriate for determining the personal scope of application of this Directive. The definition of worker in Article 2(1) is based on these criteria. They ensure a uniform implementation of the personal scope of the Directive while leaving it to national authorities and courts to apply it***

***deleted***

*to specific situations. Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees and apprentices could come within scope of this Directive.*

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<sup>34</sup> *Judgments of 3 July 1986, Deborah Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrlandklinik, Case C-216/15.*

Or. en

#### *Justification*

*Member States apply different definitions of worker. Imposing a common definition of worker for the purpose of this Directive would disregard national systems and traditions and undermine legal certainty.*

#### **Amendment 107**

**Dennis Radtke, Georges Bach, Elmar Brok**

#### **Proposal for a directive**

#### **Recital 7**

##### *Text proposed by the Commission*

(7) In order to ensure effectiveness of the rights provided by the Union law, the personal scope of Directive 91/533/EEC should be updated. ***In its case law, the Court of Justice of the European Union has established criteria for determining the status of a worker<sup>34</sup> which are appropriate for determining the personal scope of application of this Directive. The definition of worker in Article 2(1) is based on these criteria. They ensure a uniform implementation of the personal scope of the Directive while leaving it to***

##### *Amendment*

(7) In order to ensure effectiveness of the rights provided by the Union law, the personal scope of Directive 91/533/EEC should be updated. For the ***purposes*** of this Directive, the ***terms ‘worker’, ‘employer’ and ‘employment relationship’ should follow the case law of the European Court of Justice (ECJ).***

*national authorities and courts to apply it to specific situations. Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees and apprentices could come within scope of this Directive.*

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<sup>34</sup> *Judgments of 3 July 1986, Deborah Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrlandklinik, Case C-216/15.*

Or. de

**Amendment 108**  
**Ádám Kósa**

**Proposal for a directive**  
**Recital 7**

*Text proposed by the Commission*

**(7) *In order to ensure effectiveness of the rights provided by the Union law, the personal scope of Directive 91/533/EEC should be updated.*** In its case law, the Court of Justice of the European Union has established criteria for determining the status of a worker<sup>34</sup> ***which are appropriate for determining the personal scope of application of this Directive. The definition of worker in Article 2(1) is based on these criteria. They ensure a uniform implementation of the personal scope of the Directive while leaving it to national authorities and courts to apply it to specific situations. Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees and apprentices could come***

*Amendment*

(7) In its case law, the Court of Justice of the European Union has established criteria for determining the status of a worker<sup>34</sup>.

*within scope of this Directive.*

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<sup>34</sup> Judgments of 3 July 1986, Deborah Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrlandklinik, Case C-216/15.

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<sup>34</sup> Judgments of 3 July 1986, Deborah Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrlandklinik, Case C-216/15.

Or. en

## **Amendment 109**

**Eider Gardiazabal Rubial, Brando Benifei, Emilian Pavel, Bart Staes**

### **Proposal for a directive**

#### **Recital 7**

##### *Text proposed by the Commission*

(7) In order to ensure effectiveness of the rights provided by the Union law, the personal scope of Directive 91/533/EEC should be updated. In its case law, the Court of Justice of the European Union has established criteria for determining the status of a worker<sup>34</sup> which are appropriate for determining the personal scope of application of this Directive. The definition of worker in Article 2(1) is based on these criteria. They ensure a uniform implementation of the personal scope of the Directive while leaving it to national authorities and courts to apply it to specific situations. Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees and apprentices could come within scope of this Directive.

##### *Amendment*

(7) In order to ensure effectiveness of the rights provided by the Union law, the personal scope of Directive 91/533/EEC should be updated. In its case law, the Court of Justice of the European Union has established criteria for determining the status of a worker<sup>34</sup> which are appropriate for determining the personal scope of application of this Directive. The definition of worker in Article 2(1) is based on these criteria. They ensure a uniform implementation of the personal scope of the Directive while leaving it to national authorities and courts to apply it to specific situations. Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees and apprentices could come within scope of this Directive. ***To address the precarious position of young people in the labour market, Member States are encouraged to extend the application of this Directive to all trainees and apprentices, regardless of whether they***

*are paid or not. This is further supported by the jurisprudence of the Court of Justice, which has established that a person performing real work in the context of a traineeships, should be regarded as a worker, even if remuneration is not provided by their employer.*<sup>34a</sup>

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<sup>34</sup> Judgments of 3 July 1986, Deborah Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrlandklinik, Case C-216/15.

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<sup>34</sup> Judgments of 3 July 1986, Deborah Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrlandklinik, Case C-216/15.

<sup>34a</sup> *Judgment of the Court (First Chamber) of 9 July 2015 Ender Balkaya v Kiesel Abbruch- und Recycling Technik GmbH.*

Or. en

#### *Justification*

*Adding specifically interns and apprentices, even if unpaid, to ensure that they can benefit from the necessary level of protection.*

#### **Amendment 110**

**Javi López, Sergio Gutiérrez Prieto, Evelyn Regner, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Brando Benifei, Joachim Schuster, Georgi Pirinski, Vilija Blinkevičiūtė, Elena Gentile**

#### **Proposal for a directive**

#### **Recital 7**

##### *Text proposed by the Commission*

(7) In order to ensure effectiveness of the rights provided by the Union law, the personal scope of Directive 91/533/EEC should be updated. In its case law, the Court of Justice of the European Union has established criteria for determining the

##### *Amendment*

(7) In order to ensure effectiveness of the rights provided by the Union law, the personal scope of Directive 91/533/EEC should be updated. In its case law, the Court of Justice of the European Union has established criteria for determining the

status of a worker<sup>34</sup> which are appropriate for determining the personal scope of application of this Directive. The definition of worker in Article 2(1) is based on these criteria. They ensure a uniform implementation of the personal scope of the Directive while leaving it to national authorities and courts to apply it to specific situations. Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees **and** apprentices **could** come within scope of this Directive.

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<sup>34</sup> Judgments of 3 July 1986, Deborah Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrlandklinik, Case C-216/15.

status of a worker which are appropriate for determining the personal scope of application of this Directive. The definition of worker in Article 2(1) is based on these criteria. They ensure a uniform implementation of the personal scope of the Directive while leaving it to national authorities and courts to apply it to specific situations. Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees, apprentices, ***au-pairs, researchers and everyone who is factually in any other type of employment relationship should*** come within scope of this Directive. ***It should also be taken into account that digitalisation of the world of work in some sectors brings about factual subordination of the natural person performing the work. In order to support implementation of the Directive at national level, the determination of the existence of an employment relationship should be guided among others by criteria provided in the ILO Recommendation No. 198 (2006).***

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<sup>34</sup> Judgments of 3 July 1986, Deborah Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrlandklinik, Case C-216/15.

Or. en

## **Amendment 111**

**Dieter-Lebrecht Koch, Thomas Mann, Sven Schulze, Heinz K. Becker, Markus Pieper**

### **Proposal for a directive**

#### **Recital 7**

(7) ***In order to ensure effectiveness of the rights provided by the Union law, the personal scope of Directive 91/533/EEC should be updated.*** In its case law, the Court of Justice of the European Union has established criteria for determining the status of a worker<sup>34</sup> ***which are appropriate for determining the personal scope of application of this Directive. The definition of worker in Article 2(1) is based on these criteria.*** They ensure a uniform implementation of the personal scope of the Directive while leaving it to national authorities and courts to apply it to specific situations. Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees and apprentices could come within scope of this Directive.

(7) In its case law, the Court of Justice of the European Union has established criteria for determining the status of a worker<sup>34</sup>. They ensure a uniform implementation of the personal scope of the Directive while leaving it to national authorities and courts to apply it to specific situations. Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees and apprentices could come within scope of this Directive.

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<sup>34</sup> Judgments of 3 July 1986, Deborah Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrlandklinik, Case C-216/15.

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<sup>34</sup> Judgments of 3 July 1986, Deborah Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrlandklinik, Case C-216/15.

Or. de

## **Amendment 112**

**Tamás Meszerics**

on behalf of the Verts/ALE Group

### **Proposal for a directive**

#### **Recital 7**

*Text proposed by the Commission*

*Amendment*

(7) In order to ensure effectiveness of the rights provided by the Union law, the

(7) In order to ensure effectiveness of the rights provided by the Union law, the

personal scope of Directive 91/533/EEC should be updated. In its case law, the Court of Justice of the European Union has established criteria for determining the status of a worker<sup>34</sup> which are appropriate for determining the personal scope of application of this Directive. The definition of worker in Article 2(1) *is* based on *these* criteria. They ensure a uniform implementation of the personal scope of the Directive while leaving it to national authorities and courts to apply it to specific situations. Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees and apprentices could come within scope of this Directive.

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<sup>34</sup> Judgments of 3 July 1986, Deborah Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrländklinik, Case C-216/15.

personal scope of Directive 91/533/EEC should be updated. In its case law, the Court of Justice of the European Union has established criteria for determining the status of a worker<sup>34</sup> which are appropriate for determining the personal scope of application of this Directive. ***Additionally the ILO's tripartite constituents adopted Recommendation 198 Employment Relationship (2006) with indicators for an employment relationship, among others subordination and/or economic dependency, primacy of facts and presumption of an employment relationship.*** The definition of worker in Article 2(1) *needs to be* based on *the* criteria ***developed by both ECJ and ILO.*** They ensure a uniform implementation of the personal scope of the Directive while leaving it to national authorities and courts to apply it to specific situations. Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees and apprentices could come within scope of this Directive.

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<sup>34</sup> Judgments of 3 July 1986, Deborah Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrländklinik, Case C-216/15.

Or. en

**Amendment 113**  
**Liisa Jaakonsaari, Eva Kaili**

**Proposal for a directive**  
**Recital 7**

(7) In order to ensure effectiveness of the rights provided by the Union law, the personal scope of Directive 91/533/EEC should be updated. In its case law, the Court of Justice of the European Union has established criteria for determining the status of a worker<sup>34</sup> which are appropriate for determining the personal scope of application of this Directive. The definition of worker in Article 2(1) is based on these criteria. They ensure a uniform implementation of the personal scope of the Directive while leaving it to national authorities and courts to apply it to specific situations. Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees and apprentices could come within scope of this Directive.

(7) In order to ensure effectiveness of the rights provided by the Union law, the personal scope of Directive 91/533/EEC should be updated. In its case law, the Court of Justice of the European Union has established criteria for determining the status of a worker<sup>34</sup> which are appropriate for determining the personal scope of application of this Directive. The definition of worker in Article 2(1) is based on these criteria. They ensure a uniform implementation of the personal scope of the Directive while leaving it to national authorities and courts to apply it to specific situations. Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees and apprentices could come within scope of this Directive. ***It should also be taken into account that new forms of working in the age of digitalization, for example, platform work, includes workers who are not clearly directed, but who are in a subordinate or dependent position of an employment relationship.***

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<sup>34</sup> Judgments of 3 July 1986, Deborah Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrlandklinik, Case C-216/15.

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<sup>34</sup> Judgments of 3 July 1986, Deborah Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrlandklinik, Case C-216/15.

Or. en

**Amendment 114**  
**Tom Vandenkendelaere, Jeroen Lenaers**

**Proposal for a directive**  
**Recital 7**

*Text proposed by the Commission*

(7) In order to ensure effectiveness of the rights provided by the Union law, the personal scope of Directive 91/533/EEC should be updated. In its case law, the Court of Justice of the European Union has established criteria for determining the status of a worker<sup>34</sup> which ***are appropriate for determining*** the personal scope of application of this Directive. The definition of worker in Article 2(1) is based on these criteria. They ensure a uniform implementation of the personal scope of the Directive while leaving it to national authorities and courts to apply it to specific situations. ***Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees and apprentices could come within scope of this Directive.***

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<sup>34</sup> Judgments of 3 July 1986, Deborah Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrlandklinik, Case C-216/15.

*Amendment*

(7) In order to ensure effectiveness of the rights provided by the Union law, the personal scope of Directive 91/533/EEC should be updated. In its case law, the Court of Justice of the European Union has established criteria for determining the status of a worker<sup>34</sup> which ***define*** the personal scope of application of this Directive. The definition of worker in Article 2(1) is based on these criteria. They ensure a uniform implementation of the personal scope of the Directive while leaving it to national authorities and courts to apply it to specific situations.

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<sup>34</sup> Judgments of 3 July 1986, Deborah Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrlandklinik, Case C-216/15.

Or. en

**Amendment 115**  
**Siôn Simon, Lucy Anderson**

**Proposal for a directive**  
**Recital 7**

*Text proposed by the Commission*

(7) In order to ensure effectiveness of the rights provided by the Union law, the personal scope of Directive 91/533/EEC

*Amendment*

(7) In order to ensure effectiveness of the rights provided by the Union law, the personal scope of Directive 91/533/EEC

should be updated. In its case law, the Court of Justice of the European Union has established criteria for determining the status of a worker<sup>34</sup> which are appropriate for determining the personal scope of application of this Directive. The definition of worker in Article 2(1) is based on these criteria. ***They ensure a uniform implementation of the personal scope of the Directive while leaving it to national authorities and courts to apply it to specific situations.*** Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees and apprentices could come within scope of this Directive.

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<sup>34</sup> Judgments of 3 July 1986, Deborah Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrländklinik, Case C-216/15.

should be updated. In its case law, the Court of Justice of the European Union has established criteria for determining the status of a worker<sup>34</sup> which are appropriate for determining the personal scope of application of this Directive. The definition of worker in Article 2(1) is based on these criteria. Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees and apprentices could come within scope of this Directive.

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<sup>34</sup> Judgments of 3 July 1986, Deborah Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrländklinik, Case C-216/15.

Or. en

## **Amendment 116**

**Paloma López Bermejo, Tania González Peñas, Patrick Le Hyaric, Kostadinka Kuneva, Kostas Chrysogonos, João Pimenta Lopes**

### **Proposal for a directive**

#### **Recital 7**

##### *Text proposed by the Commission*

(7) In order to ensure effectiveness of the rights provided by the Union law, the personal scope of Directive 91/533/EEC should be updated. In its case law, the Court of Justice of the European Union has established criteria for determining the status of a worker<sup>34</sup> which are appropriate for determining the personal scope of

##### *Amendment*

(7) In order to ensure effectiveness of the rights provided by the Union law, the personal scope of Directive 91/533/EEC should be updated. In its case law, the Court of Justice of the European Union has established criteria for determining the status of a worker<sup>34</sup> which are appropriate for determining the personal scope of

application of this Directive. The definition of worker in Article 2(1) is based on these criteria. They ensure a uniform implementation of the personal scope of the Directive while leaving it to national authorities and courts to apply it to specific situations. Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees and apprentices *could* come within scope of this Directive.

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<sup>34</sup> Judgments of 3 July 1986, Deborah Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrlandklinik, Case C-216/15.

application of this Directive. The definition of worker in Article 2(1) is based on these criteria. They ensure a uniform implementation of the personal scope of the Directive while leaving it to national authorities and courts to apply it to specific situations. Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees and apprentices *should* come within scope of this Directive.

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<sup>34</sup> Judgments of 3 July 1986, Deborah Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrlandklinik, Case C-216/15.

Or. en

#### **Amendment 117**

**Javi López, Sergio Gutiérrez Prieto, Evelyn Regner, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Brando Benifei, Joachim Schuster, Georgi Pirinski, Vilija Blinkevičiūtė, Elena Gentile**

#### **Proposal for a directive Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***(7a) The European Parliament, the Council and the Commission solemnly proclaimed the European Pillar of Social Rights in their Interinstitutional proclamation of 17 November 2017. Principle 12 of the Pillar states that regardless of the type and duration of their employment relationship, workers, and, under comparable conditions, the self-employed, have the right to adequate social protection. Social protection systems are the cornerstone of the Union***

*social model and of a well-functioning social market economy. The key function of social protection is to protect people against the financial implications of social risks, such as illness, old age, accidents at work, or job loss, to prevent and alleviate poverty and uphold a decent standard of living. In some Member States, certain categories of workers such as workers on short part-time workers, seasonal workers, on-demand workers, platform workers and those on temporary agency contracts or traineeships are excluded from social protection schemes. Moreover, workers who do not have full-time, open-ended contracts can encounter difficulties in being effectively covered by social protection, because they may not fulfil the entitlement criteria for receiving benefits from contributions-based social protection schemes.*

Or. en

#### **Amendment 118**

**Dennis Radtke, Georges Bach, Heinz K. Becker, Elmar Brok**

#### **Proposal for a directive**

#### **Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

*(7a) In its case law, the Court of Justice has set criteria for determining the status of a worker<sup>1a</sup> so that a uniform implementation of the personal scope of this Directive should be ensured, while leaving it to national authorities and national courts to apply it to specific situations. The Court of Justice has defined a worker as a natural person who, for a certain period of time, performs services for and under the direction of another person in return for remuneration. Domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers,*

*trainees and apprentices who meet those criteria fall within the personal scope of this Directive. Moreover, the Court of Justice has held that the performance of services is to be understood as the performance of work, and that an employment relationship is to be understood as one including a degree of dependency or subordination. The Court of Justice's case-law in this regard should be taken into account in the transposition of this Directive.*

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*Judgments of 3 July 1986, Deborah Lawrie-Blum, Case 66/85; 14 October 2010, Union Syndicale Solidaires Isère, Case C-428/09; 9 July 2015, Balkaya, Case C-229/14; 4 December 2014, FNV Kunsten, Case C-413/13; and 17 November 2016, Ruhrlandklinik, Case C-216/15.*

Or. de

**Amendment 119**  
**Anthea McIntyre, Helga Stevens**

**Proposal for a directive**  
**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**(7a) This Directive in no way interferes with the Member States' definitions and right to define the term "employee". National definitions have been adapted over the years in law, collective agreements and jurisprudence, to take into account new forms of work and changes in national labour law and social security.**

Or. en

**Amendment 120**

**Jérôme Lavrilleux, Anne Sander, Geoffroy Didier, Elisabeth Morin-Chartier**

**Proposal for a directive**

**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**(7a) The criteria for the definition of ‘worker’ as established by the Court of Justice of the EU<sup>34a</sup> should apply, without prejudice to national provisions and collective agreements already in force.**

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**<sup>34a</sup> Judgment of 3 July 1986, Deborah Lawrie-Blum, Case 66/85**

Or. fr

**Amendment 121**

**Tamás Meszerics**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**(7a) In line with ILO Recommendation 198, where “under direction” cannot be directly established, economic dependency should be considered the core additional criterion in assessing whether the person is a worker.**

Or. en

**Amendment 122**

**Tamás Meszerics**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Recital 7 b (new)**

*Text proposed by the Commission*

*Amendment*

**(7b)** *In line with ILO Recommendation 198, the determination of the existence of an employment relationship should be based on the facts related to the actual performance of work and not on the parties' description of the relationship - "primacy of facts".*

Or. en

**Amendment 123**  
**Dennis Radtke, Georges Bach**

**Proposal for a directive**  
**Recital 7 b (new)**

*Text proposed by the Commission*

*Amendment*

**(7b)** *Self-employed persons should not fall within the scope of this Directive as they do not meet the criteria set by the Court of Justice for determining the status of a worker.*

Or. de

**Amendment 124**  
**Tamás Meszerics**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Recital 7 c (new)**

*Text proposed by the Commission*

*Amendment*

**(7c)** *In line with ILO Recommendation 198, it should be automatically provided for a legal presumption that an employment relationship exists where one or more relevant indicators are present.*

Or. en

**Amendment 125**

**Jeroen Lenaers**

**Proposal for a directive**

**Recital 8**

*Text proposed by the Commission*

*Amendment*

**(8)** *In view of the increasing number of workers excluded from the scope of Directive 91/533/EEC on the basis of derogations made by Member States under Article 1 of that Directive, it is necessary to replace these derogations with a possibility for Member States not to apply the provisions of the Directive to a work relationship equal to or less than 8 hours in total in a reference period of one month. That derogation does not affect the definition of a worker as provided for in Article 2(1).* **deleted**

Or. nl

**Amendment 126**

**Tamás Meszerics**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Recital 8**

*Text proposed by the Commission*

*Amendment*

**(8)** *In view of the increasing number of workers excluded from the scope of Directive 91/533/EEC on the basis of derogations made by Member States under Article 1 of that Directive, it is necessary to replace these derogations with a possibility for Member States not to apply the provisions of the Directive to a work relationship equal to or less than 8 hours in total in a reference period of one month. That derogation does not affect the definition of a worker as provided for* **deleted**

*in Article 2(1).*

Or. en

#### **Amendment 127**

**Paloma López Bermejo, Tania González Peñas, Patrick Le Hyaric, Kostadinka Kuneva, Kostas Chrysogonos, Rina Ronja Kari, João Pimenta Lopes**

**Proposal for a directive**

**Recital 8**

*Text proposed by the Commission*

*Amendment*

**(8) *In view of the increasing number of workers excluded from the scope of Directive 91/533/EEC on the basis of derogations made by Member States under Article 1 of that Directive, it is necessary to replace these derogations with a possibility for Member States not to apply the provisions of the Directive to a work relationship equal to or less than 8 hours in total in a reference period of one month. That derogation does not affect the definition of a worker as provided for in Article 2(1).*** **deleted**

Or. en

#### **Amendment 128**

**Siôn Simon, Lucy Anderson**

**Proposal for a directive**

**Recital 8**

*Text proposed by the Commission*

*Amendment*

**(8) *In view of the increasing number of workers excluded from the scope of Directive 91/533/EEC on the basis of derogations made by Member States under Article 1 of that Directive, it is necessary to replace these derogations with a possibility for Member States not to apply the provisions of the Directive to a*** **deleted**

*work relationship equal to or less than 8 hours in total in a reference period of one month. That derogation does not affect the definition of a worker as provided for in Article 2(1).*

Or. en

*Justification*

*Check with art 1.2*

### **Amendment 129**

**Eider Gardiazabal Rubial, Emilian Pavel, Bart Staes**

#### **Proposal for a directive**

#### **Recital 8**

*Text proposed by the Commission*

*Amendment*

**(8)** *In view of the increasing number of workers excluded from the scope of Directive 91/533/EEC on the basis of derogations made by Member States under Article 1 of that Directive, it is necessary to replace these derogations with a possibility for Member States not to apply the provisions of the Directive to a work relationship equal to or less than 8 hours in total in a reference period of one month. That derogation does not affect the definition of a worker as provided for in Article 2(1).* **deleted**

Or. en

*Justification*

*The Directive should apply to all types of contracts.*

### **Amendment 130**

**Javi López, Sergio Gutiérrez Prieto, Evelyn Regner, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Siôn Simon, Brando Benifei, Joachim Schuster, Georgi Pirinski, Vilija Blinkevičiūtė, Elena Gentile**

**Proposal for a directive**  
**Recital 8**

*Text proposed by the Commission*

(8) In view of the increasing number of workers excluded from the scope of Directive 91/533/EEC on the basis of derogations made by Member States under Article 1 of that Directive, it is necessary to **replace** these derogations **with a possibility for Member States not to apply the provisions of the Directive to a work relationship equal to or less than 8 hours in total in a reference period of one month. That derogation does not affect the definition of a worker as provided for in Article 2(1).**

*Amendment*

(8) In view of the increasing number of workers excluded from the scope of Directive 91/533/EEC on the basis of derogations made by Member States under Article 1 of that Directive, it is necessary to **eliminate** these derogations.

Or. en

**Amendment 131**  
**Laura Agea**

**Proposal for a directive**  
**Recital 8**

*Text proposed by the Commission*

(8) In view of the increasing number of workers excluded from the scope of Directive 91/533/EEC on the basis of derogations made by Member States under Article 1 of that Directive, it is necessary to **replace these** derogations **with a possibility for Member States not to** apply the provisions of **the** Directive to **a work relationship equal to or less than 8 hours in total in a reference period of one month. That derogation does not affect the definition of a worker as provided for in Article 2(1).**

*Amendment*

(8) In view of the increasing number of workers excluded from the scope of Directive 91/533/EEC on the basis of derogations made by Member States under Article 1 of that Directive, it is necessary to **abolish all** derogations **and** apply the provisions of **this** Directive to **all types of work relationship.**

Or. it

## Amendment 132

Dieter-Lebrecht Koch, Sven Schulze, Heinz K. Becker, Markus Pieper

### Proposal for a directive

#### Recital 8

*Text proposed by the Commission*

(8) In view of the increasing number of workers excluded from the scope of Directive 91/533/EEC on the basis of derogations made by Member States under Article 1 of that Directive, it is necessary to replace these derogations with a possibility for Member States not to apply the provisions of the Directive to a work relationship equal to or less than 8 hours in total in a reference period of one month.

***That derogation does not affect the definition of a worker as provided for in Article 2(1).***

*Amendment*

(8) In view of the increasing number of workers excluded from the scope of Directive 91/533/EEC on the basis of derogations made by Member States under Article 1 of that Directive, it is necessary to replace these derogations with a possibility for Member States not to apply the provisions of the Directive to a work relationship equal to or less than 8 hours in total in a reference period of one month.

Or. de

## Amendment 133

Jérôme Lavrilleux, Anne Sander, Elisabeth Morin-Chartier, Geoffroy Didier

### Proposal for a directive

#### Recital 8

*Text proposed by the Commission*

(8) In view of the increasing number of workers excluded from the scope of Directive 91/533/EEC on the basis of derogations made by Member States under Article 1 of that Directive, it is necessary to replace these derogations with a possibility for Member States not to apply the provisions of the Directive to a work relationship equal to or less than 8 hours in total in a reference period of one month. That derogation does not affect the definition of a worker as provided for in Article 2(1).

*Amendment*

(8) In view of the increasing number of workers excluded from the scope of Directive 91/533/EEC on the basis of derogations made by Member States under Article 1 of that Directive, it is necessary to replace these derogations with a possibility for Member States not to apply the provisions of the Directive to a work relationship equal to or less than **20** hours in total in a reference period of one month **or 5 hours during a one-week reference period**. That derogation does not affect the definition of a worker as provided for in Article 2(1).

**Amendment 134****David Casa****Proposal for a directive****Recital 8***Text proposed by the Commission*

(8) In view of the increasing number of workers excluded from the scope of Directive 91/533/EEC on the basis of derogations made by Member States under Article 1 of that Directive, it is necessary to replace these derogations with a possibility for Member States not to apply the provisions of the Directive to a work relationship ***equal to or less than 8 hours in total in a reference period of one month***. That derogation does not affect the definition of a worker as provided for in Article 2(1).

*Amendment*

(8) In view of the increasing number of workers excluded from the scope of Directive 91/533/EEC on the basis of derogations made by Member States under Article 1 of that Directive, it is necessary to replace these derogations with a possibility for Member States not to apply the provisions of the Directive to a work relationship ***with a total duration not exceeding a month or/ and with a working week not exceeding eight hours***. That derogation does not affect the definition of a worker as provided for in Article 2(1).

Or. en

**Amendment 135****Dennis Radtke, Georges Bach****Proposal for a directive****Recital 8***Text proposed by the Commission*

(8) In view of the increasing number of workers excluded from the scope of Directive 91/533/EEC on the basis of derogations made by Member States under Article 1 of that Directive, it is necessary to replace these derogations with a possibility for Member States not to apply the provisions of the Directive to a work relationship equal to or less than 8 hours in total in a reference period of one month. That derogation ***does*** not affect the

*Amendment*

(8) In view of the increasing number of workers excluded from the scope of Directive 91/533/EEC on the basis of derogations made by Member States under Article 1 of that Directive, it is necessary to replace these derogations with a possibility for Member States not to apply the provisions of the Directive to a work relationship equal to or less than 8 hours in total in a reference period of one month. That derogation ***should*** not affect the

definition of a worker *as provided for in Article 2(1)*.

definition of a worker *according to the case law of the Court of Justice*.

Or. de

*Justification*

*Since Article 2 is deleted.*

**Amendment 136**  
**Anthea McIntyre**

**Proposal for a directive**  
**Recital 8**

*Text proposed by the Commission*

(8) In view of the increasing number of **workers** excluded from the scope of Directive 91/533/EEC on the basis of derogations made by Member States under Article 1 of that Directive, it is necessary to replace these derogations with a possibility for Member States not to apply the provisions of the Directive to **a work** relationship equal to or less than 8 hours in total in a reference period of one month. That derogation does not affect the definition of **a worker** as provided for in Article 2(1).

*Amendment*

(8) In view of the increasing number of **employees** excluded from the scope of Directive 91/533/EEC on the basis of derogations made by Member States under Article 1 of that Directive, it is necessary to replace these derogations with a possibility for Member States not to apply the provisions of the Directive to **an employment** relationship equal to or less than 8 hours in total in a reference period of one month. That derogation does not affect the definition of **an employee** as provided for in Article 2(1).

Or. en

**Amendment 137**  
**Michaela Šojdrová, Ádám Kósa, Romana Tomc**

**Proposal for a directive**  
**Recital 8**

*Text proposed by the Commission*

(8) In view of the increasing number of workers excluded from the scope of Directive 91/533/EEC on the basis of

*Amendment*

(8) In view of the increasing number of workers excluded from the scope of Directive 91/533/EEC on the basis of

derogations made by Member States under Article 1 of that Directive, it is necessary to replace these derogations with a possibility for Member States not to apply the provisions of the Directive to a work relationship equal to or less than 8 hours in total in a reference period of one *month*. That derogation does not affect the definition of a worker as provided for in Article 2(1).

derogations made by Member States under Article 1 of that Directive, it is necessary to replace these derogations with a possibility for Member States not to apply the provisions of the Directive to a work relationship equal to or less than 8 hours in total in a reference period of one *week*. That derogation does not affect the definition of a worker as provided for in Article 2(1).

Or. en

### *Justification*

*The 8 hour working week exemption should be maintained in order to avoid a disproportionate administrative burden for employers. SMEs will already have additional burden costs due to the removal of the exemption of an employment relationship not exceeding one month.*

### **Amendment 138**

**Jérôme Lavrilleux, Anne Sander, Elisabeth Morin-Chartier, Geoffroy Didier**

### **Proposal for a directive**

### **Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***(8a) Workers who are self-employed do not fall within the scope of this Directive because they do not have a relationship of subordination to an employer and therefore do not meet the criteria established by the Court of Justice of the European Union for the definition of ‘worker’<sup>1a</sup>.***

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***<sup>1a</sup> Judgment of 3 July 1986, Deborah Lawrie-Blum, Case 66/85***

Or. fr

### *Justification*

*This amendment is intended to clarify the scope of the Directive, particularly the fact that the*

*rules in this Directive do not apply to self-employed workers.*

**Amendment 139**

**Joëlle Mélin, Dominique Martin**

**Proposal for a directive**

**Recital 9**

*Text proposed by the Commission*

*Amendment*

**(9) Due to the unpredictability of on-demand work including zero-hour contracts, the derogation of 8 hours per month should not be used for employment relationships in which no guaranteed amount of paid work is determined before the start of the employment.** *deleted*

Or. fr

**Amendment 140**

**Laura Agea**

**Proposal for a directive**

**Recital 9**

*Text proposed by the Commission*

*Amendment*

**(9) Due to the unpredictability of on-demand work including zero-hour contracts, the derogation of 8 hours per month should not be used for employment relationships in which no guaranteed amount of paid work is determined before the start of the employment.** *deleted*

Or. it

**Amendment 141**

**Tamás Meszerics**

on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Recital 9**

*Text proposed by the Commission*

*Amendment*

**(9) Due to the unpredictability of on-demand work including zero-hour contracts, the derogation of 8 hours per month should not be used for employment relationships in which no guaranteed amount of paid work is determined before the start of the employment.**

*deleted*

Or. en

**Amendment 142**

**Javi López, Sergio Gutiérrez Prieto, Evelyn Regner, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Brando Benifei, Joachim Schuster, Georgi Pirinski, Vilija Blinkevičiūtė, Elena Gentile**

**Proposal for a directive**  
**Recital 9**

*Text proposed by the Commission*

*Amendment*

**(9) Due to the unpredictability of on-demand work including zero-hour contracts, the derogation of 8 hours per month should not be used for employment relationships in which no guaranteed amount of paid work is determined before the start of the employment.**

*deleted*

Or. en

**Amendment 143**

**Paloma López Bermejo, Tania González Peñas, Patrick Le Hyaric, Kostadinka Kuneva, Kostas Chrysogonos, Rina Ronja Kari, João Pimenta Lopes**

**Proposal for a directive**  
**Recital 9**

*Text proposed by the Commission*

*Amendment*

**(9) Due to the unpredictability of on-**

*deleted*

*demand work including zero-hour contracts, the derogation of 8 hours per month should not be used for employment relationships in which no guaranteed amount of paid work is determined before the start of the employment.*

Or. en

**Amendment 144**  
**Jeroen Lenaers**

**Proposal for a directive**  
**Recital 9**

*Text proposed by the Commission*

*Amendment*

**(9)** *Due to the unpredictability of on-demand work including zero-hour contracts, the derogation of 8 hours per month should not be used for employment relationships in which no guaranteed amount of paid work is determined before the start of the employment.*

*deleted*

Or. nl

**Amendment 145**  
**Eider Gardiazabal Rubial, Emilian Pavel, Bart Staes**

**Proposal for a directive**  
**Recital 9**

*Text proposed by the Commission*

*Amendment*

**(9)** Due to the unpredictability of on-demand work *including* zero-hour contracts, *the derogation of 8 hours per month* should *not be used for employment relationships in which no guaranteed amount of paid work is determined before the start of the employment.*

**(9)** Due to the unpredictability of on-demand work, zero-hour contracts should *be prohibited.*

Or. en

**Amendment 146**

**Michaela Šojdrová, Romana Tomc, Ádám Kósa**

**Proposal for a directive**

**Recital 9**

*Text proposed by the Commission*

(9) Due to the unpredictability of on-demand work including zero-hour contracts, the derogation of 8 hours per **month** should not be used for employment relationships in which no guaranteed amount of paid work is determined before the start of the employment.

*Amendment*

(9) Due to the unpredictability of on-demand work including zero-hour contracts, the derogation of 8 hours per **week** should not be used for employment relationships in which no guaranteed amount of paid work is determined before the start of the employment.

Or. en

**Amendment 147**

**Joëlle Mélin, Dominique Martin**

**Proposal for a directive**

**Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

***(9a) Due to the unpredictability of on-demand work, particularly where zero-hour contracts are involved, in which no guaranteed amount of paid work is determined before the start of the employment, such contracts should be prohibited.***

Or. fr

**Amendment 148**

**Dennis Radtke, Georges Bach, Heinz K. Becker**

**Proposal for a directive**

**Recital 10**

*Text proposed by the Commission*

(10) Several different natural or legal persons may in practice assume the functions and responsibilities of an employer. Member States should remain free to determine more precisely the person(s) who are considered totally or partially responsible for the execution of the obligations that this Directive lays down for employers, as long as all those obligations are fulfilled. Member States should also be able to decide that some or all of these obligations are to be assigned to a natural or legal person who is not party to the employment relationship. ***Member States should be able to establish specific rules to exclude individuals acting as employers for domestic workers in the household from the obligations to consider and respond to a request for a different type of employment, to provide cost-free mandatory training, and from coverage of the redress mechanism based on favourable presumptions in the case of missing information in the written statement.***

*Amendment*

(10) Several different natural or legal persons may in practice assume the functions and responsibilities of an employer. Member States should remain free to determine more precisely the person(s) who are considered totally or partially responsible for the execution of the obligations that this Directive lays down for employers, as long as all those obligations are fulfilled. Member States should also be able to decide that some or all of these obligations are to be assigned to a natural or legal person who is not party to the employment relationship.

Or. de

**Amendment 149**

**Paloma López Bermejo, Tania González Peñas, Patrick Le Hyaric, Kostadinka Kuneva, Kostas Chrysogonos, Rina Ronja Kari, João Pimenta Lopes**

**Proposal for a directive**

**Recital 10**

*Text proposed by the Commission*

(10) Several different natural or legal persons may in practice assume the functions and responsibilities of an employer. Member States should remain free to determine more precisely the person(s) who are considered totally ***or*** partially responsible for the execution of

*Amendment*

(10) Several different natural or legal persons may in practice assume the functions and responsibilities of an employer. Member States should remain free to determine more precisely the person(s) who are considered totally, partially ***or jointly*** responsible for the

the obligations that this Directive lays down for employers, as long as all those obligations are fulfilled. Member States should also be able to decide that some or all of these obligations are to be assigned to a natural or legal person who is not party to the employment relationship. ***Member States should be able to establish specific rules to exclude individuals acting as employers for domestic workers in the household from the obligations to consider and respond to a request for a different type of employment, to provide cost-free mandatory training, and from coverage of the redress mechanism based on favourable presumptions in the case of missing information in the written statement.***

execution of the obligations that this Directive lays down for employers, as long as all those obligations are fulfilled. Member States should also be able to decide that some or all of these obligations are to be assigned to a natural or legal person who is not party to the employment relationship.

Or. en

#### **Amendment 150**

**Tamás Meszerics**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

##### **Recital 10**

*Text proposed by the Commission*

(10) Several different natural or legal persons may in practice assume the functions and responsibilities of an employer. Member States should remain free to determine more precisely the person(s) who are considered totally or partially responsible for the execution of the obligations that this Directive lays down for employers, as long as all those obligations are fulfilled. Member States should also be able to decide that some or all of these obligations are to be assigned to a natural or legal person who is not party to the employment relationship. ***Member States should be able to establish specific rules to exclude individuals acting as employers for domestic workers in the***

*Amendment*

(10) Several different natural or legal persons may in practice assume the functions and responsibilities of an employer. Member States should remain free to determine more precisely the person(s) who are considered totally or partially responsible for the execution of the obligations that this Directive lays down for employers, as long as all those obligations are fulfilled. Member States should also be able to decide that some or all of these obligations are to be assigned to a natural or legal person who is not party to the employment relationship. ***If several natural and or legal persons are responsible as employer, they are jointly***

*household from the obligations to consider and respond to a request for a different type of employment, to provide cost-free mandatory training, and from coverage of the redress mechanism based on favourable presumptions in the case of missing information in the written statement.*

*and severally liable.*

Or. en

## **Amendment 151**

**Michaela Šojdrová, Romana Tomc**

### **Proposal for a directive**

#### **Recital 10**

*Text proposed by the Commission*

(10) Several different natural or legal persons may in practice assume the functions and responsibilities of an employer. Member States should remain free to determine more precisely the person(s) who are considered totally or partially responsible for the execution of the obligations that this Directive lays down for employers, as long as all those obligations are fulfilled. Member States should also be able to decide that some or all of these obligations are to be assigned to a natural or legal person who is not party to the employment relationship. Member States should be able to establish specific rules to exclude individuals acting as employers for domestic workers in the household from the obligations to consider and respond to a request for a different type of employment, to provide cost-free mandatory training, and from coverage of the redress mechanism based on favourable presumptions in the case of missing information in the written statement.

*Amendment*

(10) Several different natural or legal persons may in practice assume the functions and responsibilities of an employer. Member States should remain free to determine more precisely the person(s) who are considered totally or partially responsible for the execution of the obligations that this Directive lays down for employers, as long as all those obligations are fulfilled Member States should also be able to decide that ***in exceptional situations*** some or all of these obligations are to be assigned to a natural or legal person who is not party to ***the employment relationship as long as the rules of Members States clearly and in all types of employment relationships identify the responsible person, leaving no doubt for the worker or any person directly or indirectly involved in*** the employment relationship. Member States should be able to establish specific rules to exclude individuals acting as employers for domestic workers in the household from the obligations to consider and respond to a request for a different type of employment, to provide cost-free mandatory training, and from coverage of the redress

mechanism based on favourable presumptions in the case of missing information in the written statement.

Or. en

### *Justification*

*The possibility to assign the obligations to another person must not undermine the protection of workers and the enforcement of their rights. In case the obligations are not fulfilled, the worker should know who the responsible person is. It is equally important for the responsible person to know that it is up to him to fulfil the responsibilities.*

### **Amendment 152**

**Javi López, Sergio Gutiérrez Prieto, Evelyn Regner, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Brando Benifei, Joachim Schuster, Georgi Pirinski, Vilija Blinkevičiūtė, Elena Gentile**

### **Proposal for a directive**

#### **Recital 10**

#### *Text proposed by the Commission*

(10) Several different natural or legal persons may in practice assume the functions and responsibilities of an employer. Member States should remain free to determine more precisely the person(s) who are considered totally or partially responsible for the execution of the obligations that this Directive lays down for employers, as long as all those obligations are fulfilled. Member States should also be able to decide that some or all of these obligations are to be assigned to a natural or legal person who is not party to the employment relationship. Member States should be able to *establish* specific rules *to exclude individuals acting as employers for domestic workers in the household from the* obligations to consider and respond to a request for a different type of employment, *to provide* cost-free mandatory training, *and from coverage of the redress mechanism based on favourable presumptions in the case of*

#### *Amendment*

(10) Several different natural or legal persons may in practice assume the functions and responsibilities of an employer. Member States should remain free to determine more precisely the person(s) who are considered totally or partially responsible for the execution of the obligations that this Directive lays down for employers, as long as all those obligations are fulfilled. Member States should also be able to decide that some or all of these obligations are to be assigned to a natural or legal person who is not party to the employment relationship. Member States should *ensure that when there is more than one natural or legal person that, directly or indirectly, bears the obligations for employers set out in this Directive, all of these persons are jointly and severally liable for these obligations.* Member States should be able to *adapt the* specific rules *regarding* obligations to consider and respond to a request for a

*missing information in the written statement.*

different type of employment *and those on* cost-free mandatory training, *for individuals acting as employers for domestic workers in their household.*

Or. en

### **Amendment 153**

**Joëlle Mélin, Dominique Martin**

#### **Proposal for a directive**

##### **Recital 10**

###### *Text proposed by the Commission*

(10) Several different natural or legal persons may in practice assume the functions and responsibilities of an employer. Member States *should* remain free to determine more precisely the person(s) who are considered totally or partially responsible for the execution of the obligations that this Directive lays down for employers, as long as all those obligations are fulfilled. Member States *should* also be able to decide that some or all of these obligations are to be assigned to a natural or legal person who is not party to the employment relationship. Member States *should* be able to establish specific rules to exclude individuals acting as employers for domestic workers in the household from the obligations to consider and respond to a request for a different type of employment, to provide cost-free mandatory training, and from coverage of the redress mechanism based on favourable presumptions in the case of missing information in the written statement.

###### *Amendment*

(10) Several different natural or legal persons may in practice assume the functions and responsibilities of an employer. Member States *must* remain free to determine more precisely the person(s) who are considered totally or partially responsible for the execution of the obligations that this Directive lays down for employers, as long as all those obligations are fulfilled. Member States *must* also be able to decide that some or all of these obligations are to be assigned to a natural or legal person who is not party to the employment relationship. Member States *must* be able to establish specific rules to exclude individuals acting as employers for domestic workers in the household from the obligations to consider and respond to a request for a different type of employment, to provide cost-free mandatory training, and from coverage of the redress mechanism based on favourable presumptions in the case of missing information in the written statement.

Or. fr

### **Amendment 154**

**Javi López, Sergio Gutiérrez Prieto, Evelyn Regner, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Brando Benifei, Joachim Schuster, Georgi Pirinski, Vilija**

**Blinkevičiūtė, Elena Gentile**

**Proposal for a directive  
Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***(10a) Given the growth of the platform economy and the urgent pressure to regulate the provision of services by workers to recipients through the intermediary of an Internet platform, and in the absence of the specific regulation of working conditions in this sector, it is necessary to provide tools at National and European level to ensure fair and secure working conditions for all workers and a level playing field for all types of business models.***

Or. en

**Amendment 155**

**Javi López, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Sergio Gutiérrez Prieto, Evelyn Regner, Brando Benifei, Joachim Schuster, Georgi Pirinski, Vilija Blinkevičiūtė, Elena Gentile**

**Proposal for a directive  
Recital 10 b (new)**

*Text proposed by the Commission*

*Amendment*

***(10b) According to the ECJ, the activities of an au-pair display the characteristics to enable, in principle, those who perform the said activities to be workers, as au-pair work is done under the direction of another person and in exchange of remuneration for the services performed. The concept of ‘worker’ in EU law extends to a person who serves a traineeship or periods of apprenticeship in an occupation that may be regarded as practical preparation related to the actual pursuit of the occupation in question, provided that the periods are served under the conditions of genuine and effective***

*activity as an employed person, for and under the direction of an employer.*

Or. en

## **Amendment 156**

**Anthea McIntyre, Helga Stevens**

### **Proposal for a directive**

#### **Recital 11**

*Text proposed by the Commission*

(11) Directive 91/533/EEC introduced a minimum list of essential aspects on which *workers* have to be informed in writing. It is necessary to adapt that list in order to take account of developments on the labour market, *in particular the growth of non-standard forms of employment.*

*Amendment*

(11) Directive 91/533/EEC introduced a minimum list of essential aspects on which *every paid employee having a contract or employment relationship defined by the law in force in a Member State and/or governed by the law in force in a Member State* have to be informed in writing. It is necessary to adapt that list in order to take account of developments on the labour market.

Or. en

## **Amendment 157**

**Javi López, Sergio Gutiérrez Prieto, Evelyn Regner, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Brando Benifei, Joachim Schuster, Georgi Pirinski, Vilija Blinkevičiūtė, Elena Gentile**

### **Proposal for a directive**

#### **Recital 11**

*Text proposed by the Commission*

(11) Directive 91/533/EEC introduced a minimum list of essential aspects on which workers have to be informed in writing. It is necessary to adapt that *list* in order to take account of developments on the labour market, in particular the growth of non-standard forms of employment.

*Amendment*

(11) Directive 91/533/EEC introduced a minimum list of essential aspects on which workers have to be informed in writing. It is necessary to adapt that *minimum list of essential aspects, which may be enlarged by Member States*, in order to take account of developments on the labour market, in particular the growth of non-standard forms of employment.

**Amendment 158**

**Tamás Meszerics**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Recital 11**

*Text proposed by the Commission*

(11) Directive 91/533/EEC introduced a minimum list of essential aspects on which workers have to be informed in writing. It is necessary to adapt that list ***in order to take account of developments on the labour market***, in particular the growth of non-standard forms of employment.

*Amendment*

(11) Directive 91/533/EEC introduced a minimum list of essential aspects on which workers have to be informed in writing. It is necessary to ***clarify that this is an open minimum list and to adapt that list to the need to better protect workers***, in particular ***regarding*** the growth of non-standard forms of employment.

Or. en

**Amendment 159**

**Anne Sander, Elisabeth Morin-Chartier, Jérôme Lavrilleux, Geoffroy Didier**

**Proposal for a directive**

**Recital 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***(12a) For seasonal workers in the agricultural sector, the information provided by the employer should indicate the possibility of replacing the taking of paid leave with a payment, in order to respond to the work patterns and specific constraints of that sector.***

Or. fr

**Amendment 160**

**Tamás Meszerics**

on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Recital 13**

*Text proposed by the Commission*

(13) Information on remuneration to be provided should include all elements of the remuneration, including contributions in cash or kind, directly or indirectly received by the worker in respect of his or her work. The provision of such information should be without prejudice to the freedom for employers to provide for additional elements of remuneration such as one-off payments. The fact that elements of remuneration due by law or collective agreement have not been included in that information should not constitute a reason for not providing them to the worker.

*Amendment*

(13) Information on remuneration to be provided should include ***but not be limited to*** all elements of the remuneration, ***as well as the method of calculation***, including contributions in cash or kind, directly or indirectly received by the worker in respect of his or her work, ***overtime payments, bonuses and other entitlements, such as sick pay***. The provision of such information should be without prejudice to the freedom for employers to provide for additional elements of remuneration such as one-off payments. The fact that elements of remuneration due by law or collective agreement have not been included in that information should not constitute a reason for not providing them to the worker.

Or. en

**Amendment 161**

**Javi López, Sergio Gutiérrez Prieto, Evelyn Regner, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Siôn Simon, Brando Benifei, Joachim Schuster, Georgi Pirinski, Vilija Blinkevičiūtė, Elena Gentile**

**Proposal for a directive**  
**Recital 13**

*Text proposed by the Commission*

(13) Information on remuneration to be provided should include all elements of the remuneration, including contributions in cash or kind, directly or indirectly received by the worker in respect of his or her work. The provision of such information should be without prejudice to the freedom for employers to provide for additional elements of remuneration such as one-off payments. The fact that elements of remuneration due by law or collective

*Amendment*

(13) Information on remuneration to be provided should include all elements of the remuneration, ***indicating accurately all elements and entitlements as well as their method of calculation where appropriate***, including contributions in cash or kind, directly or indirectly received by the worker in respect of his or her work. The provision of such information should be without prejudice to the freedom for employers to provide for additional

agreement have not been included in that information should not constitute a reason for not providing them to the worker.

elements of remuneration such as one-off payments. The fact that elements of remuneration due by law or collective agreement have not been included in that information should not constitute a reason for not providing them to the worker.

Or. en

#### **Amendment 162**

**Paloma López Bermejo, Tania González Peñas, Patrick Le Hyaric, Kostadinka Kuneva, Rina Ronja Kari, João Pimenta Lopes**

#### **Proposal for a directive Recital 13**

##### *Text proposed by the Commission*

(13) Information on remuneration to be provided should include all elements of the remuneration, including contributions in cash or kind, directly or indirectly received by the worker in respect of his or her work. ***The provision of such information should be without prejudice to the freedom for employers to provide for*** additional elements of remuneration such as one-off payments. The fact that elements of remuneration due by law or collective agreement have not been included in that information should not constitute a reason for not providing them to the worker.

##### *Amendment*

(13) Information on remuneration to be provided should include all elements of the remuneration, including contributions in cash or kind, directly or indirectly received by the worker in respect of his or her work, additional elements of remuneration such as one-off payments. The fact that elements of remuneration due by law or collective agreement have not been included in that information should not constitute a reason for not providing them to the worker.

Or. en

#### **Amendment 163**

**Tom Vandenkendelaere**

#### **Proposal for a directive Recital 13**

##### *Text proposed by the Commission*

(13) Information on remuneration to be provided should include all elements of the

##### *Amendment*

(13) Information on remuneration ***and/or compensation*** to be provided

remuneration, including contributions in cash or kind, directly or indirectly received by the worker in respect of his or her work. The provision of such information should be without prejudice to the freedom for employers to provide for additional elements of remuneration such as one-off payments. The fact that elements of remuneration due by law or collective agreement have not been included in that information should not constitute a reason for not providing them to the worker.

should include all elements of the remuneration **and/or compensation**, including contributions in cash or kind, directly or indirectly received by the worker in respect of his or her work. The provision of such information should be without prejudice to the freedom for employers to provide for additional elements of remuneration such as one-off payments. The fact that elements of remuneration due by law or collective agreement have not been included in that information should not constitute a reason for not providing them to the worker.

Or. en

**Amendment 164**  
**Dennis Radtke, Georges Bach**

**Proposal for a directive**  
**Recital 13**

*Text proposed by the Commission*

(13) Information on remuneration to be provided should include all elements of the remuneration, including contributions in cash or kind, directly or indirectly received by the worker in respect of his or her work. The provision of such information should be without prejudice to the freedom for employers to provide for additional elements of remuneration such as one-off payments. The fact that elements of remuneration due by law or collective agreement have not been included in that information should not constitute a reason for not providing them to the worker.

*Amendment*

(13) Information on remuneration to be provided should include all elements of the remuneration, including contributions in cash or kind **or other benefits**, directly or indirectly received by the worker in respect of his or her work. The provision of such information should be without prejudice to the freedom for employers to provide for additional elements of remuneration such as one-off payments. The fact that elements of remuneration due by law or collective agreement have not been included in that information should not constitute a reason for not providing them to the worker.

Or. de

**Amendment 165**  
**Anthea McIntyre**

**Proposal for a directive**  
**Recital 13**

*Text proposed by the Commission*

(13) Information on remuneration to be provided should include all elements of the remuneration, including contributions in cash or kind, directly or indirectly received by the **worker** in respect of his or her work. The provision of such information should be without prejudice to the freedom for employers to provide for additional elements of remuneration such as one-off payments. The fact that elements of remuneration due by law or collective agreement have not been included in that information should not constitute a reason for not providing them to the **worker**.

*Amendment*

(13) Information on remuneration to be provided should include all elements of the remuneration, including contributions in cash or kind, directly or indirectly received by the **employee** in respect of his or her work. The provision of such information should be without prejudice to the freedom for employers to provide for additional elements of remuneration such as one-off payments. The fact that elements of remuneration due by law or collective agreement have not been included in that information should not constitute a reason for not providing them to the **employee**.

Or. en

**Amendment 166**

**Dennis Radtke, Georges Bach, Heinz K. Becker, Anne Sander, Jérôme Lavrilleux, Geoffroy Didier, Elisabeth Morin-Chartier, Elmar Brok, Thomas Mann**

**Proposal for a directive**  
**Recital 14**

*Text proposed by the Commission*

(14) If it is not possible to indicate a fixed work schedule **due to the nature of the** employment, **workers** should **know** how their work schedule will be established, including the **time slots in which they may be called to work** and the minimum advance notice they should receive.

*Amendment*

(14) If, **due to the nature of the employment**, it is not possible to indicate a fixed work schedule **setting the times and dates at or on which work begins and ends or if workers have on-demand contracts or are in a similar employment relationship**, **employers** should **inform workers** how their work schedule will be established, including the **on-call times** and the minimum advance notice they should receive.

Or. de

**Amendment 167**  
**Gabriele Zimmer**

**Proposal for a directive**  
**Recital 14**

*Text proposed by the Commission*

(14) If it is not possible to indicate **a** fixed work schedule due to the nature of the employment, workers should know how their work schedule will be established, including the time slots in which they may be called to work and the minimum advance notice they should receive.

*Amendment*

(14) If it is not possible to indicate **an entirely** fixed work schedule due to the nature of the employment, workers should know how their work schedule will be established, including the time slots in which they may be called to work and the minimum advance notice they should receive. ***Work contracts without fixed, guaranteed and enumerated working hours are not permitted.***

Or. en

**Amendment 168**  
**Paloma López Bermejo, Tania González Peñas, Patrick Le Hyaric, Kostadinka Kuneva, João Pimenta Lopes**

**Proposal for a directive**  
**Recital 14**

*Text proposed by the Commission*

(14) If it is not possible to indicate a fixed work schedule due to the nature of the employment, **workers** should **know** how their work schedule will be established, including the time slots in which they may be called to work and the minimum advance notice they should receive.

*Amendment*

(14) If it is not possible **for the employer** to indicate a fixed work schedule due to the nature of the employment, **the employer** should **inform workers** how their work schedule will be established, including the time slots in which they may be called to work and the minimum advance notice they should receive.

Or. en

**Amendment 169**  
**Joëlle Mélin, Dominique Martin**

**Proposal for a directive**  
**Recital 14**

*Text proposed by the Commission*

(14) If it is not possible to indicate a fixed work schedule due to the nature of the employment, workers **should** know how their work schedule will be established, **including** the time slots in which they may be called to work and the minimum advance notice they should receive.

*Amendment*

(14) If it is not possible to indicate a fixed work schedule due to the nature of the employment, workers **must** know how their work schedule will be established, **particularly** the time slots in which they may be called to work and the minimum advance notice they should receive.

Or. fr

**Amendment 170**

**Anne Sander, Elisabeth Morin-Chartier, Jérôme Lavrilleux, Geoffroy Didier**

**Proposal for a directive**  
**Recital 14**

*Text proposed by the Commission*

(14) If it is not possible to indicate a fixed work schedule due to the nature of the employment, workers should **know** how their work schedule will be established, **including the time slots in which they may be called to work and the minimum advance notice they should receive.**

*Amendment*

(14) If it is not possible to indicate a fixed work schedule due to the nature of the employment, **particularly for seasonal workers in the agricultural sector**, workers should **be kept informed, in so far as possible, as to** how their work schedule will be established.

Or. fr

**Amendment 171**  
**Anthea McIntyre**

**Proposal for a directive**  
**Recital 14**

*Text proposed by the Commission*

(14) If it is not possible to indicate a fixed work schedule due to the nature of

*Amendment*

(14) If it is not possible to indicate a fixed work schedule due to the nature of

the employment, **workers** should know how their work schedule will be established, including the time slots in which they may be called to work and the minimum advance notice they should receive.

the employment, **employees** should know how their work schedule will be established, including the time slots in which they may be called to work and the minimum advance notice they should receive.

Or. en

**Amendment 172**  
**Joëlle Mélin, Dominique Martin**

**Proposal for a directive**  
**Recital 14 a (new)**

*Text proposed by the Commission*

*Amendment*

***(14a) The advance notice period prior to a change in the distribution of hours worked by a part-time worker must not be less than 7 working days. However, the social partners may, through collective bargaining, set a period of less than 7 days but not less than 3 days, provided that the worker is compensated.***

Or. fr

**Amendment 173**  
**Tamás Meszerics**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Recital 14 a (new)**

*Text proposed by the Commission*

*Amendment*

***(14a) Zero-hour and on-demand type of contracts should be prohibited. They are a danger to the worker and a damage to both society and employers respecting a level-playing field.***

Or. en

**Amendment 174**  
**Tamás Meszerics**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Recital 14 b (new)**

*Text proposed by the Commission*

*Amendment*

***(14b) In order to limit the flexibility of the work schedule, it should by all means respect the daily minimum rest of 11 hours as guaranteed in the Working Time Directive 2003/88/EC.***

Or. en

**Amendment 175**  
**Tamás Meszerics**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Recital 14 c (new)**

*Text proposed by the Commission*

*Amendment*

***(14c) In order to reduce the abuse of extreme flexibility clauses in contracts, workers should by default be entitled to be paid for the announced hours; additionally a premium rate for non-guaranteed hours is to be paid. The hours worked shall become the guaranteed hours of the worker if he/she does not object.***

Or. en

**Amendment 176**  
**Laura Agea**

**Proposal for a directive**  
**Recital 15**

(15) Information on social security systems should include, where relevant, sickness, maternity and equivalent, parental, paternity, old-age, invalidity, survivors', unemployment, pre-retirement *or* family benefits. Information on social security protection provided by the employer should include, where relevant, coverage by supplementary pension schemes within the meaning of Council Directive 98/49/EC<sup>36</sup> and Directive 2014/50/EU of the European Parliament and of the Council<sup>37</sup>.

(15) Information on social security systems *to be provided* should include ***information on the receiving social security institutions and proof of registration with the social security authorities.*** Where relevant, ***it should include information on*** sickness, maternity and equivalent, parental, paternity, old-age, invalidity, survivors', unemployment, pre-retirement, family benefits, ***or benefits in respect of accidents at work and occupational diseases.*** Information on social security protection provided by the employer should include, where relevant, coverage by supplementary pension schemes within the meaning of Council Directive 98/49/EC<sup>36</sup> and Directive 2014/50/EU of the European Parliament and of the Council<sup>37</sup>.

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<sup>36</sup> Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community (OJ L 209, 25.7.1998, p. 46).

<sup>37</sup> Directive 2014/50/EU of the European Parliament and of the Council of 16 April 2014 on minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights (OJ L 128, 30.4.2014, p. 1).

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<sup>36</sup> Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community (OJ L 209, 25.7.1998, p. 46).

<sup>37</sup> Directive 2014/50/EU of the European Parliament and of the Council of 16 April 2014 on minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights (OJ L 128, 30.4.2014, p. 1).

Or. it

#### **Amendment 177**

**Anne Sander, Elisabeth Morin-Chartier, Geoffroy Didier, Jérôme Lavrilleux**

#### **Proposal for a directive**

#### **Recital 15**

(15) Information on social security systems should include, where relevant, sickness, maternity and equivalent, parental, paternity, old-age, invalidity, survivors', unemployment, pre-retirement or family benefits. Information on social security protection provided by the employer should include, where relevant, coverage by supplementary pension schemes within the meaning of Council Directive 98/49/EC<sup>36</sup> and Directive 2014/50/EU of the European Parliament and of the Council<sup>37</sup>.

(15) ***It is essential that the employer should provide information on the social security bodies receiving social security contributions related to the employment relationship in order to prevent cases of fraud and circumvention of legislation.*** Information on social security systems should include, where relevant, sickness, maternity and equivalent, parental, paternity, old-age, invalidity, survivors', unemployment, pre-retirement or family benefits. Information on social security protection provided by the employer should include, where relevant, coverage by supplementary pension schemes within the meaning of Council Directive 98/49/EC<sup>36</sup> and Directive 2014/50/EU of the European Parliament and of the Council<sup>37</sup>.

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<sup>36</sup> Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community (OJ L 209, 25.7.1998, p. 46).

<sup>37</sup> Directive 2014/50/EU of the European Parliament and of the Council of 16 April 2014 on minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights (OJ L 128, 30.4.2014, p. 1).

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<sup>36</sup> Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community (OJ L 209, 25.7.1998, p. 46).

<sup>37</sup> Directive 2014/50/EU of the European Parliament and of the Council of 16 April 2014 on minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights (OJ L 128, 30.4.2014, p. 1).

Or. fr

## **Amendment 178**

**Ádám Kósa**

### **Proposal for a directive**

#### **Recital 15**

*Text proposed by the Commission*

(15) Information on social security systems should include, where relevant, sickness, maternity and equivalent, parental, paternity, old-age, invalidity, survivors', unemployment, pre-retirement or family benefits. Information on social security protection provided by the employer should include, where relevant, coverage by supplementary pension schemes within the meaning of Council Directive 98/49/EC<sup>36</sup> and Directive 2014/50/EU of the European Parliament and of the Council.<sup>37</sup>

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<sup>36</sup> Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community (OJ L 209, 25.7.1998, p. 46).

<sup>37</sup> Directive 2014/50/EU of the European Parliament and of the Council of 16 April 2014 on minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights (OJ L 128, 30.4.2014, p. 1).

*Amendment*

(15) Information on social security systems should include, where relevant, sickness, maternity and equivalent, parental, paternity, old-age, invalidity, survivors', unemployment, pre-retirement or family **benefits. Based on the principle of equal treatment workers who pay the same social security contributions are entitled to receive the same** benefits. Information on social security protection provided by the employer should include, where relevant, coverage by supplementary pension schemes within the meaning of Council Directive 98/49/EC<sup>36</sup> and Directive 2014/50/EU of the European Parliament and of the Council.<sup>37</sup>

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<sup>36</sup> Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community (OJ L 209, 25.7.1998, p. 46).

<sup>37</sup> Directive 2014/50/EU of the European Parliament and of the Council of 16 April 2014 on minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights (OJ L 128, 30.4.2014, p. 1).

Or. en

**Amendment 179**

**Dennis Radtke, Georges Bach, Heinz K. Becker**

**Proposal for a directive**

**Recital 15**

*Text proposed by the Commission*

(15) **Information on** social security systems **should include**, where relevant,

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*Amendment*

(15) **Employers should provide information about** social security **funds**

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sickness, maternity and equivalent, parental, paternity, old-age, invalidity, survivors', unemployment, pre-retirement or **family benefits**. Information on social security protection provided by the employer should include, where relevant, coverage by supplementary pension schemes within the meaning of Council Directive 98/49/EC<sup>36</sup> and Directive 2014/50/EU of the European Parliament and of the Council<sup>37</sup>.

**and proof of registration with the social security authorities and, where relevant, information on** sickness, maternity and equivalent, parental, paternity, old-age, invalidity, survivors', unemployment, pre-retirement, **family benefits**, or **benefits in respect of accidents at work and occupational diseases**. Information on social security protection provided by the employer should include, where relevant, coverage by supplementary pension schemes within the meaning of Council Directive 98/49/EC<sup>36</sup> and Directive 2014/50/EU of the European Parliament and of the Council<sup>37</sup>.

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<sup>36</sup> Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community (OJ L 209, 25.7.1998, p. 46).

<sup>37</sup> Directive 2014/50/EU of the European Parliament and of the Council of 16 April 2014 on minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights (OJ L 128, 30.4.2014, p. 1).

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<sup>36</sup> Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community (OJ L 209, 25.7.1998, p. 46).

<sup>37</sup> Directive 2014/50/EU of the European Parliament and of the Council of 16 April 2014 on minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights (OJ L 128, 30.4.2014, p. 1).

Or. de

## **Amendment 180**

**Tamás Meszerics**

on behalf of the Verts/ALE Group

### **Proposal for a directive**

#### **Recital 15**

*Text proposed by the Commission*

(15) Information on social security systems should include, where relevant, sickness, maternity and equivalent, parental, paternity, old-age, invalidity, survivors', unemployment, pre-retirement

*Amendment*

(15) Information on social security systems should include, where relevant, sickness, maternity and equivalent, parental, paternity, old-age, invalidity, survivors', unemployment, pre-retirement

or family benefits. Information on social security protection provided by the employer should include, *where relevant*, coverage by supplementary pension schemes within the meaning of Council Directive 98/49/EC<sup>36</sup> and Directive 2014/50/EU of the European Parliament and of the Council.<sup>37</sup>

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<sup>36</sup> Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community (OJ L 209, 25.7.1998, p. 46).

<sup>37</sup> Directive 2014/50/EU of the European Parliament and of the Council of 16 April 2014 on minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights (OJ L 128, 30.4.2014, p. 1).

or family benefits *as well as future risks covered by updates to the Social Security Coordination Regulation 883/2004/EC*. Information on social security protection provided by the employer should include coverage by supplementary pension schemes within the meaning of Council Directive 98/49/EC<sup>36</sup> and Directive 2014/50/EU of the European Parliament and of the Council.<sup>37</sup>

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<sup>36</sup> Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community (OJ L 209, 25.7.1998, p. 46).

<sup>37</sup> Directive 2014/50/EU of the European Parliament and of the Council of 16 April 2014 on minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights (OJ L 128, 30.4.2014, p. 1).

Or. en

## Amendment 181

**Paloma López Bermejo, Tania González Peñas, Patrick Le Hyaric, Kostadinka Kuneva, João Pimenta Lopes**

### Proposal for a directive

#### Recital 15

##### *Text proposed by the Commission*

(15) Information on social security systems should include, where relevant, sickness, maternity and equivalent, parental, paternity, old-age, invalidity, survivors', unemployment, pre-retirement or family benefits. Information on social security protection provided by the employer should include, *where relevant*, coverage by supplementary pension schemes within the meaning of Council

##### *Amendment*

(15) Information on social security systems should include, where relevant, sickness, maternity and equivalent, parental, paternity, old-age, invalidity, survivors', unemployment, pre-retirement or family benefits. Information on social security protection provided by the employer should include coverage by supplementary pension schemes within the meaning of Council Directive 98/49/EC<sup>36</sup>

Directive 98/49/EC<sup>36</sup> and Directive 2014/50/EU of the European Parliament and of the Council.<sup>37</sup>

and Directive 2014/50/EU of the European Parliament and of the Council.<sup>37</sup>

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<sup>36</sup> Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community (OJ L 209, 25.7.1998, p. 46).

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<sup>36</sup> Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community (OJ L 209, 25.7.1998, p. 46).

<sup>37</sup> Directive 2014/50/EU of the European Parliament and of the Council of 16 April 2014 on minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights (OJ L 128, 30.4.2014, p. 1).

<sup>37</sup> Directive 2014/50/EU of the European Parliament and of the Council of 16 April 2014 on minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights (OJ L 128, 30.4.2014, p. 1).

Or. en

## **Amendment 182** **Enrique Calvet Chambon**

### **Proposal for a directive** **Recital 16**

#### *Text proposed by the Commission*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in writing at the start of employment. The relevant information should therefore reach them at the latest on the first day of the employment.

#### *Amendment*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in writing, ***in paper or electronically***, at the start of employment. The ***basic*** relevant information should therefore reach them ***in writing*** at the latest ***within three working days of the start of employment, but*** on the first day of the ***employment relationship this same information shall be provided orally. It should be possible to extend the three-day deadline for providing the basic information to a maximum of one week in exceptional circumstances, such as in the case of abnormal functioning of the human resources services of the company. The remainder of the information should be provided within a reasonable period***

*thereafter, but in any event within 15 days of the start of employment.*

Or. es

### **Amendment 183**

**David Casa**

#### **Proposal for a directive**

##### **Recital 16**

###### *Text proposed by the Commission*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in writing at the start of employment. The **relevant** information should therefore reach them at the latest **on** the first **day** of the employment.

###### *Amendment*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in writing, ***in paper or electronically***, at the start of employment. The information should therefore reach them ***in writing*** at the latest ***within*** the first ***15 days*** of the employment, ***but, where provided orally, from the first working day. It should be possible to extend the fifteen day deadline for providing the basic information by two weeks in exceptional circumstances, such as in the case of abnormal functioning of the human resources services of the company.***

Or. en

### **Amendment 184**

**Dennis Radtke, Georges Bach, Jeroen Lenaers, Elmar Brok**

#### **Proposal for a directive**

##### **Recital 16**

###### *Text proposed by the Commission*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in ***writing*** at the start of employment. The **relevant** information should ***therefore*** reach them ***at the latest*** on the first day of

###### *Amendment*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in ***a legally binding document, in paper or electronically***, at the start of employment. The ***basic and essential*** information should

the employment.

reach them *in written form, as stated above*, on the first *working* day. *Any further information should be provided no later than 15 days after the start of the employment relationship.*

Or. de

#### **Amendment 185**

**Anne Sander, Jérôme Lavrilleux, Geoffroy Didier, Elisabeth Morin-Chartier**

#### **Proposal for a directive**

#### **Recital 16**

##### *Text proposed by the Commission*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in writing at the start of employment. The *relevant* information should *therefore* reach them at the latest *on the first day of the employment*.

##### *Amendment*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in writing at the start of employment. The *essential* information *referred to in Article 3(2)(a), (b), (c), (d), (e), (f), (j), (k) and (l)* should reach them at the latest *seven days after they start their job*. *The other information referred to in Article 3(2) may be communicated to them within 30 days of starting their job.*

Or. fr

#### **Amendment 186**

**Joëlle Mélin, Dominique Martin**

#### **Proposal for a directive**

#### **Recital 16**

##### *Text proposed by the Commission*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in writing at the start of employment. *The relevant information should therefore reach them at the latest on the first day of the employment.*

##### *Amendment*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in writing at the start of employment.

**Amendment 187**  
**Siôn Simon, Lucy Anderson**

**Proposal for a directive**  
**Recital 16**

*Text proposed by the Commission*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in **writing** at the start of employment. The relevant information should therefore reach them **at the latest on the first day** of the employment.

*Amendment*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in **the form of a document, paper or electronic**, at the start of employment. The relevant information should therefore reach them **prior to the commencement** of the employment **relationship**.

Or. en

**Amendment 188**  
**Eider Gardiazabal Rubial, Brando Benifei, Bart Staes**

**Proposal for a directive**  
**Recital 16**

*Text proposed by the Commission*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in writing at the start of employment. The relevant information should therefore reach them at the latest on the first day of the employment.

*Amendment*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in writing, **in paper or electronically**, at the start of employment. The relevant information should therefore reach them at the latest on the first day of the employment.

Or. en

**Amendment 189**  
**Laura Agea**

**Proposal for a directive**  
**Recital 16**

*Text proposed by the Commission*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in writing at the start of employment. The **relevant** information should **therefore** reach them at the latest on the first day of the employment.

*Amendment*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in writing, ***in paper or electronically***, at the start of employment. The **essential** information should reach them at the latest on the first day of the employment.

Or. it

**Amendment 190**

**Dieter-Lebrecht Koch, Thomas Mann, Sven Schulze, Markus Pieper**

**Proposal for a directive**  
**Recital 16**

*Text proposed by the Commission*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in writing at the start of employment. The relevant information should therefore reach them at the latest **on the *first day*** of the employment.

*Amendment*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in writing at the start of employment. The relevant information should therefore reach them at the latest ***one month after the agreed start*** of the employment.

Or. de

**Amendment 191**

**Anthea McIntyre, Helga Stevens**

**Proposal for a directive**  
**Recital 16**

*Text proposed by the Commission*

(16) **Workers** should have the right to be informed about their rights and obligations resulting from the employment relationship in writing ***at the start of employment***. The

*Amendment*

(16) **Employees** should have the right to be informed about their rights and obligations resulting from the employment relationship in writing, ***in paper form or***

relevant information should therefore reach them at the latest **on** the first **day** of the employment.

**electronically**. The relevant information should therefore reach them at the latest **within** the first **15 days** of the employment.

Or. en

### **Amendment 192**

**Paloma López Bermejo, Tania González Peñas, Patrick Le Hyaric, Kostadinka Kuneva, Rina Ronja Kari, João Pimenta Lopes**

#### **Proposal for a directive**

##### **Recital 16**

###### *Text proposed by the Commission*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in writing at the start of employment. The relevant information should therefore reach them at the latest **on the first day of** the employment.

###### *Amendment*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in writing at the start of employment. The relevant information should therefore reach them at the latest **before starting** the employment **relationship**.

Or. en

### **Amendment 193**

**Danuta Jazłowiecka**

#### **Proposal for a directive**

##### **Recital 16**

###### *Text proposed by the Commission*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in writing at the start of employment. The relevant information should therefore reach them at the latest **on the first day** of the employment.

###### *Amendment*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in writing at the start of employment. The relevant information should therefore reach them at the latest **7 days after the start** of the employment.

Or. en

#### **Amendment 194**

**Javi López, Sergio Gutiérrez Prieto, Evelyn Regner, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Brando Benifei, Joachim Schuster, Georgi Pirinski, Ole Christensen, Vilija Blinkevičiūtė, Elena Gentile**

#### **Proposal for a directive**

##### **Recital 16**

###### *Text proposed by the Commission*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in writing **at** the start of employment. The relevant information should therefore reach them at the latest on the first day of the employment.

###### *Amendment*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in writing **prior to** the start of employment. The relevant information should therefore reach them at the latest on the first day of the employment.

Or. en

#### **Amendment 195**

**Tamás Meszerics**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

##### **Recital 16**

###### *Text proposed by the Commission*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in writing at the start of employment. The relevant information should therefore reach them **at the latest on** the first day of the employment.

###### *Amendment*

(16) Workers should have the right to be informed about their rights and obligations resulting from the employment relationship in writing at the start of employment. The relevant information should therefore reach them **before** the first day of the employment.

Or. en

#### **Amendment 196**

**Dennis Radtke, Georges Bach, Jeroen Lenaers**

#### **Proposal for a directive**

##### **Recital 16 a (new)**

*Text proposed by the Commission*

*Amendment*

***(16a) Basic and essential information should include the rights conferring legal certainty on the parties to an employment relationship as to the nature, location, time and duration, modalities, scope, performance and remuneration of their employment relationship and the conditions and periods of notice relating to the termination of the relationship and probationary periods.***

Or. de

**Amendment 197**

**Joëlle Mélin, Dominique Martin**

**Proposal for a directive**

**Recital 16 a (new)**

*Text proposed by the Commission*

*Amendment*

***(16a) The employer has two working days from the day on which employment begins within which to communicate in writing the rights and obligations arising from the employment relationship.***

Or. fr

**Amendment 198**

**Joëlle Mélin, Dominique Martin**

**Proposal for a directive**

**Recital 16 b (new)**

*Text proposed by the Commission*

*Amendment*

***(16b) The employer must communicate this information by post in such a way as to be able to prove that the worker has received the document or, failing that, by receipted hand delivery. The notification***

*is deemed to be effective if the worker has acknowledged receipt of the document.*

Or. fr

#### **Amendment 199**

**Joëlle Mélin, Dominique Martin**

#### **Proposal for a directive**

##### **Recital 17**

###### *Text proposed by the Commission*

(17) In order to help employers to provide timely information, Member States should ensure the availability of templates at national level including relevant and sufficiently comprehensive information on the legal framework applicable. ***These templates may be further developed at sectoral or local level, by national authorities and social partners.***

###### *Amendment*

(17) In order to help employers to provide timely information, Member States should ensure the availability of templates at national level including relevant and sufficiently comprehensive information on the legal framework applicable.

Or. fr

#### **Amendment 200**

**Eider Gardiazabal Rubial, Brando Benifei, Emilian Pavel, Bart Staes, Tom Vandenkendelaere**

#### **Proposal for a directive**

##### **Recital 17**

###### *Text proposed by the Commission*

(17) In order to help employers to provide timely information, Member States should ensure the availability of templates at national level including relevant and sufficiently comprehensive information on the legal framework applicable. These templates may be further developed at sectoral or local level, by national authorities and social partners.

###### *Amendment*

(17) In order to help employers to provide timely information, Member States should ensure the availability of templates at national level, ***developed in consultation with the social partners***, including relevant and sufficiently comprehensive information on the legal framework applicable. These templates may be further developed at sectoral or local level, by national authorities and social partners.

## Amendment 201

Tamás Meszerics

on behalf of the Verts/ALE Group

### Proposal for a directive

#### Recital 17

##### *Text proposed by the Commission*

(17) In order to help employers to provide timely information, Member States should ensure the availability of templates at national level including relevant and sufficiently comprehensive information on the legal framework applicable. These templates *may* be further developed ***at sectoral or local level, by national authorities and*** social partners.

##### *Amendment*

(17) In order to help employers to provide timely information, Member States should ensure the availability of templates at national level including relevant and sufficiently comprehensive information on the legal framework applicable. These templates ***should*** be further developed ***by*** social partners ***or in their absence by authorities at sectorial, national or local level.***

Or. en

## Amendment 202

Paloma López Bermejo, Tania González Peñas, Patrick Le Hyaric, Kostadinka Kuneva, Rina Ronja Kari, João Pimenta Lopes

### Proposal for a directive

#### Recital 17

##### *Text proposed by the Commission*

(17) In order to help employers to provide timely information, Member States should ensure the availability of templates at national level including relevant and sufficiently comprehensive information on the legal framework ***applicable***. These templates may be further developed at sectoral or local level, by national authorities and social partners.

##### *Amendment*

(17) In order to help employers to provide timely information, Member States should ensure the availability of templates at national level ***in all EU languages,*** including relevant and sufficiently comprehensive information on the legal framework. These templates may be further developed at sectoral or local level, by national authorities and social partners.

Or. en

**Amendment 203**  
**Anthea McIntyre**

**Proposal for a directive**  
**Recital 18**

*Text proposed by the Commission*

(18) *Workers posted or sent abroad should receive additional information specific to their situation. For successive work assignments in several Member States or third countries, such as in international road transport, that information may be grouped for several assignments before the first departure and subsequently modified in case of change. Where they qualify as posted workers under Directive 96/71/EC of the European Parliament and of the Council,<sup>38</sup> they should also be notified of the single national website developed by the host Member State where they will find the relevant information on the working conditions applying to their situation. Unless Member States provide otherwise, these obligations apply if the duration of the work period abroad is more than four consecutive weeks.*

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<sup>38</sup> Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1).

*Amendment*

(18) Information *for* posted *employees should be consistent with the provisions of* Directive 96/71/EC of the European Parliament and of the Council <sup>38</sup>

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<sup>38</sup> Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1).

Or. en

**Amendment 204**  
**Joëlle Mélin, Dominique Martin**

**Proposal for a directive**  
**Recital 18**

*Text proposed by the Commission*

(18) Workers posted or sent abroad should receive additional information specific to their situation. For successive work assignments in several Member States or third countries, such as in international road transport, that information may be grouped for several assignments before the first departure and subsequently modified in case of change. Where they qualify as posted workers under Directive 96/71/EC of the European Parliament and of the Council<sup>38</sup>, they should also be notified of the single national website developed by the host Member State where they will find the relevant information on the working conditions applying to their situation. ***Unless Member States provide otherwise, these obligations apply if the duration of the work period abroad is more than four consecutive weeks.***

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<sup>38</sup> Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1).

*Amendment*

(18) Workers posted or sent abroad should receive additional information specific to their situation. For successive work assignments in several Member States or third countries, such as in international road transport, that information may be grouped for several assignments before the first departure and subsequently modified in case of change. Where they qualify as posted workers under Directive 96/71/EC of the European Parliament and of the Council<sup>38</sup>, they should also be notified of the single national website developed by the host Member State where they will find the relevant information on the working conditions applying to their situation.

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<sup>38</sup> Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1).

Or. fr

**Amendment 205**

**Michaela Šojdrová, Romana Tomc, Ádám Kósa**

**Proposal for a directive**

**Recital 18**

*Text proposed by the Commission*

(18) Workers posted or sent abroad should receive additional information specific to their situation. For successive work assignments in several Member States or third countries, such as in

*Amendment*

(18) Workers posted or sent abroad should receive additional information specific to their situation. For successive work assignments in several Member States or third countries, such as in

international road transport, that information may be grouped for several assignments before the first departure and subsequently modified in case of change. Where they qualify as posted workers under Directive 96/71/EC of the European Parliament and of the Council,<sup>38</sup> they should also be notified of the single national website developed by the host Member State where they will find the relevant information on the working conditions applying to their situation. Unless Member States *provide* otherwise, these obligations apply if the duration of the work period abroad is more than four consecutive weeks.

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<sup>38</sup> Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1).

international road transport, that information may be grouped for several assignments before the first departure and subsequently modified in case of change. Where they qualify as posted workers under Directive 96/71/EC of the European Parliament and of the Council,<sup>38</sup> they should also be notified of the single national website developed by the host Member State where they will find the relevant information on the working conditions applying to their situation. Unless *the law of* Member States *governing the employment relationship provides* otherwise, these obligations apply if the duration of the work period abroad is more than four consecutive weeks.

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<sup>38</sup> Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1).

Or. en

### *Justification*

*In order to ensure legal certainty and avoid collision of national legal systems, it should be clarified that the duration can be changed by the Member State which governs the employment contract through its law.*

## **Amendment 206**

**Danuta Jazłowiecka, Michaela Šojdrová**

### **Proposal for a directive**

#### **Recital 18**

#### *Text proposed by the Commission*

(18) Workers posted or sent abroad should receive additional information specific to their situation. For successive work assignments in several Member States or third countries, *such as in*

#### *Amendment*

(18) Workers posted or sent abroad should receive additional information specific to their situation. For successive work assignments in several Member States or third countries that information

*international road transport*, that information may be grouped for several assignments before the first departure and subsequently modified in case of change. Where they qualify as posted workers under Directive 96/71/EC of the European Parliament and of the Council,<sup>38</sup> they should also be notified of the single national website developed by the host Member State where they will find the relevant information on the working conditions applying to their situation. Unless Member *States provide* otherwise, these obligations apply if the duration of the work period abroad is more than four consecutive weeks.

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<sup>38</sup> Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1).

may be grouped for several assignments before the first departure and subsequently modified in case of change. Where they qualify as posted workers under Directive 96/71/EC of the European Parliament and of the Council<sup>38</sup> *or other sector specific regulations* they should also be notified of the single national website developed by the host Member State where they will find the relevant information on the working conditions applying to their situation. Unless *the law of the Member State governing the employment relationship provides* otherwise, these obligations apply if the duration of the work period abroad is more than four consecutive weeks.

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<sup>38</sup> Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1).

Or. en

## **Amendment 207**

**Tamás Meszerics**

on behalf of the Verts/ALE Group

### **Proposal for a directive**

#### **Recital 18**

*Text proposed by the Commission*

(18) Workers posted or sent abroad should receive additional information specific to their situation. For successive work assignments in several Member States or third countries, such as in international road transport, that information may be grouped for several assignments before the first departure and subsequently modified in case of change. Where they qualify as posted workers under Directive 96/71/EC of the European Parliament and of the Council,<sup>38</sup> they

*Amendment*

(18) Workers posted or sent abroad should receive additional information specific to their situation. For successive work assignments in several Member States or third countries, such as in international road transport, that information may be grouped for several assignments before the first departure and subsequently modified *before the commencement of the relevant assignment or* in case of change. Where they qualify as posted workers under

should also be notified of the single national website developed by the host Member State *where they will find* the relevant information on the working conditions applying to their situation. ***Unless Member States provide otherwise, these obligations apply if the duration of the work period abroad is more than four consecutive weeks.***

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<sup>38</sup> Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1).

Directive 96/71/EC of the European Parliament and of the Council,<sup>38</sup> they should also be notified of the single national website developed by the host Member State ***and be provided in paper or electronically with*** the relevant information on the working conditions applying to their situation.

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<sup>38</sup> Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1).

Or. en

## **Amendment 208**

**Paloma López Bermejo, Tania González Peñas, Patrick Le Hyaric, Kostadinka Kuneva, Rina Ronja Kari, João Pimenta Lopes**

### **Proposal for a directive Recital 18**

#### *Text proposed by the Commission*

(18) Workers posted or sent abroad should receive additional information specific to their situation. For successive work assignments in several Member States or third countries, such as in international road transport, that information may be grouped for several assignments before the first departure and subsequently modified in case of change. Where they qualify as posted workers under Directive 96/71/EC of the European Parliament and of the Council,<sup>38</sup> they should also be notified of the single national website developed by the host Member State where they will find the relevant information on the working conditions applying to their situation. ***Unless Member States provide otherwise, these obligations apply if the duration of***

#### *Amendment*

(18) Workers posted or sent abroad should receive additional information specific to their situation. For successive work assignments in several Member States or third countries, such as in international road transport, that information may be grouped for several assignments before the first departure and subsequently modified in case of change. Where they qualify as posted workers under Directive 96/71/EC of the European Parliament and of the Council,<sup>38</sup> they should also be notified of the single national website developed by the host Member State where they will find the relevant information on the working conditions applying to their situation. ***These obligations apply to any kind of posting, without prejudice of the duration***

the *work* period abroad *is more than four consecutive weeks*.

of the period abroad.

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<sup>38</sup> Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1).

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<sup>38</sup> Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1).

Or. en

## Amendment 209

**Javi López, Sergio Gutiérrez Prieto, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Joachim Schuster, Vilija Blinkevičiūtė, Elena Gentile**

### Proposal for a directive Recital 19

#### *Text proposed by the Commission*

(19) Probationary periods allow employers to verify that workers are suitable for the position for which they have been engaged while providing them with accompanying support and training. ***Such periods may be accompanied by reduced protection against dismissal. Any entry into the labour market or transition to a new position should not be subject to prolonged insecurity.*** As established in the European Pillar of Social Rights, probationary periods should therefore be of reasonable duration. A substantial number of Member States have established a general maximum duration of probation between three and six months, which should ***be considered reasonable.*** ***Probationary periods may be longer than six months where this is justified by the nature of the employment such as for managerial positions and where this is in the interest of the worker, such as in the case of long illness or in the context of specific measures promoting permanent employment notably for young workers.***

#### *Amendment*

(19) Probationary periods allow employers to verify that workers are suitable for the position for which they have been engaged while providing them with accompanying support and training. . As established in the European Pillar of Social Rights, probationary periods should therefore be of reasonable duration. A substantial number of Member States have established a general maximum duration of probation between three and six months, which ***in any case should not be extended.***

**Amendment 210****Jeroen Lenaers****Proposal for a directive****Recital 19***Text proposed by the Commission*

(19) Probationary periods allow employers to verify that workers are suitable for the position for which they have been engaged while providing them with accompanying support and training. Such periods may be accompanied by reduced protection against dismissal. Any entry into the labour market or transition to a new position should not be subject to prolonged insecurity. As established in the European Pillar of Social Rights, probationary periods should therefore be of reasonable duration. ***A substantial number of Member States have established a general maximum duration of probation between three and six months, which should be considered reasonable. Probationary periods may be longer than six months where this is justified by the nature of the employment such as for managerial positions and where this is in the interest of the worker, such as in the case of long illness or in the context of specific measures promoting permanent employment notably for young workers.***

*Amendment*

(19) Probationary periods allow employers to verify that workers are suitable for the position for which they have been engaged while providing them with accompanying support and training. Such periods may be accompanied by reduced protection against dismissal. Any entry into the labour market or transition to a new position should not be subject to prolonged insecurity. As established in the European Pillar of Social Rights, probationary periods should therefore be of reasonable duration.

Or. nl

**Amendment 211****Dennis Radtke, Georges Bach****Proposal for a directive****Recital 19**

*Text proposed by the Commission*

(19) Probationary periods allow employers to verify that workers are suitable for the position for which they have been engaged while providing them with accompanying support and training. Such periods may be accompanied by reduced protection against dismissal. Any entry into the labour market or transition to a new position should not be subject to prolonged insecurity. As established in the European Pillar of Social Rights, probationary periods should therefore be of reasonable duration. A substantial number of Member States have established a general maximum duration of probation between three and six months, which should be considered reasonable. Probationary periods may be longer than six months where this is justified by the nature of the employment ***such as for managerial positions and where this is in the interest of the worker, such as in the case of long illness or in the context of specific measures promoting permanent employment notably for young workers.***

*Amendment*

(19) Probationary periods allow employers to verify that workers are suitable for the position for which they have been engaged while providing them with accompanying support and training. Such periods may be accompanied by reduced protection against dismissal. Any entry into the labour market or transition to a new position should not be subject to prolonged insecurity. As established in the European Pillar of Social Rights, probationary periods should therefore be of reasonable duration. A substantial number of Member States have established a general maximum duration of probation between three and six months, which should be considered reasonable. Probationary periods may, ***exceptionally***, be longer than six months, where this is justified by the nature of the employment ***or in the context of specific measures promoting permanent employment. However, they should under no circumstances last longer than 12 months. It should be possible to interrupt or suspend probationary periods if the employee has been absent due to a long illness or extended leave so as to enable the employee to demonstrate that his or her abilities correspond to the tasks required and to enable the employer to determine the suitability of the worker for such tasks. Under no circumstances should it be possible unilaterally to extend a probationary period.***

Or. de

*Justification*

*A difference is made between those probationary periods that are longer than 6 months from the beginning and those that, finally, are longer because of the interruption of the initial term and only when both parties agree on it.*

**Amendment 212**  
**Tamás Meszerics**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Recital 19**

*Text proposed by the Commission*

(19) Probationary periods allow employers to verify that workers are suitable for the position for which they have been engaged while providing them with accompanying support and training. ***Such periods may be accompanied by reduced protection against dismissal.*** Any entry into the labour market or transition to a new position should not be subject to prolonged insecurity. As established in the European Pillar of Social Rights, probationary periods should therefore be of reasonable duration. A substantial number of Member States have established a general maximum duration of probation between three and six months, which should be considered reasonable. ***Probationary periods may be longer than six months where this is justified by the nature of the employment such as for managerial positions and where this is in the interest of the worker, such as in the case of long illness or in the context of specific measures promoting permanent employment notably for young workers.***

*Amendment*

(19) Probationary periods allow employers to verify ***if*** that workers are suitable for the position for which they have been engaged while providing them with accompanying support and training. Any entry into the labour market or transition to a new position should not be subject to prolonged insecurity. As established in the European Pillar of Social Rights, probationary periods should therefore be of reasonable duration. A substantial number of Member States have established a general maximum duration of probation between three and six months, which should be considered reasonable ***and therefore by no means be exceeded beyond 6 months.***

Or. en

**Amendment 213**  
**Anthea McIntyre**

**Proposal for a directive**  
**Recital 19**

*Text proposed by the Commission*

(19) Probationary periods allow employers to verify that ***workers*** are

*Amendment*

(19) Probationary periods allow employers to verify that ***employees*** are

suitable for the position for which they have been engaged while providing them with accompanying support and training. Such periods may be accompanied by reduced protection against dismissal. Any entry into the labour market or transition to a new position should not be subject to prolonged insecurity. As established in the European Pillar of Social Rights, probationary periods should therefore be of reasonable duration. A substantial number of Member States have established a general maximum duration of probation between three and six months, which should be considered reasonable. Probationary periods may be longer than six months where this is justified by the nature of the employment such as for managerial positions and where this is in the interest of the *worker*, such as in the case of long illness or in the context of specific measures promoting permanent employment notably for young *workers*.

suitable for the position for which they have been engaged while providing them with accompanying support and training. Such periods may be accompanied by reduced protection against dismissal. Any entry into the labour market or transition to a new position should not be subject to prolonged insecurity. As established in the European Pillar of Social Rights, probationary periods should therefore be of reasonable duration. A substantial number of Member States have established a general maximum duration of probation between three and six months, which should be considered reasonable. ***Some Member States do not link employment protection to probationary periods. In such a case, it is important to allow for appropriate flexibility for an extension of a probationary period where an employer wishes to offer an extension as a 'second chance' to the employee.*** Probationary periods may be longer than six months where this is justified by the nature of the employment such as for managerial positions and where this is in the interest of the *employee*, such as in the case of long illness or in the context of specific measures promoting permanent employment notably for young *people*.

Or. en

**Amendment 214**  
**Michaela Šojdrová, Romana Tomc**

**Proposal for a directive**  
**Recital 19**

*Text proposed by the Commission*

(19) Probationary periods allow employers to verify that workers are suitable for the position for which they have been engaged while providing them with accompanying support and training. Such periods may be accompanied by

*Amendment*

(19) Probationary periods allow employers to verify that workers are suitable for the position for which they have been engaged while providing them with accompanying support and training. Such periods may be accompanied by

reduced protection against dismissal. Any entry into the labour market or transition to a new position should not be subject to prolonged insecurity. As established in the European Pillar of Social Rights, probationary periods should therefore be of reasonable duration. A substantial number of Member States have established a general maximum duration of probation between three and six months, which should be considered reasonable. Probationary periods may be longer than six months where this is justified by the nature of the employment such as for managerial positions and where this is in the interest of the worker, *such as in the case of long illness or in the context of specific measures promoting permanent employment notably for young workers.*

reduced protection against dismissal. Any entry into the labour market or transition to a new position should not be subject to prolonged insecurity. As established in the European Pillar of Social Rights, probationary periods should therefore be of reasonable duration. A substantial number of Member States have established a general maximum duration of probation between three and six months, which should be considered reasonable. Probationary periods may be longer than six months where this is justified by the nature of the employment such as for managerial positions and where this is in the interest of the worker. *Probationary periods may also be extended in case of certain types of absences from work to the extent that it can be justified by the nature of the absence. Member States will establish a clear and exhaustive list of situations in which the probationary period may be extended.*

Or. en

#### *Justification*

*The purpose of the probationary period should be taken into account. Accordingly, it must be possible to extend probationary periods in certain situations of a worker's absence from work. This is in the interest of both employers and workers.*

#### **Amendment 215**

**Jérôme Lavrilleux, Anne Sander, Elisabeth Morin-Chartier, Geoffroy Didier**

#### **Proposal for a directive**

#### **Recital 19**

##### *Text proposed by the Commission*

(19) Probationary periods allow employers to verify that workers are suitable for the position for which they have been engaged while providing them with accompanying support and training. Such periods may be accompanied by

##### *Amendment*

(19) Probationary periods allow employers to verify that workers are suitable for the position for which they have been engaged while providing them with accompanying support and training. Such periods may be accompanied by

reduced protection against dismissal. Any entry into the labour market or transition to a new position should not be subject to prolonged insecurity. As established in the European Pillar of Social Rights, probationary periods should therefore be of reasonable duration. A substantial number of Member States have established a general maximum duration of probation between three and six months, which should be considered reasonable. Probationary periods may be longer than six months where this is justified by the nature of the employment such as for managerial positions and where this is in the interest of the worker, such as in the case of long illness or in the context of specific measures promoting permanent employment notably for young workers.

reduced protection against dismissal. Any entry into the labour market or transition to a new position should not be subject to prolonged insecurity. As established in the European Pillar of Social Rights, probationary periods should therefore be of reasonable duration. A substantial number of Member States have established a general maximum duration of probation between three and six months, which should be considered reasonable. Probationary periods may be longer than six months where this is justified by the nature of the employment such as for managerial positions ***or jobs in the public sector in order to comply with the employment conditions or legislative and regulatory provisions that apply to them*** and where this is in the interest of the worker, such as in the case of long illness or in the context of specific measures promoting permanent employment notably for young workers.

Or. fr

#### *Justification*

*It is necessary to provide for a derogation from the provisions of this Directive for probationary periods where this is justified by the nature of the post or the mode of recruitment (public sector, national defence).*

#### **Amendment 216**

**Joëlle Mélin, Dominique Martin**

#### **Proposal for a directive**

#### **Recital 19**

##### *Text proposed by the Commission*

(19) Probationary periods allow employers to verify that workers are suitable for the position for which they have been engaged while providing them with accompanying support and training. Such periods may be accompanied by

##### *Amendment*

(19) Probationary periods allow employers to verify that workers are suitable for the position for which they have been engaged while providing them with accompanying support and training. Such periods may be accompanied by

reduced protection against dismissal. Any entry into the labour market or transition to a new position should not be subject to prolonged insecurity. As established in the European Pillar of Social Rights, probationary periods should therefore be of reasonable duration. A substantial number of Member States have established a general maximum duration of probation between three and six months, which should be considered reasonable. Probationary periods may be longer than six months where this is justified by the nature of the employment such as for managerial positions and where this is in the interest of the worker, such as in the case of long illness or in the context of specific measures promoting permanent employment notably for young workers.

reduced protection against dismissal. Any entry into the labour market or transition to a new position should not be subject to prolonged insecurity. As established in the European Pillar of Social Rights, probationary periods should therefore be of reasonable duration. A substantial number of Member States have established a general maximum duration of probation between three and six months, which should be considered reasonable. Probationary periods may be longer than six months where this is justified by the nature of the employment such as for managerial positions and where this is in the interest of the worker, such as in the case of long illness or in the context of specific measures promoting permanent employment notably for young workers, ***with the proviso that such periods must not exceed eight months.***

Or. fr

#### **Amendment 217**

**Dieter-Lebrecht Koch, Thomas Mann, Sven Schulze, Heinz K. Becker, Markus Pieper**

#### **Proposal for a directive**

#### **Recital 19**

##### *Text proposed by the Commission*

(19) Probationary periods allow employers to verify that workers are suitable for the position for which they have been engaged while providing them with accompanying support and training. Such periods may be accompanied by reduced protection against dismissal. Any entry into the labour market or transition to a new position should not be subject to prolonged insecurity. As established in the European Pillar of Social Rights, probationary periods should therefore be of reasonable duration. A substantial number of Member States have established a general maximum duration of probation

##### *Amendment*

(19) Probationary periods allow employers to verify that workers are suitable for the position for which they have been engaged while providing them with accompanying support and training. Such periods may be accompanied by reduced protection against dismissal. Any entry into the labour market or transition to a new position should not be subject to prolonged insecurity. As established in the European Pillar of Social Rights, probationary periods should therefore be of reasonable duration. A substantial number of Member States have established a general maximum duration of probation

between three and six months, which should be considered reasonable. Probationary periods may be longer than six months where this is justified by the nature of the employment such as for managerial positions and where this is in the interest of the worker, such as in the case of long illness or in the context of specific measures promoting permanent employment notably for young workers.

between three and six months, which should be considered reasonable. Probationary periods may be longer than six months where this is justified by the nature of the employment such as for managerial positions and where this is in the interest of the worker *or employer*, such as in the case of long illness or in the context of specific measures promoting permanent employment notably for young workers.

Or. de

## **Amendment 218**

**Laura Agea**

### **Proposal for a directive**

#### **Recital 19**

##### *Text proposed by the Commission*

(19) Probationary periods allow employers to verify that workers are suitable for the position for which they have been engaged while providing them with accompanying support and training. Such periods may be accompanied by reduced protection against dismissal. Any entry into the labour market or transition to a new position should not be subject to prolonged insecurity. As established in the European Pillar of Social Rights, probationary periods should therefore be of reasonable duration. A substantial number of Member States have established a general maximum duration of probation between three and six months, which should be considered reasonable. Probationary periods may be longer than **six** months where this is justified by the nature of the employment such as for managerial positions and where this is in the interest of the worker, such as in the case of long illness or in the context of specific measures promoting permanent

##### *Amendment*

(19) Probationary periods allow employers to verify that workers are suitable for the position for which they have been engaged while providing them with accompanying support and training. Such periods may be accompanied by reduced protection against dismissal. Any entry into the labour market or transition to a new position should not be subject to prolonged insecurity. As established in the European Pillar of Social Rights, probationary periods should therefore be of reasonable duration. A substantial number of Member States have established a general maximum duration of probation between three and six months, which should be considered reasonable. Probationary periods may, *exceptionally*, be longer than **three** months where this is justified by the nature of the employment such as for managerial positions and where this is in the interest of the worker, such as in the case of long illness or in the context of specific measures promoting permanent

employment notably for young workers.

employment notably for young workers.

Or. it

#### **Amendment 219**

**Paloma López Bermejo, Tania González Peñas, Patrick Le Hyaric, Kostadinka Kuneva**

#### **Proposal for a directive**

#### **Recital 19**

##### *Text proposed by the Commission*

(19) Probationary periods allow employers to verify that workers are suitable for the position for which they have been engaged while providing them with accompanying support and training. ***Such periods may be accompanied by reduced protection against dismissal.*** Any entry into the labour market ***or transition to a new position*** should not be subject to prolonged insecurity. As established in the European Pillar of Social Rights, probationary periods should therefore be of reasonable duration. A substantial number of Member States have established a general maximum duration of probation between three and six months, which should be considered reasonable. Probationary periods may be longer than ***six*** months where this is justified by the nature of the employment ***such as for managerial positions*** and where this is in the interest of the worker, such as in the case of long illness or in the context of specific measures promoting permanent employment notably for young workers.

##### *Amendment*

(19) Probationary periods allow employers to verify that workers are suitable for the position for which they have been engaged while providing them with accompanying support and training. Any entry into the labour market should not be subject to prolonged insecurity. As established in the European Pillar of Social Rights, probationary periods should therefore be of reasonable duration. A substantial number of Member States have established a general maximum duration of probation between three and six months, which should be considered reasonable ***and should not be extended under any circumstance.*** Probationary periods may be longer than ***three*** months ***in compliance with national law and collective agreements*** where this is justified by the nature of the employment and where this is in the interest of the worker, such as in the case of long illness or in the context of specific measures promoting permanent employment notably for young workers.

Or. en

#### **Amendment 220**

**Tamás Meszerics**

#### **Proposal for a directive**

#### **Recital 20**

*Text proposed by the Commission*

(20) Employers should not prohibit workers from taking up employment with other employers, ***outside the time spent working for them, within the limits set out in Directive 2003/88/EC of the European Parliament and of the Council.***<sup>39</sup> ***Incompatibility clauses, understood as a restriction on working for specific categories of employers, may be necessary for objective reasons, such as the protection of business secrets or the avoidance of conflicts of interests.***

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<sup>39</sup> ***Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9).***

*Amendment*

(20) Employers should not prohibit workers from taking up employment with other employers.

Or. en

**Amendment 221**  
**Gabriele Zimmer**

**Proposal for a directive**  
**Recital 20**

*Text proposed by the Commission*

(20) Employers should not prohibit workers from taking up employment with other employers, outside the time spent working for them, within the limits set out in Directive 2003/88/EC of the European Parliament and of the Council.<sup>39</sup> ***Incompatibility clauses, understood as a restriction on working for specific categories of employers, may be necessary for objective reasons, such as the protection of business secrets or the avoidance of conflicts of interests.***

*Amendment*

(20) Employers should not prohibit workers from taking up employment with other employers, outside the time spent working for them, within the limits set out in Directive 2003/88/EC of the European Parliament and of the Council.<sup>39</sup>

<sup>39</sup> Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9).

<sup>39</sup> Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9).

Or. en

## Amendment 222

**Dennis Radtke, Dieter-Lebrecht Koch, Sven Schulze, Georges Bach, Thomas Mann**

### Proposal for a directive

#### Recital 20

*Text proposed by the Commission*

(20) Employers should not prohibit workers from taking up employment with other employers, outside the time spent working for them, within the limits set out in Directive 2003/88/EC of the European Parliament and of the Council.<sup>39</sup> Incompatibility *clauses*, understood as a restriction on working for specific categories of employers, *may be necessary* for *objective* reasons, such as the protection of business secrets or the avoidance of conflicts of *interests*.

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<sup>39</sup> Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9).

*Amendment*

(20) Employers should not prohibit workers from taking up employment with other employers, outside the time spent working for them, within the limits set out in Directive 2003/88/EC of the European Parliament and of the Council.<sup>39</sup> ***Member States or social partners should jointly be able to lay down conditions for incompatibility restrictions*** understood as a restriction on working for specific categories of employers for ***legitimate*** reasons such as ***health and safety***, the protection of business secrets or the avoidance of conflicts of ***interest***.

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<sup>39</sup> Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9).

Or. de

## Amendment 223

**Paloma López Bermejo, Tania González Peñas, Patrick Le Hyaric, Kostadinka Kuneva, João Pimenta Lopes**

**Proposal for a directive**  
**Recital 20**

*Text proposed by the Commission*

(20) Employers should not prohibit workers from taking up employment with other employers, outside the time spent working for them, within the limits set out in Directive 2003/88/EC of the European Parliament and of the Council.<sup>39</sup> Incompatibility clauses, understood as a restriction on working for specific categories of employers, may be necessary for objective reasons, such as the protection of business secrets or the avoidance of conflicts of interests.

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<sup>39</sup> Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9).

*Amendment*

(20) Employers should not prohibit workers from taking up employment with other employers, outside the time spent working for them, within the limits set out in Directive 2003/88/EC of the European Parliament and of the Council.<sup>39</sup> Incompatibility clauses, understood as a restriction on working for specific categories of employers, may be necessary for objective reasons, such as the protection of business secrets or the avoidance of conflicts of interests. ***Member States in cooperation with social partners should establish when incompatibility clauses can apply.***

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<sup>39</sup> Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9).

Or. en

**Amendment 224**  
**Danuta Jazlowiecka**

**Proposal for a directive**  
**Recital 20**

*Text proposed by the Commission*

(20) Employers should not prohibit workers from taking up employment with other employers, outside the time spent working for them, within the limits set out in Directive 2003/88/EC of the European Parliament and of the Council.<sup>39</sup> Incompatibility clauses, understood as a restriction on working for specific categories of employers, may be necessary

for objective reasons, such as the protection of business secrets or the avoidance of conflicts of interests.

working for specific categories of employers, may be necessary for objective reasons, such as the protection of business secrets or the avoidance of conflicts of interests.

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<sup>39</sup> Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9).

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<sup>39</sup> Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9).

Or. en

### *Justification*

*It is important to include specificities of various sectors e.g. the transport sector where we have separate legislation on working time as well as driving and resting time.*

## **Amendment 225**

**Jérôme Lavrilleux, Anne Sander, Elisabeth Morin-Chartier, Geoffroy Didier**

### **Proposal for a directive**

#### **Recital 20**

#### *Text proposed by the Commission*

(20) Employers should not prohibit workers from taking up employment with other employers, outside the time spent working for them, within the limits set out in Directive 2003/88/EC of the European Parliament and of the Council<sup>39</sup>. Incompatibility clauses, understood as a restriction on working for specific categories of employers, **may be** necessary for objective reasons, such as the protection of business secrets **or** the avoidance of conflicts of interests.

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<sup>39</sup> Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects

#### *Amendment*

(20) Employers should not prohibit workers from taking up employment with other employers, outside the time spent working for them, within the limits set out in Directive 2003/88/EC of the European Parliament and of the Council<sup>39</sup>. **Member States should be able to introduce** incompatibility clauses, understood as a restriction on working for specific categories of employers, **if they are** necessary for objective reasons, such as the protection of business secrets, the avoidance of conflicts of interests **or health and safety at work.**

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<sup>39</sup> Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects

of the organisation of working time (OJ L 299, 18.11.2003, p. 9).

of the organisation of working time (OJ L 299, 18.11.2003, p. 9).

Or. fr

## **Amendment 226**

**Czesław Hoc**

### **Proposal for a directive**

#### **Recital 20**

##### *Text proposed by the Commission*

(20) Employers should not prohibit workers from taking up employment with other employers, outside the time spent working for them, *within the limits set out in Directive 2003/88/EC of the European Parliament and of the Council*.<sup>39</sup> Incompatibility *clauses*, understood as *a restriction* on working for *specific categories of employers*, *may be necessary* for objective reasons, such as the protection of business secrets or the avoidance of conflicts of interests.

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<sup>39</sup> *Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9).*

##### *Amendment*

(20) Employers should not prohibit workers from taking up employment with other employers, outside the time spent working for them. *It should be possible for Member States to lay down conditions for the use of incompatibility restrictions*, understood as *restrictions* on working for *other* employers, for objective reasons, such as the protection of business secrets or the avoidance of conflicts of interests.

Or. en

## **Amendment 227**

**Javi López, Sergio Gutiérrez Prieto, Evelyn Regner, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Brando Benifei, Joachim Schuster, Georgi Pirinski, Vilija Blinkevičiūtė, Elena Gentile**

### **Proposal for a directive**

#### **Recital 20**

*Text proposed by the Commission*

(20) Employers should not prohibit workers from taking up employment with other employers, outside the time spent working for them, within the limits set out in Directive 2003/88/EC of the European Parliament and of the Council.<sup>39</sup> Incompatibility clauses, understood as a restriction on working for specific categories of employers, **may be necessary** for objective reasons, such as the protection of business secrets or the avoidance of conflicts of interests.

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<sup>39</sup> Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9).

*Amendment*

(20) Employers should not prohibit, **prevent or hinder** workers from taking up employment with other employers, outside the time spent working for them, within the limits set out in Directive 2003/88/EC of the European Parliament and of the Council.<sup>39</sup> **Member States may establish** incompatibility clauses, understood as a restriction on working for specific categories of employers, for objective reasons, such as the protection of business secrets or the avoidance of conflicts of interests.

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<sup>39</sup> Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9).

Or. en

**Amendment 228**  
**Anthea McIntyre**

**Proposal for a directive**  
**Recital 20**

*Text proposed by the Commission*

(20) Employers should not prohibit **workers** from taking up employment with other employers, outside the time spent working for them, within the limits set out in Directive 2003/88/EC of the European Parliament and of the Council.<sup>39</sup> Incompatibility clauses, understood as a restriction on working for specific categories of employers, may be necessary for objective reasons, such as the protection of business secrets or the avoidance of conflicts of interests.

*Amendment*

(20) Employers should not prohibit **employees** from taking up employment with other employers, outside the time spent working for them, within the limits set out in Directive 2003/88/EC of the European Parliament and of the Council.<sup>39</sup> Incompatibility clauses, understood as a restriction on working for specific categories of employers, may be necessary for objective reasons, such as the protection of business secrets or the avoidance of conflicts of interests.

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<sup>39</sup> Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9).

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<sup>39</sup> Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9).

Or. en

## Amendment 229

Laura Agea

### Proposal for a directive

#### Recital 21

*Text proposed by the Commission*

(21) Workers whose work *schedule* is *mostly variable should benefit from a minimum predictability of work* where the work *schedule* is mainly determined by the employer, be it directly – for instance by allocating work assignments – or indirectly – for instance by requiring the worker to respond to *clients' requests*.

*Amendment*

(21) Workers *with on-demand contracts or similar forms of employment* whose work is *unpredictable because the worker's employment contract does not provide for a standard working day or week or* where the *volume of work is variable and* is mainly determined by the employer, be it directly – for instance by allocating work assignments – or indirectly – for instance by requiring the worker to respond to *clients, should benefit from a minimum level of stability and predictability at work*.

Or. it

## Amendment 230

Dennis Radtke, Georges Bach, Thomas Mann

### Proposal for a directive

#### Recital 21

*Text proposed by the Commission*

(21) Workers whose work *schedule* is *mostly variable should benefit from a minimum predictability of work* where the work schedule is mainly determined by the

*Amendment*

(21) Workers *with on-demand contracts or similar forms of employment* whose work is *unpredictable because their work schedule is mostly variable should,* where

employer, be it directly – for instance by allocating work assignments – or indirectly – for instance by requiring the worker to respond to *clients' requests*.

the work schedule is mainly determined by the employer, be it directly – for instance by allocating work assignments – or indirectly – for instance by requiring the worker to respond to *clients or third parties, benefit from a minimum level of stability and predictability with regard to their work*.

Or. de

#### **Amendment 231**

**Javi López, Sergio Gutiérrez Prieto, Evelyn Regner, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Brando Benifei, Joachim Schuster, Georgi Pirinski, Vilija Blinkevičiūtė, Elena Gentile**

#### **Proposal for a directive**

##### **Recital 21**

###### *Text proposed by the Commission*

(21) Workers whose work schedule is mostly variable should benefit from a minimum predictability of work where the work schedule is mainly determined by the employer, be it directly – for instance by allocating work assignments – or indirectly – for instance by requiring the worker to respond to clients' requests.

###### *Amendment*

(21) Workers whose work schedule is mostly variable, *or whose reference hours/days are variable*, should benefit from a minimum predictability of work where the work schedule is mainly determined by the employer, be it directly – for instance by allocating work assignments – or indirectly – for instance by requiring the worker to respond to clients' requests.

Or. en

#### **Amendment 232**

**Michaela Šojdrová, Romana Tomc, Ádám Kósa**

#### **Proposal for a directive**

##### **Recital 21**

###### *Text proposed by the Commission*

(21) Workers whose work *schedule is* mostly *variable* should benefit from a minimum predictability of work where the

###### *Amendment*

(21) Workers whose work *pattern is entirely or* mostly *unpredictable* should benefit from a minimum predictability of

work schedule is mainly determined by the employer, be it directly – for instance by allocating work assignments – or indirectly – for instance by requiring the worker to respond to clients' requests.

work where the work schedule is mainly determined by the employer, be it directly – for instance by allocating work assignments – or indirectly – for instance by requiring the worker to respond to clients' requests.

Or. en

### *Justification*

*"Work pattern entirely or mostly unpredictable" is a more appropriate and legally certain term. Variable schedules are not necessarily unpredictable. Given that this proposal's purpose is to ensure reasonable predictability of work, only unpredictable patterns should be affected in this regard.*

### **Amendment 233** **Anthea McIntyre**

#### **Proposal for a directive** **Recital 21**

##### *Text proposed by the Commission*

(21) **Workers** whose work schedule is mostly variable should benefit from a minimum predictability of work where the work schedule is mainly determined by the employer, be it directly – for instance by allocating work assignments – or indirectly – for instance by requiring the **worker** to respond to clients' requests.

##### *Amendment*

(21) **Employees** whose work schedule is mostly variable should benefit from a minimum predictability of work where the work schedule is mainly determined by the employer, be it directly – for instance by allocating work assignments – or indirectly – for instance by requiring the **employee** to respond to clients' requests.

Or. en

### **Amendment 234** **Tamás Meszerics** on behalf of the Verts/ALE Group

#### **Proposal for a directive** **Recital 21**

*Text proposed by the Commission*

(21) Workers whose work schedule is mostly variable should benefit from **a minimum** predictability of work where the work schedule is mainly determined by the employer, be it directly – for instance by allocating work assignments – or indirectly – for instance by requiring the worker to respond to clients' requests.

*Amendment*

(21) Workers whose work schedule is mostly variable should benefit from **an improved** predictability of work where the work schedule is mainly determined by the employer, be it directly – for instance by allocating work assignments – or indirectly – for instance by requiring the worker to respond to clients' requests.

Or. en

**Amendment 235**

**Elisabeth Morin-Chartier, Jérôme Lavrilleux, Anne Sander, Geoffroy Didier**

**Proposal for a directive**

**Recital 21 a (new)**

*Text proposed by the Commission*

*Amendment*

***(21a) On account of particular characteristics of the sector, the provisions of this Directive concerning the predictability of work should not apply to seamen and fishermen.***

Or. fr

**Amendment 236**

**Paloma López Bermejo, Tania González Peñas, Patrick Le Hyaric, Kostadinka Kuneva, João Pimenta Lopes**

**Proposal for a directive**

**Recital 22**

*Text proposed by the Commission*

*Amendment*

(22) Reference hours and days, understood as time slots where work can take place at the request of the employer, should be established in writing **at** the start of the employment relationship.

(22) Reference hours and days, understood as time slots where work can take place at the request of the employer, should be established in writing **before** the start of the employment relationship.

**Amendment 237**

**Javi López, Sergio Gutiérrez Prieto, Evelyn Regner, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Joachim Schuster, Georgi Pirinski, Vilija Blinkevičiūtė, Elena Gentile**

**Proposal for a directive****Recital 23***Text proposed by the Commission*

(23) A reasonable minimum advance notice, understood as the period of time between the moment a worker is informed about a new work assignment and the moment the assignment starts, constitutes another necessary element of predictability of work for employment relationships with work schedule which are variable or mostly determined by the employer. The length of the advance notice period may vary according to the needs of sectors, ***while ensuring adequate protection of workers***. It applies without prejudice to Directive 2002/15/EC of the European Parliament and of the Council.<sup>40</sup>

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<sup>40</sup> Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

*Amendment*

(23) A reasonable minimum advance notice, understood as the period of time between the moment a worker is informed about a new work assignment and the moment the assignment starts, constitutes another necessary element of predictability of work for employment relationships with work schedule which are variable or mostly determined by the employer. The ***reasonable*** length of the advance notice period may vary according to the needs of sectors, ***but should not be shorter than 5 working days***. It applies without prejudice to Directive 2002/15/EC of the European Parliament and of the Council.<sup>40</sup> ***The predetermined work schedule applies without prejudice to Directive 2003/88/EC of the European Parliament and the Council. A worker is entitled to guaranteed paid work where he or she has been given notice of work, even if the work is cancelled. This guaranteed paid work, in case of cancellation, cannot be replaced by a different assignment.***

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<sup>40</sup> Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

## Amendment 238

David Casa

### Proposal for a directive

#### Recital 23

*Text proposed by the Commission*

(23) A reasonable minimum advance notice, understood as the period of time between the moment a worker is informed about a new work assignment and the moment the assignment starts, constitutes another necessary element of predictability of work for employment relationships with work schedule which are variable or mostly determined by the employer. The length of the advance notice period *may* vary according to the needs of *sectors*, while ensuring adequate protection of workers. It applies without prejudice to Directive 2002/15/EC of the European Parliament and of the Council.<sup>40</sup>

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<sup>40</sup> Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

*Amendment*

(23) A reasonable minimum advance notice, understood as the period of time between the moment a worker is informed about a new work assignment and the moment the assignment starts, constitutes another necessary element of predictability of work for employment relationships with work schedule which are variable or mostly determined by the employer. The length of the advance notice period *can* vary according to the needs of *the sector concerned; it should also be possible to foresee that its length can be reduced due to exceptional circumstances, such as in the case of abnormal functioning of the operations of the company* while ensuring *the* adequate protection of workers. It applies without prejudice to Directive 2002/15/EC of the European Parliament and of the Council.

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<sup>40</sup> Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

Or. en

## Amendment 239

Tamás Meszerics

on behalf of the Verts/ALE Group

### Proposal for a directive

#### Recital 23

*Text proposed by the Commission*

(23) A reasonable minimum advance notice, understood as the period of time between the moment a worker is informed about a new work assignment and the moment the assignment starts, constitutes another necessary element of predictability of work for employment relationships with work schedule which are variable or mostly determined by the employer. The length of the advance notice period **may vary according to the needs of sectors, while ensuring adequate protection of workers**. It applies without prejudice to Directive 2002/15/EC of the European Parliament and of the Council.<sup>40</sup>

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<sup>40</sup> Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

*Amendment*

(23) A reasonable minimum advance notice, understood as the period of time between the moment a worker is informed about a new work assignment and the moment the assignment starts, constitutes another necessary element of predictability of work for employment relationships with work schedule which are variable or mostly determined by the employer. The length of the advance notice period **should where possible be negotiated by the responsible Social Partners and may not fall below the standards established by this directive**. It applies without prejudice to Directive 2002/15/EC of the European Parliament and of the Council.<sup>40</sup>

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<sup>40</sup> Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

Or. en

**Amendment 240**

**Michaela Šojdrová, Romana Tomc, Ádám Kósa**

**Proposal for a directive**

**Recital 23**

*Text proposed by the Commission*

(23) A reasonable minimum advance notice, understood as the period of time between the moment a worker is informed about a new work assignment and the moment the assignment starts, constitutes another necessary element of predictability of work for employment relationships with work **schedule** which are **variable or** mostly determined by the employer. The

*Amendment*

(23) A reasonable minimum advance notice, understood as the period of time between the moment a worker is informed about a new work assignment and the moment the assignment starts, constitutes another necessary element of predictability of work for employment relationships with work **patterns** which are **entirely or mostly unpredictable and** mostly determined by

length of the advance notice period may vary according to the needs of sectors, while ensuring adequate protection of workers. It applies without prejudice to Directive 2002/15/EC of the European Parliament and of the Council.<sup>40</sup>

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<sup>40</sup> Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

the employer. The length of the advance notice period may vary according to the needs of sectors, while ensuring adequate protection of workers. It applies without prejudice to Directive 2002/15/EC of the European Parliament and of the Council.<sup>40</sup>

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<sup>40</sup> Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

Or. en

#### **Amendment 241**

**Paloma López Bermejo, Tania González Peñas, Patrick Le Hyaric, Kostadinka Kuneva, Kostas Chrysogonos, Rina Ronja Kari, João Pimenta Lopes**

#### **Proposal for a directive**

#### **Recital 23**

##### *Text proposed by the Commission*

(23) A reasonable minimum advance notice, understood as the period of time between the moment a worker is informed about a new work assignment and the moment the assignment starts, constitutes another necessary element of predictability of work for employment relationships with work schedule which are variable or mostly determined by the employer. The length of the advance notice period may **vary** according to the needs of sectors, while ensuring adequate protection of workers. It applies without prejudice to Directive 2002/15/EC of the European Parliament and of the Council.<sup>40</sup>

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<sup>40</sup> Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working

##### *Amendment*

(23) A reasonable minimum advance notice **of fifteen days**, understood as the period of time between the moment a worker is informed about a new work assignment and the moment the assignment starts, constitutes another necessary element of predictability of work for employment relationships with work schedule which are variable or mostly determined by the employer. The length of the advance notice period may **be longer** according to the needs of sectors, while ensuring adequate protection of workers. It applies without prejudice to Directive 2002/15/EC of the European Parliament and of the Council.<sup>40</sup>

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<sup>40</sup> Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working

time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

Or. en

**Amendment 242**  
**Anthea McIntyre**

**Proposal for a directive**  
**Recital 23**

*Text proposed by the Commission*

(23) A reasonable minimum advance notice, understood as the period of time between the moment *a worker* is informed about a new work assignment and the moment the assignment starts, constitutes another necessary element of predictability of work for employment relationships with work schedule which are variable or mostly determined by the employer. The length of the advance notice period may vary according to the needs of sectors, while ensuring adequate protection *of workers*. It applies without prejudice to Directive 2002/15/EC of the European Parliament and of the Council.<sup>40</sup>

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<sup>40</sup> Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

*Amendment*

(23) A reasonable minimum advance notice, understood as the period of time between the moment *an employee* is informed about a new work assignment and the moment the assignment starts, constitutes another necessary element of predictability of work for employment relationships with work schedule which are variable or mostly determined by the employer. The length of the advance notice period may vary according to the needs of sectors, while ensuring adequate protection. It applies without prejudice to Directive 2002/15/EC of the European Parliament and of the Council.<sup>40</sup>

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<sup>40</sup> Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

Or. en

**Amendment 243**  
**Joëlle Mélin, Dominique Martin**

**Proposal for a directive**  
**Recital 23 a (new)**

*Text proposed by the Commission*

*Amendment*

**(23a) *The minimum advance notice period which employers are required to observe for the purpose of informing workers of a new work assignment must not be less than three working days.***

Or. fr

## **Amendment 244**

**Dennis Radtke, Georges Bach, Heinz K. Becker**

### **Proposal for a directive**

#### **Recital 24**

*Text proposed by the Commission*

*Amendment*

(24) Workers should have the possibility to refuse a work assignment if it falls outside of the reference hours and days or ***has not*** been notified ***within*** the minimum advance notice without suffering adverse consequences for this refusal. Workers should also have the possibility to accept the work assignment if they so wish.

(24) Workers should have the possibility to refuse a work assignment if it falls outside of the reference hours and days or ***where the worker has*** been notified ***outside*** the minimum advance notice ***period*** without suffering adverse consequences for this refusal. Workers should also have the possibility to accept the work assignment if they so wish. ***It should be possible to indicate the reference hours and days, the time slots on specified days when work can take place at the employer's request, and to change the minimum notice period on an ad hoc basis as agreed between the employee and the employer. If the worker, once he or she has accepted the work assignment, is unable to complete the work because the employer delays assigning tasks to the worker, and the worker is not responsible for that delay, the worker should retain his or her right to remuneration for the work assignment.***

Or. de

#### **Amendment 245**

**Paloma López Bermejo, Tania González Peñas, Patrick Le Hyaric, Kostadinka Kuneva, João Pimenta Lopes**

#### **Proposal for a directive**

##### **Recital 24**

*Text proposed by the Commission*

(24) Workers should have the possibility to refuse a work assignment if it falls outside of the reference hours and days or has not been notified within the minimum advance notice without suffering adverse consequences for this refusal. **Workers should also have the possibility to accept the work assignment if they so wish.**

*Amendment*

(24) Workers should have the possibility to refuse a work assignment if it falls outside of the reference hours and days or has not been notified within the minimum advance notice without suffering adverse consequences for this refusal.

Or. en

#### **Amendment 246**

**Anthea McIntyre**

#### **Proposal for a directive**

##### **Recital 24**

*Text proposed by the Commission*

(24) **Workers** should have the possibility to refuse a work assignment if it falls outside of the reference hours and days or has not been notified within the minimum advance notice without suffering adverse consequences for this refusal. **Workers** should also have the possibility to accept the work assignment if they so wish.

*Amendment*

(24) **Employees** should have the possibility to refuse a work assignment if it falls outside of the reference hours and days or has not been notified within the minimum advance notice without suffering adverse consequences for this refusal. **Employees** should also have the possibility to accept the work assignment if they so wish.

Or. en

#### **Amendment 247**

**Joëlle Mélin, Dominique Martin**

#### **Proposal for a directive**

##### **Recital 24**

*Text proposed by the Commission*

(24) Workers **should** have the possibility to refuse a work assignment if it falls outside of the reference hours and days or has not been notified within the minimum advance notice without suffering adverse consequences for this refusal. Workers should also have the possibility to accept the work assignment if they so wish.

*Amendment*

(24) Workers **must** have the possibility to refuse a work assignment if it falls outside of the reference hours and days or has not been notified within the minimum advance notice without suffering adverse consequences for this refusal. Workers should also have the possibility to accept the work assignment if they so wish.

Or. fr

**Amendment 248**

**Javi López, Sergio Gutiérrez Prieto, Evelyn Regner, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Brando Benifei, Joachim Schuster, Georgi Pirinski, Ole Christensen, Vilija Blinkevičiūtė, Elena Gentile**

**Proposal for a directive  
Recital 24 a (new)**

*Text proposed by the Commission*

*Amendment*

***(24a) In the spirit of Principle 5 of the European Pillar of Social Rights, it is necessary to specifically prohibit any employment relationship where no guaranteed amount of paid work is predetermined prior to the start of the employment relationship such as zero-hour contracts. Member States should ensure that employers who regularly use variable work schedules and variable reference hours/days provide relevant information to competent authorities if they so request. They should ensure also that after a certain period the employment relationship, for which an average of number of hours can be considered as normal, these hours should come to constitute the minimum guaranteed number of paid hours. Member States should ensure that the employers pay a premium for non-guaranteed hours of work.***

**Amendment 249**  
**Joëlle Mélin, Dominique Martin**

**Proposal for a directive**  
**Recital 24 a (new)**

*Text proposed by the Commission*

*Amendment*

***(24a) In the event of penalties being imposed due to a worker's refusal to accept a work assignment that was not notified within the minimum advance notice period, and where the worker presents factual evidence suggesting the existence of a link between the penalty and his refusal, the burden of proof should be reversed, so that it will be the employer's responsibility to prove that there was no such link.***

Or. fr

**Amendment 250**  
**Brando Benifei, Emilian Pavel, Bart Staes**

**Proposal for a directive**  
**Recital 25**

*Text proposed by the Commission*

*Amendment*

(25) Where employers have the possibility to offer full-time or open-ended labour contracts to workers in non-standard forms of employment, a transition to more secure forms of employment should be promoted. Workers should be able to request another more predictable and secure form of employment, where available, and receive a written response from the employer, which takes into account the needs of the employer and of the worker.

***(25) While new forms of employment have been a driver of job creation and labour market growth, they are more open to insecure and unpredictable working conditions.*** Where employers have the possibility to offer full-time or open-ended labour contracts to workers in non-standard forms of employment, ***including traineeships***, a transition to more secure forms of employment should be promoted. Workers should be able to request another more predictable and secure form of employment, where available, and receive

a written response from the employer, which takes into account the needs of the employer and of the worker. ***In case of refusal, the letter should include a clear and objective justification.***

Or. en

#### **Amendment 251**

**Javi López, Sergio Gutiérrez Prieto, Evelyn Regner, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Brando Benifei, Joachim Schuster, Georgi Pirinski, Vilija Blinkevičiūtė, Elena Gentile**

#### **Proposal for a directive**

##### **Recital 25**

*Text proposed by the Commission*

(25) Where employers have the possibility to offer full-time or open-ended labour contracts to workers in non-standard forms of employment, a transition to more secure forms of employment should be promoted. Workers should be able to request another more predictable and secure form of employment, where available, and receive a written response from the employer, which takes into account the needs of the employer and of the worker.

*Amendment*

(25) Where employers have the possibility to offer full-time or open-ended labour contracts to workers in non-standard forms of employment, a transition to more secure forms of employment should be promoted. Workers should be able to request another more predictable and secure form of employment, where available, and receive a written response ***duly justified*** from the employer, which takes into account the needs of the employer and of the worker ***and where any refusal is based in objective business conditions.***

Or. en

#### **Amendment 252**

**Dennis Radtke, Dieter-Lebrecht Koch, Sven Schulze, Thomas Mann, Georges Bach, Heinz K. Becker, Anne Sander, Jérôme Lavrilleux, Geoffroy Didier, Elisabeth Morin-Chartier**

#### **Proposal for a directive**

##### **Recital 25**

*Text proposed by the Commission*

(25) Where employers have the possibility to offer full-time or open-ended labour contracts to workers in non-standard forms of employment, a transition to more secure forms of employment should be promoted. Workers should be able to request another more predictable and secure form of employment, where available, and receive a written response from the employer, which takes into account the needs of the employer and of the worker.

*Amendment*

(25) Where employers have the possibility to offer full-time or open-ended labour contracts to workers in non-standard forms of employment, a transition to more secure forms of employment should be promoted ***in accordance with the principles established in the European Pillar of Social Rights***. Workers should be able to request another more predictable and secure form of employment, where available, and receive a written response from the employer, which takes into account the needs of the employer and of the worker.

Or. de

**Amendment 253**

**Anne Sander, Jérôme Lavrilleux, Elisabeth Morin-Chartier, Geoffroy Didier**

**Proposal for a directive**

**Recital 25**

*Text proposed by the Commission*

(25) Where employers have the possibility to offer full-time or open-ended labour contracts to workers in non-standard forms of employment, a transition to more secure forms of employment should be promoted. Workers should be able to request another more predictable and secure form of employment, where available, and receive a ***written*** response from the employer, which takes into account the needs of the employer and of the worker.

*Amendment*

(25) Where employers have the possibility to offer full-time or open-ended labour contracts to workers in non-standard forms of employment, a transition to more secure forms of employment should be promoted. Workers should be able to request another more predictable and secure form of employment, where available, and receive, ***as soon as possible, at least a verbal*** response from the employer, which takes into account the needs of the employer and of the worker.

Or. fr

*Justification*

*The obligation for the employer to provide a verbal response to the worker will improve the*

*worker's prospects of being able to move towards a more secure form of employment, and this will not constitute a disproportionate administrative burden on the business, particularly if it is an SME.*

#### **Amendment 254**

**Paloma López Bermejo, Tania González Peñas, Patrick Le Hyaric, Kostadinka Kuneva, João Pimenta Lopes**

#### **Proposal for a directive**

##### **Recital 25**

###### *Text proposed by the Commission*

(25) Where employers have the possibility to offer full-time or open-ended labour contracts to workers in non-standard forms of employment, a transition to more secure forms of employment should be promoted. Workers should be able to request another more predictable and secure form of employment, *where available*, and receive *a* written response from the employer, which takes into account the needs of the employer and of the worker.

###### *Amendment*

(25) Where employers have the possibility to offer full-time or open-ended labour contracts to workers in non-standard forms of employment, a transition to more secure forms of employment should be promoted. Workers should be able to request another more predictable and secure form of employment and receive *an explanatory* written response from the employer, which takes into account the needs of the employer and of the worker *and justifies the decision*.

Or. en

#### **Amendment 255**

**Michaela Šojdrová, Romana Tomc, Ádám Kósa**

#### **Proposal for a directive**

##### **Recital 25**

###### *Text proposed by the Commission*

(25) Where employers have the possibility to offer full-time or open-ended labour contracts to workers in non-standard forms of employment, a transition to more secure forms of employment should be promoted. Workers should be able to request another more predictable and secure form of employment, where available, and receive a written response

###### *Amendment*

(25) Where employers have the possibility to offer full-time or open-ended labour contracts to workers in non-standard forms of employment, a transition to more secure forms of employment should be promoted. Workers should be able to request another more predictable and secure form of employment, where available, and receive a written response

from the employer, which takes into account the needs of the employer and of the worker.

from the employer, which takes into account the needs **and possibilities** of the employer and of the worker.

Or. en

#### **Amendment 256**

**Tamás Meszerics**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

##### **Recital 25**

###### *Text proposed by the Commission*

(25) Where employers have the possibility to offer full-time or open-ended labour contracts to workers in non-standard forms of employment, a transition to more secure forms of employment should be promoted. Workers should be able to **request** another more predictable and secure form of employment, where available, and receive a written response from the employer, which takes into account the needs of the **employer and of the** worker.

###### *Amendment*

(25) Where employers have the possibility to offer full-time or open-ended labour contracts to workers in non-standard forms of employment, a transition to more secure forms of employment should be promoted. Workers should be able to **convert to** another more predictable and secure form of employment, where available, and receive a written response from the employer, **based on objective grounds** which takes into account the needs of the worker.

Or. en

#### **Amendment 257**

**Anthea McIntyre**

#### **Proposal for a directive**

##### **Recital 25**

###### *Text proposed by the Commission*

(25) Where employers have the possibility to offer full-time or open-ended labour contracts to **workers** in non-standard forms of employment, a transition to more secure forms of employment should be promoted. **Workers** should be able to request another more predictable and

###### *Amendment*

(25) Where employers have the possibility to offer full-time or open-ended labour contracts to **employees** in non-standard forms of employment, a transition to more secure forms of employment should be promoted. **Employees** should be able to request another more predictable

secure form of employment, where available, and receive a written response from the employer, which takes into account the needs of the employer and of the *worker*.

and secure form of employment, where available, and receive a written response from the employer, which takes into account the needs of the employer and of the *employee*.

Or. en

#### **Amendment 258**

**Joëlle Mélin, Dominique Martin**

#### **Proposal for a directive**

#### **Recital 25 a (new)**

*Text proposed by the Commission*

*Amendment*

***(25a) If an employer rejects a request for a transfer from atypical employment to traditional employment, he must explain the objective economic reasons why he is refusing to accept the worker's request, so that, if the worker considers that the request has been rejected for other reasons, that refusal may be the subject of an appeal during which the burden of proof to show otherwise will rest with the employer.***

Or. fr

#### **Amendment 259**

**Dennis Radtke, Dieter-Lebrecht Koch, Sven Schulze, Thomas Mann, Georges Bach, Heinz K. Becker**

#### **Proposal for a directive**

#### **Recital 26**

*Text proposed by the Commission*

*Amendment*

(26) Where employers are required by legislation or collective agreements to provide training to workers to carry out the work for which they are employed, it is important to ensure that such training is provided equally, including to those in

(26) Where employers are required by legislation or collective agreements to provide training to workers to carry out the work for which they are employed, it is important to ensure that such training is provided equally, including to those in

non-standard forms of employment. The costs of such training should not be charged to the worker nor withheld or deducted from the worker's remuneration.

non-standard forms of employment. The costs of such training should not be charged to the worker nor withheld or deducted from the worker's remuneration, ***unless the worker gives notice of termination shortly before the training takes place. In this case, a proportionate defrayment of costs by the worker should be regulated by law or collective bargaining.***

Or. de

**Amendment 260**  
**Czesław Hoc**

**Proposal for a directive**  
**Recital 26**

*Text proposed by the Commission*

(26) Where employers are required by legislation or collective agreements to provide training to workers to carry out the work for which they are employed, it is important to ensure that such training is provided equally, including to those in non-standard forms of employment. The costs of such training should not be charged to the worker nor withheld or deducted from the worker's remuneration.

*Amendment*

(26) Where employers are required by legislation or collective agreements to provide training to workers to carry out the work for which they are employed, it is important to ensure that such training is provided equally, including to those in non-standard forms of employment. The costs of such training should not be charged to the worker nor withheld or deducted from the worker's remuneration. ***This obligation does not cover vocational training or training required for workers to obtain, maintain or renew a professional qualification as long as the employer is not required by collective agreement to provide it to the worker.***

Or. en

**Amendment 261**  
**Eider Gardiazabal Rubial, Brando Benifei, Emilian Pavel, Bart Staes**

**Proposal for a directive**  
**Recital 26**

*Text proposed by the Commission*

(26) Where employers are required by legislation or collective agreements to provide training to workers to carry out the work for which they are employed, it is important to ensure that such training is provided equally, including to those in non-standard forms of employment. The costs of such training should not be charged to the worker nor withheld or deducted from the worker's remuneration.

*Amendment*

(26) Where employers are required by legislation or collective agreements to provide training to workers to carry out the work for which they are employed, it is important to ensure that such training is provided equally, including to those in non-standard forms of employment, **and that such training is carried out during working hours**. The costs of such training should not be charged to the worker nor withheld or deducted from the worker's remuneration. **The worker should continue to be entitled to receive remuneration during their training.**

Or. en

**Amendment 262**

**Tamás Meszerics**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Recital 26**

*Text proposed by the Commission*

(26) Where employers are required by legislation or collective agreements to provide training to workers to carry out the work for which they are employed, it is important to ensure that such training is provided equally, including to those in non-standard forms of employment. The costs of such training should not be charged to the worker nor withheld or deducted from the worker's remuneration.

*Amendment*

(26) Where employers are required by legislation or collective agreements **or internal rules** to provide training to workers to carry out the work for which they are employed, it is important to ensure that such training is provided equally **and without discrimination**, including to those in non-standard forms of employment. The costs of such training should not be charged to the worker nor withheld or deducted from the worker's remuneration. **The training should take place during working hours.**

Or. en

### Amendment 263

Paloma López Bermejo, Tania González Peñas, Patrick Le Hyaric, Kostadinka Kuneva, João Pimenta Lopes

#### Proposal for a directive

##### Recital 26

###### *Text proposed by the Commission*

(26) Where employers are required by legislation or collective agreements to provide training to workers to carry out the work for which they are employed, it is important to ensure that such training is provided equally, including to those in non-standard forms of employment. The costs of such training should not be charged to the worker nor withheld or deducted from the worker's remuneration.

###### *Amendment*

(26) Where employers are required by legislation or collective agreements to provide training to workers to carry out the work for which they are employed, it is important to ensure that such training is provided equally, including to those in non-standard forms of employment. The costs of such training should not be charged to the worker nor withheld or deducted from the worker's remuneration **and preferably during working hours.**

Or. en

### Amendment 264

Anthea McIntyre

#### Proposal for a directive

##### Recital 26

###### *Text proposed by the Commission*

(26) Where **employers** are required by legislation or collective agreements to **provide training to workers** to carry out the work for which they are employed, it is important to ensure that such training is provided equally, including to those in non-standard forms of employment. The costs of such training should not be charged to the **worker** nor withheld or deducted from the **worker's** remuneration.

###### *Amendment*

(26) Where **employees** are required by **their employers**, legislation or collective agreements to **undertake training in order** to carry out the work for which they are employed, it is important to ensure that such training is provided equally, including to those in non-standard forms of employment. The costs of such training should not be charged to the **employee** nor withheld or deducted from the **employee's** remuneration.

Or. en

**Amendment 265**

**Jérôme Lavrilleux, Anne Sander, Elisabeth Morin-Chartier, Geoffroy Didier**

**Proposal for a directive**

**Recital 26 a (new)**

*Text proposed by the Commission*

*Amendment*

***(26a) It is necessary for the social partners to be involved, to ensure the proper implementation of this Directive, because they have an important role to play in reconciling the interests and needs of employers and workers.***

Or. fr

**Amendment 266**

**Dennis Radtke, Dieter-Lebrecht Koch, Sven Schulze, Thomas Mann, Georges Bach, Elmar Brok, Heinz K. Becker, Anne Sander, Jérôme Lavrilleux, Geoffroy Didier, Elisabeth Morin-Chartier**

**Proposal for a directive**

**Recital 27**

*Text proposed by the Commission*

*Amendment*

(27) Social partners may consider that in specific sectors or situations different provisions are more appropriate, for the pursuit of the purpose of this Directive, ***than the minimum standards set in Chapter Three of this Directive. Member States should therefore be able to allow social partners to conclude collective agreements modifying the provisions contained in that chapter, as long as the overall level of protection of workers is not lowered.***

(27) Social partners may consider that in specific sectors or situations different provisions ***can be adapted, completed or improved if they*** are more appropriate, for the pursuit of the purpose of this Directive, ***in accordance with*** Chapter Three of this Directive. Member States should therefore ***encourage the*** social partners to conclude collective agreements ***applying*** the provisions ***of*** that Chapter, ***provided that the overall level of protection of workers continues to be respected and that the minimum requirements laid down in this Directive are met.***

Or. de

**Amendment 267**  
**Danuta Jazłowiecka**

**Proposal for a directive**  
**Recital 27**

*Text proposed by the Commission*

(27) Social partners may consider that in specific sectors or situations different provisions are more appropriate, for the pursuit of the purpose of this Directive, than the minimum standards set in Chapter Three of this Directive. Member States should therefore be able to allow social partners to conclude collective agreements modifying the provisions contained in that chapter, ***as long as the overall level of protection of workers is not lowered.***

*Amendment*

(27) Social partners may consider that in specific sectors or situations different provisions are more appropriate, for the pursuit of the purpose of this Directive, than the minimum standards set in Chapter Three of this Directive. Member States should therefore be able to allow social partners to conclude collective agreements modifying the provisions contained in that chapter.

Or. en

*Justification*

*Social partners should have the autonomy to decide about the level of protection.*

**Amendment 268**

**Javi López, Sergio Gutiérrez Prieto, Evelyn Regner, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Brando Benifei, Joachim Schuster, Georgi Pirinski, Ole Christensen, Vilija Blinkevičiūtė, Elena Gentile**

**Proposal for a directive**  
**Recital 27**

*Text proposed by the Commission*

(27) Social partners may consider that in specific sectors or situations ***different*** provisions ***are more appropriate, for the pursuit of the purpose of this Directive, than the*** minimum standards set in Chapter Three of this Directive. Member States should therefore be able to allow social partners to conclude collective agreements modifying the provisions contained in ***that*** chapter, as long as the overall level of

*Amendment*

(27) Social partners may consider that in specific sectors or situations, provisions ***on*** minimum standards set in Chapter Three ***of this Directive can be adapted and/or complemented for the pursuit of the purpose*** of this Directive. Member States should therefore be able to allow social partners to conclude ***or uphold*** collective agreements modifying the provisions contained in Chapter ***III***, as long as the

protection of workers is not lowered.

overall level of protection of workers is not lowered.

Or. en

**Amendment 269**  
**Anthea McIntyre**

**Proposal for a directive**  
**Recital 27**

*Text proposed by the Commission*

(27) Social partners may consider that in specific sectors or situations different provisions are more appropriate, for the pursuit of the purpose of this Directive, than the minimum standards set in Chapter Three of this Directive. Member States should therefore be able to allow social partners to conclude collective agreements modifying the provisions contained in that chapter, as long as the overall level of protection of *workers* is not lowered.

*Amendment*

(27) Social partners may consider that in specific sectors or situations different provisions are more appropriate, for the pursuit of the purpose of this Directive, than the minimum standards set in Chapter Three of this Directive. Member States should therefore be able to allow social partners to conclude collective agreements modifying the provisions contained in that chapter, as long as the overall level of protection of *employees* is not lowered.

Or. en

**Amendment 270**  
**Tamás Meszerics**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Recital 27**

*Text proposed by the Commission*

(27) Social partners may consider that in specific sectors or situations different provisions are more appropriate, for the pursuit of the purpose of this Directive, **than the minimum standards set in Chapter Three of** this Directive. Member States should therefore be able to allow social partners to conclude collective agreements modifying the provisions

*Amendment*

(27) Social partners may consider that in specific sectors or situations different provisions are more appropriate, for the pursuit of the purpose of this Directive, **as long as these are in full compliance with** this Directive. Member States should therefore be able to allow social partners to conclude collective agreements modifying the provisions contained in that **does not**

contained in that *chapter, as long as the overall level of protection of workers is not lowered.*

*fall below the rights established by this Directive.*

Or. en

#### **Amendment 271**

**Paloma López Bermejo, Tania González Peñas, Patrick Le Hyaric, Kostadinka Kuneva, João Pimenta Lopes**

#### **Proposal for a directive**

##### **Recital 27**

###### *Text proposed by the Commission*

(27) Social partners may consider that in specific sectors or situations different provisions are more appropriate, for the pursuit of the purpose of this Directive, than the minimum standards set in Chapter Three of this Directive. ***Member States should therefore be able to allow*** social partners ***to*** conclude collective agreements modifying the provisions contained in that chapter, as long as the overall level of protection of workers is not lowered.

###### *Amendment*

(27) Social partners may consider that in specific sectors or situations different provisions are more appropriate, for the pursuit of the purpose of this Directive, than the minimum standards set in Chapter Three of this Directive. Social partners ***could*** conclude collective agreements modifying the provisions contained in that chapter, as long as the overall level of protection of workers is not lowered ***or it is improved.***

Or. en

#### **Amendment 272**

**David Casa**

#### **Proposal for a directive**

##### **Recital 27 a (new)**

###### *Text proposed by the Commission*

###### *Amendment*

***(27a) Where European Social Partners in specific sectors have negotiated different provisions for the pursuit of the purpose of this Directive and such have been implemented through EU legislative measures, such agreements are to be upheld as the lex specialis for the particular sector, as long as the overall***

*level of protection of workers is not lowered. The European Social Partners' Agreement on the Maritime Labour Convention, 2006 (MLC) appended to Council Directive 2009/13/EC, regulates labour conditions for seafarers in a detailed way and contains requirements as to the particulars of employment that must be provided in writing to all seafarers to whom it applies. These include the content of the employment contract, many principles of protection including regulation on minimum wage, health certificates, hours of work and hours of rest, career and skill development and employment opportunities. These requirements were drawn up specifically to take account of the unique circumstances of seafaring and provide seafarers with a high level of rights. The Council Directive 2009/13/EC therefore, regulating specifically labour conditions of seafarers, is applicable, as *lex specialis*.*

Or. en

**Amendment 273**

**Jasenko Selimovic, Lars Adaktusson, Christofer Fjellner, Anna Maria Corazza Bildt, Gunnar Hökmark, Fredrick Federley**

**Proposal for a directive  
Recital 27 a (new)**

*Text proposed by the Commission*

*Amendment*

*(27a) In Member States where there is a high level of organisation, both among employees and employers, and where the social partners in their capacity as representatives for workers and employers have the primary responsibility to regulate working conditions on the labour market, the social partners should have full authority regarding the possibility to conclude collective agreements. Such concluded collective agreements that*

*regulate working conditions and give workers an overall protection can deviate from the minimum rights provided by this directive as long as the purpose of the directive is respected.*

Or. en

**Amendment 274**  
**Marita Ulvskog**

**Proposal for a directive**  
**Recital 27 a (new)**

*Text proposed by the Commission*

*Amendment*

*(27a) In Member States where there is a high level of organisation, both among employees and employers, and where the social partners in their capacity as representatives for workers and employers have the primary responsibility to regulate working conditions on the labour market, the social partners should have full authority regarding the possibility to conclude collective agreements. Such concluded collective agreements that regulate working conditions and give workers an overall protection can deviate from the minimum rights provided by this directive as long as the purpose of the directive is respected.*

Or. en

**Amendment 275**  
**Tamás Meszerics**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Recital 27 a (new)**

*Text proposed by the Commission*

*Amendment*

*(27a) The Member States should ensure*

*the elimination of all kind of discrimination with regard to all aspects of remuneration and terms and conditions of employment and regardless of the contract type of the worker as defined by this Directive.*

Or. en

## **Amendment 276**

**Dieter-Lebrecht Koch, Thomas Mann, Sven Schulze, Heinz K. Becker, Markus Pieper**

### **Proposal for a directive**

#### **Recital 28**

*Text proposed by the Commission*

(28) The consultation on the European Pillar of Social Rights showed the need to strengthen enforcement of Union labour law to ensure its effectiveness. As regards Directive 91/533/EEC, the REFIT evaluation<sup>41</sup> confirmed that strengthened enforcement mechanisms could improve its effectiveness. It showed that redress systems based solely on claims for damages are less effective than systems that also provide for sanctions (such as lump sums or loss of permits) for employers who fail to issue written statements. It also showed that employees rarely seek redress during the employment relationship, which jeopardises the goal of the provision of the written statement to ensure workers are informed about their essential features of their employment relationship. ***It is therefore necessary to introduce enforcement provisions which ensure the use either of favourable presumptions where information about the employment relationship is not provided, or of an administrative procedure under which the employer may be required to provide the missing information and subject to sanction if it does not. That redress should be subject to a procedure by which the employer is***

*Amendment*

(28) The consultation on the European Pillar of Social Rights showed the need to strengthen enforcement of Union labour law to ensure its effectiveness. As regards Directive 91/533/EEC, the REFIT evaluation<sup>41</sup> confirmed that strengthened enforcement mechanisms could improve its effectiveness. It showed that redress systems based solely on claims for damages are less effective than systems that also provide for sanctions (such as lump sums or loss of permits) for employers who fail to issue written statements. It also showed that employees rarely seek redress during the employment relationship, which jeopardises the goal of the provision of the written statement to ensure workers are informed about their essential features of their employment relationship.

***notified that information is missing and has 15 days in which to supply complete and correct information.***

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<sup>41</sup> SWD(2017)205 final, page 26.

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<sup>41</sup> SWD(2017)205 final, page 26.

Or. de

**Amendment 277**  
**Enrique Calvet Chambon**

**Proposal for a directive**  
**Recital 28**

*Text proposed by the Commission*

(28) The consultation on the European Pillar of Social Rights showed the need to strengthen enforcement of Union labour law to ensure its effectiveness. *As regards* Directive 91/533/EEC, the ***REFIT evaluation***<sup>41</sup> confirmed that strengthened enforcement mechanisms could improve *its* effectiveness. It showed that redress systems based solely on claims for damages are less effective than systems that also provide for sanctions (such as lump sums or loss of permits) for employers who fail to issue written statements.

It also showed that employees rarely seek redress during the employment relationship, which jeopardises the goal of the provision of the written statement to ensure workers are informed about their essential features of their employment relationship. It is therefore necessary to introduce enforcement provisions which ensure the use *either* of favourable presumptions where information about the employment relationship is not provided, or of ***an administrative*** procedure under which the employer may be required to provide the missing information and

*Amendment*

(28) The consultation on the European Pillar of Social Rights showed the need to strengthen enforcement of Union labour law to ensure its effectiveness. ***The evaluation of*** Directive 91/533/EEC ***conducted under the Commission's Regulatory Fitness and Performance Programme, REFIT***<sup>41</sup>, confirmed that strengthened enforcement mechanisms could improve ***the*** effectiveness ***of Union labour law***. It showed that redress systems based solely on claims for damages are less effective than systems that also provide for sanctions (such as lump sums or loss of permits) for employers who fail to issue written statements.

It also showed that employees rarely seek redress during the employment relationship, which jeopardises the goal of the provision of the written statement, ***which is*** to ensure ***that*** workers are informed about their essential features of their employment relationship. It is therefore necessary to introduce enforcement provisions which ensure the use of favourable presumptions where information about the employment relationship is not provided, ***and/or of a*** procedure under which the employer may be required to provide the missing

subject to sanction if *it* does not. That redress should be subject to a procedure by which the employer is notified that information is missing and has 15 days in which to supply complete and correct information.

information and *may be* subject to sanction if *the employer* does not *do so*. *Such favourable presumptions could include a presumption that the worker has an open-ended employment relationship, that there is no probationary period or that the worker has a full-time position, where the respective information is missing*. That redress should be subject to a procedure by which the employer is notified *by the worker or by a third party such as worker's representatives or other competent entity or authority*, that information is missing and has 15 days in which to supply complete and correct information.

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<sup>41</sup> SWD(2017)205 final, page 26.

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<sup>41</sup> SWD(2017)205 final, page 26.

Or. es

**Amendment 278**  
**Tamás Meszerics**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Recital 28**

*Text proposed by the Commission*

(28) The consultation on the European Pillar of Social Rights showed the need to strengthen enforcement of Union labour law to ensure its effectiveness. As regards Directive 91/533/EEC, the REFIT evaluation<sup>41</sup> confirmed that strengthened enforcement mechanisms could improve its effectiveness. It showed that redress systems based solely on claims for damages are less effective than systems that also provide for sanctions (such as lump sums or loss of permits) for employers who fail to issue written statements. It also showed that employees rarely seek redress during the employment relationship, which jeopardises the goal of the provision of the written statement to

*Amendment*

(28) The consultation on the European Pillar of Social Rights showed the need to strengthen enforcement of Union labour law to ensure its effectiveness. As regards Directive 91/533/EEC, the REFIT evaluation<sup>41</sup> confirmed that strengthened enforcement mechanisms could improve its effectiveness. It showed that redress systems based solely on claims for damages are less effective than systems that also provide for sanctions (such as lump sums or loss of permits) for employers who fail to issue written statements. It also showed that employees rarely seek redress during the employment relationship, which jeopardises the goal of the provision of the written statement to

ensure workers are informed about their essential features of their employment relationship. It is therefore necessary to introduce enforcement provisions which ensure the use either of favourable presumptions where information about the employment relationship is not provided, *or* of an administrative procedure under which the employer may be required to provide the missing information and subject to sanction if it does not. ***That redress should be subject to a procedure by which the employer is notified that information is missing and has 15 days in which to supply complete and correct information.***

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<sup>41</sup> SWD(2017)205 final, page 26.

ensure workers are informed about their essential features of their employment relationship. It is therefore necessary to introduce enforcement provisions which ensure the use either of favourable presumptions where information about the employment relationship is not provided, ***and*** of an administrative procedure under which the employer may be required to provide the missing information and subject to sanction if it does not.

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<sup>41</sup> SWD(2017)205 final, page 26.

Or. en

## **Amendment 279**

### **Dennis Radtke, Georges Bach, Thomas Mann**

#### **Proposal for a directive**

#### **Recital 28**

##### *Text proposed by the Commission*

(28) The consultation on the European Pillar of Social Rights showed the need to strengthen enforcement of Union labour law to ensure its effectiveness. As regards Directive 91/533/EEC, the ***REFIT evaluation***<sup>41</sup> confirmed that strengthened enforcement mechanisms could improve its effectiveness. It showed that redress systems based solely on claims for damages are less effective than systems that also provide for sanctions (such as lump sums or loss of permits) for employers who fail to issue written statements. It also showed that employees rarely seek redress during the employment relationship, which jeopardises the goal of the provision of the written statement to

##### *Amendment*

(28) The consultation on the European Pillar of Social Rights showed the need to strengthen enforcement of Union labour law to ensure its effectiveness. As regards Directive 91/533/EEC, the ***evaluation (REFIT)***<sup>41</sup> ***conducted under the Commission's Regulatory Fitness and Performance Programme*** confirmed that strengthened enforcement mechanisms could improve its effectiveness. It showed that redress systems based solely on claims for damages are less effective than systems that also provide for sanctions (such as lump sums or loss of permits) for employers who fail to issue written statements. It also showed that employees rarely seek redress during the employment

ensure workers are informed about their essential features of their employment relationship. It is therefore necessary to introduce enforcement provisions which ensure the use either of favourable presumptions where information about the employment relationship is not provided, or of an administrative procedure under which the employer may be required to provide the missing information and subject to sanction if it does not. That redress should be subject to a procedure by which the employer is notified that information is missing and has 15 days in which to supply complete and correct information.

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<sup>41</sup> SWD(2017)205 final, page 26.

relationship, which jeopardises the goal of the provision of the written statement to ensure workers are informed about their essential features of their employment relationship. It is therefore necessary to introduce enforcement provisions which ensure the use either of favourable presumptions where information about the employment relationship is not provided, or of an administrative procedure under which the employer may be required to provide the missing information and subject to sanction if it does not. That redress should be subject to a procedure by which the employer is notified that information is missing and has 15 days in which to supply complete and correct information.

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<sup>41</sup> SWD(2017)205 final, page 26.

Or. de

## **Amendment 280** **Gabriele Zimmer**

### **Proposal for a directive** **Recital 28**

#### *Text proposed by the Commission*

(28) The consultation on the European Pillar of Social Rights showed the need to strengthen enforcement of Union labour law to ensure its effectiveness. As regards Directive 91/533/EEC, the REFIT evaluation<sup>41</sup> confirmed that strengthened enforcement mechanisms could improve its effectiveness. It showed that redress systems based solely on claims for damages are less effective than systems that also provide for sanctions (such as lump sums or loss of permits) for employers who fail to issue written statements. It also showed that employees rarely seek redress during the employment

#### *Amendment*

(28) The consultation on the European Pillar of Social Rights showed the need to strengthen enforcement of Union labour law to ensure its effectiveness. As regards Directive 91/533/EEC, the REFIT evaluation<sup>41</sup> confirmed that strengthened enforcement mechanisms could improve its effectiveness. It showed that redress systems based solely on claims for damages are less effective than systems that also provide for sanctions (such as lump sums or loss of permits) for employers who fail to issue written statements. It also showed that employees rarely seek redress during the employment

relationship, which jeopardises the goal of the provision of the written statement to ensure workers are informed about their essential features of their employment relationship. It is therefore necessary to introduce enforcement provisions which ensure the use either of favourable presumptions where information about the employment relationship is not provided, or of an administrative procedure under which the employer *may be* required to provide the missing information and subject to sanction if it does not. That redress should be subject to a procedure by which the employer is notified that information is missing and has 15 days in which to supply complete and correct information.

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<sup>41</sup> SWD(2017)205 final, page 26.

relationship, which jeopardises the goal of the provision of the written statement to ensure workers are informed about their essential features of their employment relationship. It is therefore necessary to introduce enforcement provisions which ensure the use either of favourable presumptions where information about the employment relationship is not provided, or of an administrative procedure under which the employer *is* required to provide the missing information and subject to sanction if it does not. That redress should be subject to a procedure by which the employer is notified that information is missing and has 15 days in which to supply complete and correct information.

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<sup>41</sup> SWD(2017)205 final, page 26.

Or. en

## **Amendment 281**

### **Anthea McIntyre**

#### **Proposal for a directive**

#### **Recital 28**

##### *Text proposed by the Commission*

(28) The consultation on the European Pillar of Social Rights showed the need to strengthen enforcement of Union labour law to ensure its effectiveness. As regards Directive 91/533/EEC, the REFIT evaluation<sup>41</sup> confirmed that strengthened enforcement mechanisms could improve its effectiveness. It showed that redress systems based solely on claims for damages are less effective than systems that also provide for sanctions (such as lump sums or loss of permits) for employers who fail to issue written statements. It also showed that employees rarely seek redress during the employment

##### *Amendment*

(28) The consultation on the European Pillar of Social Rights showed the need to strengthen enforcement of Union labour law to ensure its effectiveness. As regards Directive 91/533/EEC, the REFIT evaluation<sup>41</sup> confirmed that strengthened enforcement mechanisms could improve its effectiveness. It showed that redress systems based solely on claims for damages are less effective than systems that also provide for sanctions (such as lump sums or loss of permits) for employers who fail to issue written statements. It also showed that employees rarely seek redress during the employment

relationship, which jeopardises the goal of the provision of the written statement to ensure **workers** are informed about their essential features of their employment relationship. It is therefore necessary to introduce enforcement provisions which ensure the use either of favourable presumptions where information about the employment relationship is not provided, or of an administrative procedure under which the employer may be required to provide the missing information and subject to sanction if it does not. That redress should be subject to a procedure by which the employer is notified that information is missing and has **15** days in which to supply complete and correct information.

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<sup>41</sup> SWD(2017)205 final, page 26.

relationship, which jeopardises the goal of the provision of the written statement to ensure **employees** are informed about their essential features of their employment relationship. It is therefore necessary to introduce enforcement provisions which ensure the use either of favourable presumptions where information about the employment relationship is not provided, or of an administrative procedure under which the employer may be required to provide the missing information and subject to sanction if it does not. That redress should be subject to a procedure by which the employer is notified that information is missing and has **30** days in which to supply complete and correct information.

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<sup>41</sup> SWD(2017)205 final, page 26.

Or. en

## **Amendment 282**

**Javi López, Sergio Gutiérrez Prieto, Evelyn Regner, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Brando Benifei, Joachim Schuster, Georgi Pirinski, Vilija Blinkevičiūtė, Elena Gentile**

### **Proposal for a directive**

#### **Recital 28**

##### *Text proposed by the Commission*

(28) The consultation on the European Pillar of Social Rights showed the need to strengthen enforcement of Union labour law to ensure its effectiveness. As regards Directive 91/533/EEC, the REFIT evaluation<sup>41</sup> confirmed that strengthened enforcement mechanisms could improve its effectiveness. It showed that redress systems based solely on claims for damages are less effective than systems that also provide for sanctions (such as lump sums or loss of permits) for employers who fail to issue written

##### *Amendment*

(28) The consultation on the European Pillar of Social Rights showed the need to strengthen enforcement of Union labour law to ensure its effectiveness. As regards Directive 91/533/EEC, the REFIT evaluation confirmed that strengthened enforcement mechanisms could improve its effectiveness. It showed that redress systems based solely on claims for damages are less effective than systems that also provide for sanctions (such as lump sums or loss of permits) for employers who fail to issue written

statements. It also showed that employees rarely seek redress during the employment relationship, which jeopardises the goal of the provision of the written statement to ensure workers are informed about their essential features of their employment relationship. It is therefore necessary to introduce enforcement provisions which ensure the use *either* of favourable presumptions where information about the employment relationship is not provided, *or of* an administrative procedure under which the employer may be required to provide the missing information and subject to sanction if it does not. That redress should be subject to a procedure by which the employer is notified that information is missing and *has 15 days* in which to supply complete and correct information.

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<sup>41</sup> SWD(2017)205 final, page 26.

statements. It also showed that employees rarely seek redress during the employment relationship, which jeopardises the goal of the provision of the written statement to ensure workers are informed about their essential features of their employment relationship. It is therefore necessary to introduce enforcement provisions which ensure the use of favourable presumptions where information about the employment relationship is not provided, *and an* administrative procedure under which the employer may be required to provide the missing information and subject to sanction if it does not. That redress should be subject to a procedure by which the employer is notified that information is missing and *should have a set term* in which *the employer is* to supply complete and correct information.

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<sup>41</sup> SWD(2017)205 final, page 26.

Or. en

### **Amendment 283**

**Paloma López Bermejo, Tania González Peñas, Patrick Le Hyaric, Kostadinka Kuneva**

#### **Proposal for a directive**

#### **Recital 28**

##### *Text proposed by the Commission*

(28) The consultation on the European Pillar of Social Rights showed the need to strengthen enforcement of Union labour law to ensure its effectiveness. As regards Directive 91/533/EEC, the REFIT evaluation<sup>41</sup> confirmed that strengthened enforcement mechanisms could improve its effectiveness. It showed that redress systems based solely on claims for damages are less effective than systems that also provide for sanctions (such as lump sums or loss of permits) for employers who fail to issue written

##### *Amendment*

(28) The consultation on the European Pillar of Social Rights showed the need to strengthen enforcement of Union labour law to ensure its effectiveness. As regards Directive 91/533/EEC, the REFIT evaluation<sup>41</sup> confirmed that strengthened enforcement mechanisms could improve its effectiveness. It showed that redress systems based solely on claims for damages are less effective than systems that also provide for sanctions (such as lump sums or loss of permits) for employers who fail to issue written

statements. It also showed that employees rarely seek redress during the employment relationship, which jeopardises the goal of the provision of the written statement to ensure workers are informed about their essential features of their employment relationship. It is therefore necessary to introduce enforcement provisions which ensure the use *either* of favourable presumptions where information about the employment relationship is not provided, *or* of an administrative procedure under which the employer may be required to provide the missing information and subject to sanction if it does not. That redress should be subject to a procedure by which the employer is notified that information is missing and has 15 days in which to supply complete and correct information.

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<sup>41</sup> SWD(2017)205 final, page 26.

statements. It also showed that employees rarely seek redress during the employment relationship, which jeopardises the goal of the provision of the written statement to ensure workers are informed about their essential features of their employment relationship. It is therefore necessary to introduce enforcement provisions which ensure the use of favourable presumptions where information about the employment relationship is not provided, *and* of an administrative procedure under which the employer may be required to provide the missing information and subject to sanction if it does not. That redress should be subject to a procedure by which the employer is notified that information is missing and has 15 days in which to supply complete and correct information.

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<sup>41</sup> SWD(2017)205 final, page 26.

Or. en

#### **Amendment 284**

**Javi López, Sergio Gutiérrez Prieto, Evelyn Regner, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Joachim Schuster, Georgi Pirinski, Vilija Blinkevičiūtė, Elena Gentile**

#### **Proposal for a directive Recital 29**

##### *Text proposed by the Commission*

(29) An extensive system of enforcement provisions for the social acquis in the Union has been adopted since Directive 91/533/EEC, notably in the fields of anti-discrimination and equal opportunities, elements of which should be applied to this Directive in order to ensure that workers have access to effective and impartial dispute resolution and a right to redress, including adequate compensation, reflecting the Principle 7 of the European

##### *Amendment*

(29) An extensive system of enforcement provisions for the social acquis in the Union has been adopted since Directive 91/533/EEC, notably in the fields of anti-discrimination and equal opportunities, elements of which should be applied to this Directive in order to ensure that workers have access to effective and impartial dispute resolution and a right to redress, including adequate compensation *and ensuring that when there are more*

Pillar of Social Rights.

*than one natural or legal person bearing directly or indirectly obligations set out in this Directive for employers, all of them are jointly and severally liable for these obligations*, reflecting the Principle 7 of the European Pillar of Social Rights.

Or. en

#### **Amendment 285**

**Tamás Meszerics**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

##### **Recital 29**

*Text proposed by the Commission*

(29) An extensive system of enforcement provisions for the social acquis in the Union has been adopted since **Directive 91/533/EEC**, notably in the fields of anti-discrimination and equal opportunities, *elements of which* should be applied to this Directive in order to ensure that workers have access to effective and impartial dispute resolution and a right to redress, including adequate compensation, reflecting the Principle 7 of the European Pillar of Social Rights.

*Amendment*

(29) An extensive system of enforcement provisions for the social acquis in the Union has been adopted since **Directive 91/533/EEC**, notably in the fields of anti-discrimination and equal opportunities; **this system** should be **fully** applied to this Directive in order to ensure that workers have access to effective and impartial dispute resolution and a right to redress, including adequate compensation, reflecting the Principle 7 of the European Pillar of Social Rights. **It should be also urgently considered to broaden these enforcement provisions to all matters relating to working conditions.**

Or. en

#### **Amendment 286**

**Anthea McIntyre**

#### **Proposal for a directive**

##### **Recital 29**

*Text proposed by the Commission*

(29) An extensive system of

*Amendment*

(29) An extensive system of

enforcement provisions for the social acquis in the Union has been adopted since Directive 91/533/EEC, notably in the fields of anti-discrimination and equal opportunities, elements of which should be applied to this Directive in order to ensure that **workers** have access to effective and impartial dispute resolution and a right to redress, including adequate compensation, reflecting the Principle 7 of the European Pillar of Social Rights.

enforcement provisions for the social acquis in the Union has been adopted since Directive 91/533/EEC, notably in the fields of anti-discrimination and equal opportunities, elements of which should be applied to this Directive in order to ensure that **employees** have access to effective and impartial dispute resolution and a right to redress, including adequate compensation, reflecting the Principle 7 of the European Pillar of Social Rights.

Or. en

**Amendment 287**  
**Anthea McIntyre**

**Proposal for a directive**  
**Recital 30**

*Text proposed by the Commission*

(30) Specifically, having regard to the fundamental nature of the right to effective legal protection, **workers** should continue to enjoy such protection even after the end of the employment relationship giving rise to an alleged breach of the **worker's** rights under this Directive.

*Amendment*

(30) Specifically, having regard to the fundamental nature of the right to effective legal protection, **employees** should continue to enjoy such protection even after the end of the employment relationship giving rise to an alleged breach of the **employment** rights under this Directive.

Or. en

**Amendment 288**  
**Tamás Meszerics**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Recital 31 a (new)**

*Text proposed by the Commission*

*Amendment*

***(31a) The right to reinstatement and compensation of dismissed workers should be introduced.***

**Amendment 289**

**Javi López, Sergio Gutiérrez Prieto, Evelyn Regner, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Siôn Simon, Joachim Schuster, Georgi Pirinski, Vilija Blinkevičiūtė, Elena Gentile**

**Proposal for a directive****Recital 32***Text proposed by the Commission*

(32) Workers exercising rights provided for in this Directive should enjoy protection from dismissal or equivalent detriment (such as an on-demand worker no longer being assigned work) or any preparations for a possible dismissal, on the grounds that they sought to exercise such rights. Where workers consider that they have been dismissed or have suffered equivalent detriment on those grounds, workers and competent authorities should be able to require the employer to provide duly substantiated grounds for the dismissal or equivalent measure.

*Amendment*

(32) Workers exercising rights provided for in this Directive should enjoy protection from dismissal or equivalent detriment (such as an on-demand worker no longer being assigned work) or any preparations for a possible dismissal, on the grounds that they sought to exercise such rights. Where workers consider that they have been dismissed or have suffered equivalent detriment on those grounds, workers and competent authorities should be able to require the employer to provide duly substantiated grounds for the dismissal or equivalent measure, **and the right to reinstatement and compensation should be guaranteed by the Member States.**

**Amendment 290**

**Anthea McIntyre**

**Proposal for a directive****Recital 32***Text proposed by the Commission*

(32) **Workers** exercising rights provided for in this Directive should enjoy protection from dismissal or equivalent detriment (such as an on-demand **worker** no longer being assigned work) or any

*Amendment*

(32) **Employees** exercising rights provided for in this Directive should enjoy protection from dismissal or equivalent detriment (such as an on-demand **employee** no longer being assigned work) or any



**Proposal for a directive**  
**Recital 33**

*Text proposed by the Commission*

**(33) The burden of proof that there has been no dismissal or equivalent detriment on the grounds that workers have exercised their rights provided for in this Directive, should fall on employers when workers establish, before a court or other competent authority, facts from which it may be presumed that they have been dismissed, or have been subject to measures with equivalent effect, on such grounds.**

*Amendment*

*deleted*

Or. en

**Amendment 293**  
**Anthea McIntyre**

**Proposal for a directive**  
**Recital 33**

*Text proposed by the Commission*

(33) The burden of proof that there has been no dismissal or equivalent detriment on the grounds that **workers** have exercised their rights provided for in this Directive, should fall on employers when **workers** establish, before a court or other competent authority, facts from which it may be presumed that they have been dismissed, or have been subject to measures with equivalent effect, on such grounds.

*Amendment*

(33) The burden of proof that there has been no dismissal or equivalent detriment on the grounds that **employees** have exercised their rights provided for in this Directive, should fall on employers when **employees** establish, before a court or other competent authority, facts from which it may be presumed that they have been dismissed, or have been subject to measures with equivalent effect, on such grounds.

Or. en

**Amendment 294**  
**Tamás Meszerics**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Recital 33 a (new)**

*Text proposed by the Commission*

*Amendment*

**(33a) The burden of proof that there has been no employment relationship should fall on the natural or legal person identifiable as employer based on the primacy of facts.**

Or. en

**Amendment 295**  
**Dennis Radtke, Georges Bach**

**Proposal for a directive**  
**Recital 34**

*Text proposed by the Commission*

*Amendment*

(34) Member States should provide for effective, proportionate and dissuasive penalties for breaches of the obligations under this Directive.

(34) Member States should provide for effective, proportionate and dissuasive penalties, **for example in the form of fines or compensation**, for breaches of the obligations under this Directive.

Or. de

**Amendment 296**  
**Dieter-Lebrecht Koch, Thomas Mann, Sven Schulze, Heinz K. Becker, Markus Pieper**

**Proposal for a directive**  
**Recital 34**

*Text proposed by the Commission*

*Amendment*

(34) Member States **should** provide for effective, **proportionate** and **dissuasive** penalties for breaches of the obligations under this Directive.

(34) Member States **may** provide for effective and **proportionate** penalties for breaches of the obligations under this Directive.

Or. de

**Amendment 297**

**Jérôme Lavrilleux, Anne Sander, Elisabeth Morin-Chartier, Geoffroy Didier**

**Proposal for a directive**

**Recital 34 a (new)**

*Text proposed by the Commission*

*Amendment*

***(34a) National labour inspectorates should monitor compliance with this Directive in each Member State. At European level, they should cooperate as closely as possible with each other and exchange best practices. The future European Labour Authority could play a prime role in this process.***

Or. fr

**Amendment 298**

**Javi López, Sergio Gutiérrez Prieto, Evelyn Regner, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Siôn Simon, Brando Benifei, Joachim Schuster, Georgi Pirinski, Vilija Blinkevičiūtė, Elena Gentile**

**Proposal for a directive**

**Recital 34 a (new)**

*Text proposed by the Commission*

*Amendment*

***(34a) Member States should ensure the principle of equal pay and terms and conditions to apply to all workers regardless of their employment status, with respect to comparable permanent workers.***

Or. en

**Amendment 299**

**Javi López, Sergio Gutiérrez Prieto, Evelyn Regner, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Siôn Simon, Brando Benifei, Joachim Schuster, Georgi Pirinski, Vilija Blinkevičiūtė, Elena Gentile**

**Proposal for a directive**

**Recital 34 b (new)**

*Text proposed by the Commission*

*Amendment*

***(34b) Member States should ensure that workers have access to social protection regardless of the type of their employment relationship.***

Or. en

**Amendment 300**

**Javi López, Sergio Gutiérrez Prieto, Evelyn Regner, Agnes Jongerius, Michael Detjen, Miapetra Kumpula-Natri, Brando Benifei, Joachim Schuster, Georgi Pirinski, Vilija Blinkevičiūtė, Elena Gentile**

**Proposal for a directive  
Recital 34 c (new)**

*Text proposed by the Commission*

*Amendment*

***(34c) Member States shall ensure that workers in mostly variable work schedules or with variable reference hours/days have access to safety and health protection.***

Or. en

**Amendment 301**

**Thomas Mann**

**Proposal for a directive  
Recital 36**

*Text proposed by the Commission*

*Amendment*

(36) This Directive lays down minimum requirements, thus leaving untouched Member States' prerogative to introduce and maintain more favourable provisions. Rights acquired under the existing legal framework should continue to apply, unless more favourable provisions are introduced by this Directive. The implementation of this Directive cannot be

(36) This Directive lays down minimum requirements, thus leaving untouched Member States' prerogative to introduce and maintain more favourable provisions. Rights acquired under the existing legal framework should continue to apply, unless more favourable provisions are introduced by this Directive. The implementation of this Directive cannot be

used to reduce existing rights set out in existing national or Union legislation in this field nor can it constitute valid grounds for reducing the general level of protection afforded to workers in the field covered by this Directive.

used to reduce existing rights set out in existing national or Union legislation in this field nor can it constitute valid grounds for reducing the general level of protection afforded to workers in the field covered by this Directive. ***As a matter of principle, it should be noted: zero-hour contracts fail to give workers any sense of value. Should such contracts ever be concluded, they should be limited to a few exceptions.***

Or. de

**Amendment 302**  
**Dennis Radtke, Georges Bach**

**Proposal for a directive**  
**Recital 36**

*Text proposed by the Commission*

(36) This Directive lays down minimum requirements, thus leaving untouched Member States' prerogative to introduce and maintain more favourable provisions. Rights acquired under the existing legal framework should continue to apply, unless more favourable provisions are introduced by this Directive. The implementation of this Directive cannot be used to reduce existing rights set out in existing national or Union legislation in this field nor can it constitute valid grounds for reducing the general level of protection afforded to workers in the field covered by this Directive.

*Amendment*

(36) This Directive lays down minimum requirements, thus leaving untouched Member States' prerogative to introduce and maintain more favourable provisions. Rights acquired under the existing legal framework should continue to apply, unless more favourable provisions are introduced by this Directive. The implementation of this Directive cannot be used to reduce existing rights set out in existing national or Union legislation in this field nor can it constitute valid grounds for reducing the general level of protection afforded to workers in the field covered by this Directive. ***Member States should ensure that steps are taken to prevent the introduction of zero-hour contracts or similar types of employment contract.***

Or. de

**Amendment 303**  
**Anthea McIntyre**

**Proposal for a directive**  
**Recital 36**

*Text proposed by the Commission*

(36) This Directive lays down minimum requirements, thus leaving untouched Member States' prerogative to introduce and maintain more favourable provisions. Rights acquired under the existing legal framework should continue to apply, unless more favourable provisions are introduced by this Directive. The implementation of this Directive cannot be used to reduce existing rights set out in existing national or Union legislation in this field nor can it constitute valid grounds for reducing the general level of protection afforded to *workers* in the field covered by this Directive.

*Amendment*

(36) This Directive lays down minimum requirements, thus leaving untouched Member States' prerogative to introduce and maintain more favourable provisions. Rights acquired under the existing legal framework should continue to apply, unless more favourable provisions are introduced by this Directive. The implementation of this Directive cannot be used to reduce existing rights set out in existing national or Union legislation in this field nor can it constitute valid grounds for reducing the general level of protection afforded to *employees* in the field covered by this Directive.

Or. en

**Amendment 304**

**Paloma López Bermejo, Tania González Peñas, Patrick Le Hyaric, Kostadinka Kuneva, Kostas Chrysogonos, João Pimenta Lopes**

**Proposal for a directive**  
**Recital 37**

*Text proposed by the Commission*

***(37) In implementing this Directive Member States should avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings. Member States are therefore invited to assess the impact of their transposition act on SMEs in order to make sure that SMEs are not disproportionately affected, with specific attention for micro-enterprises and for administrative burden, and to publish the results of such assessments.***

*Amendment*

*deleted*

**Amendment 305**  
**Dennis Radtke, Georges Bach**

**Proposal for a directive**  
**Recital 37**

*Text proposed by the Commission*

(37) In implementing this Directive Member States should avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings. Member States are therefore invited to assess the impact of their transposition act on SMEs in order to make sure that SMEs are not disproportionately affected, with specific attention for micro-enterprises and for administrative burden, and to publish the results of such assessments.

*Amendment*

(37) In implementing this Directive Member States should avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of ***micro-enterprises and*** small and medium-sized undertakings ***whose importance is to be gauged from the Commission Recommendation of 6 May 2003<sup>1a</sup> or any later act replacing that Recommendation.*** Member States are therefore invited to assess the impact of their transposition act on SMEs in order to make sure that SMEs are not disproportionately affected, with specific attention for micro-enterprises and for administrative burden, and to publish the results of such assessments.

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<sup>1a</sup> *OJ L 124, 20.05.2003, p. 36.*

**Amendment 306**  
**Tamás Meszerics**  
 on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Recital 37**

*Text proposed by the Commission*

(37) In implementing this Directive Member States should avoid imposing administrative, ***financial and*** legal

*Amendment*

(37) In implementing this Directive Member States should avoid imposing administrative, legal constraints in a way

constraints in a way which would hold back the **creation and development** of small and medium-sized undertakings. Member States are therefore invited to assess the impact of their transposition act on SMEs in order to make sure that SMEs are not disproportionately affected, with specific attention for micro-enterprises **and for administrative burden**, and to publish the results of such assessments.

which would hold back the **protection of workers** of small and medium-sized undertakings. Member States are therefore invited to assess the impact of their transposition act on SMEs in order to make sure that SMEs are not disproportionately affected, with specific attention for micro-enterprises, and to publish the results of such assessments.

Or. en

### **Amendment 307**

**Dennis Radtke, Georges Bach, Heinz K. Becker, Elmar Brok**

#### **Proposal for a directive**

##### **Recital 38**

###### *Text proposed by the Commission*

(38) The Member States **may entrust social partners with** the implementation of this Directive, where social partners jointly request **to do so and as long as the Member States take** all the necessary **steps** to ensure that they can at all times guarantee the results sought under this Directive.

###### *Amendment*

(38) The Member States **should ensure that** the implementation of this Directive **is entrusted to social partners**, where social partners jointly **so** request. **The Member States should take all the necessary steps - and make all the necessary resources available to the social partners -** to ensure that they can at all times guarantee the results sought under **this Directive. If the implementation of this Directive cannot be entrusted to the social partners, Member States should ensure that the social partners are involved in the entire process of transposing this Directive.**

Or. de

### **Amendment 308**

**Laura Agea**

#### **Proposal for a directive**

##### **Recital 38**

*Text proposed by the Commission*

(38) The Member States **may entrust** social partners **with** the implementation of this Directive, **where social partners jointly request to do so and as long as the Member States** take all the necessary steps to **ensure that they can at all times guarantee** the results sought under this Directive.

*Amendment*

(38) The Member States **should involve the** social partners **in** the implementation of this Directive, **guaranteeing to them that they will** take all the necessary steps to **achieve** the results sought under this Directive.

Or. it

**Amendment 309**

**Paloma López Bermejo, Tania González Peñas, Patrick Le Hyaric, Kostadinka Kuneva, Kostas Chrysogonos, João Pimenta Lopes**

**Proposal for a directive**

**Recital 38**

*Text proposed by the Commission*

(38) The Member States **may** entrust social partners **with** the implementation of this Directive, where social partners jointly request to do so and as long as the Member States take all the necessary steps to ensure that they can at all times guarantee the results sought under this Directive.

*Amendment*

(38) The Member States **should** entrust **and consult** social partners **about** the implementation of this Directive, where social partners jointly request to do so and as long as the Member States take all the necessary steps to ensure that they can at all times guarantee the results sought under this Directive.

Or. en

**Amendment 310**

**Tamás Meszerics**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Recital 38**

*Text proposed by the Commission*

(38) The Member States **may** entrust social partners with the implementation of this Directive, where social partners jointly

*Amendment*

(38) The Member States **should** entrust social partners with the implementation of this Directive, where social partners jointly

request to do so and as long as the Member States take all the necessary steps to ensure that they can at all times guarantee the results sought under this Directive.

request to do so and as long as the Member States take all the necessary steps to ensure that they can at all times guarantee the results sought under this Directive.

Or. en

### **Amendment 311**

**Jérôme Lavrilleux, Anne Sander, Elisabeth Morin-Chartier, Geoffroy Didier**

#### **Proposal for a directive**

##### **Recital 38**

###### *Text proposed by the Commission*

(38) The Member States *may* entrust social partners with the implementation of this Directive, where social partners jointly request to do so and as long as the Member States take all the necessary steps to ensure that they can at all times guarantee the results sought under this Directive.

###### *Amendment*

(38) The Member States *should* entrust social partners with the implementation of this Directive, where social partners jointly request to do so and as long as the Member States take all the necessary steps to ensure that they can at all times guarantee the results sought under this Directive.

Or. fr

### **Amendment 312**

**Dennis Radtke, Georges Bach, Elmar Brok, Claude Rolin**

#### **Proposal for a directive**

##### **Recital 38 a (new)**

###### *Text proposed by the Commission*

###### *Amendment*

***(38a) Member States should ensure that national inspection bodies enforce this Directive.***

Or. de