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AMENDMENTS

24 - 143

Draft opinion

Maria Arena

(PE623.821v02-00)

Transparent and predictable working conditions in the European Union

Proposal for a directive

(COM(2017)0797 – C8-0006/2018 – 2017/0355(COD))

Amendment 24

Jordi Solé

on behalf of the Verts/ALE Group

Proposal for a directive

Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153(1)(b) **and** (2)(b) thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153(1)(b) (2)(b) **and article 157** thereof,

Or. en

Amendment 25

Michaela Šojdrová, Anna Záborská, Agnieszka Kozłowska-Rajewicz

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

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.

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 labor 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 26 **João Pimenta Lopes**

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*

Amendment

(2) *Workers have the right to be informed in writing at the start of an employment relationship they enter into with an employer, in accordance with the labour legislation in force and the applicable collective bargaining agreement*, including any probationary period, and they have the right to access to *labour protection, by means of an effective and impartial judicial system specifically covering labour issues that provides a legal framework to address the effects of a breach of the employment contract and labour legislation.* Regardless of the type and duration of the employment relationship, workers have the right to fair and equal treatment regarding working conditions *and labour protection*, access to social protection and training. Employment relationships that lead to precarious working conditions should be *prohibited.*

reasonable duration and that the transition towards open-ended forms of employment is to be fostered.

Or. pt

Amendment 27

Michaela Šojdrová, Anna Záborská, Agnieszka Kozłowska-Rajewicz

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) Since the adoption of Council Directive 91/533/EEC,³³ 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,³³ 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.***

³³ 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).

³³ 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 28 **João Pimenta Lopes**

Proposal for a directive **Recital 3**

Text proposed by the Commission

(3) Since the adoption of Council Directive 91/533/EEC,³³ 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.

PE625.437v01-00

Amendment

(3) Since the adoption of Council Directive 91/533/EEC,³³ 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. ***The creation of these new forms of work, within a framework formed by the labour guidelines promoted by the EU and the Member States, has given rise to significant growth in precarious working relationships as well as the abusive use of temporary and part-time work, the promotion of low-wage policies, a lack of labour protection and the deregulation of working hours, of which women bear the brunt,*** 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. ***Whatever the form of employment in which they are engaged,***

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workers in the Union should also be ***guaranteed the set of rights that determine the Member States' labour laws and the applicable collective bargaining agreements that apply***, promoting security and predictability in employment relationships while achieving upward convergence across Member States and preserving labour market adaptability.

³³ 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. pt

Amendment 29

Jordi Solé

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,³³ 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,³³ 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, ***with clear gender effects as women tend to be over-represented in irregular, precarious and atypical forms of work***. In this evolving world of work, there is therefore an increased need for workers to be ***not only*** fully informed, ***but also better protected as regards of*** 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.

³³ 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).

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.

³³ 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 30
João Pimenta Lopes

Proposal for a directive
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Recognises that the collective bargaining instruments negotiated between employers' associations and organisations representing workers are crucial for opposing and overcoming distortions in the labour market created by the advent of new types of labour relations that tend towards precariousness and uncertain labour bonds, which particularly affect women; collective bargaining is, therefore, a key instrument in overcoming inequalities between men and women in the workplace.

Or. pt

Amendment 31
João Pimenta Lopes

Proposal for a directive
Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) Stresses the need for the Member States to establish a legal framework enabling the necessary measures to be taken to ensure that equal pay is provided for equal work in any employment relationship, regardless of the type and duration thereof, as a way of guaranteeing equal pay for men and women, helping reduce the persistent inequalities that mean women are, as well as being paid significantly less than men, particularly vulnerable to poverty and social exclusion.

Or. pt

Amendment 32

Michaela Šojdrová, Anna Záborská

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 33

Jordi Solé

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 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 ***regardless of their formal status*** in the Union ***the highest possible*** degree of transparency and predictability as regards their working conditions.

Or. en

Amendment 34
Michaela Šojdrová

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 worker³⁴ 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

deleted

³⁴ ***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 35

Jordi Solé

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 in Article 2(1).

deleted

Or. en

Amendment 36

João Pimenta Lopes

Proposal for a directive

Recital 8

Text proposed by the Commission

Amendment

(8) In view of the increasing number of

(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).*

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 *remove* these derogations, *guaranteeing equal information to all workers, regardless of the type and duration of the labour relationship.*

Or. pt

Amendment 37

Michaela Šojdrová, Anna Záborská, Agnieszka Kozłowska-Rajewicz

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 *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 38

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João Pimenta Lopes

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. pt

Amendment 39

Jordi Solé

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 40

Michaela Šojdrová, Anna Záborská, Agnieszka Kozłowska-Rajewicz

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

(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.

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 41
Michaela Šojdrová

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9 a) Non-standard working arrangements, including employment with very limited working hours, are beneficial also for carers, particularly women with childcare responsibilities, allowing them to reconcile private and professional life. Strict inclusion of all employment contracts within the scope of this Directive would increase the administrative burden of all employers, including micro, small and medium-sized enterprises. This could result in limited availability of certain types of working arrangements, undermining the aims of the work-life balance strategy, with particular implications for women.

Or. en

Amendment 42
Jordi Solé
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 10

Text proposed by the Commission

Amendment

(10) Several different natural or legal persons may in practice assume the functions and responsibilities of an employer. Member States should remain

(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.***

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 and severally liable.***

Or. en

Amendment 43

Michaela Šojdrová, Anna Záborská, Agnieszka Kozłowska-Rajewicz

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 ***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***

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.

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 44

Jordi Solé

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 and information on pay levels, broken down by gender, for categories of employees doing the same work or work of equal value***, 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 or leaves***. 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 45
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. 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 ***that must still be covered by the ongoing information provided on the work contract and that must not take the place of the worker's wages or salary.*** 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. pt

Amendment 46
Jordi Solé
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14 a) 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 47

Jordi Solé

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 48

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 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,³⁸ they should also be notified of the single

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,³⁸ 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.

³⁸ 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).

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.

³⁸ 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 49 **João Pimenta Lopes**

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*

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. *Probationary periods must not be made into mechanisms for exploiting workers in that they are guaranteed employment for prolonged periods on low wages and then dismissed at the end of the probationary period. This would be a way of replacing fixed-term*

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*.

contracts with more precarious contracts, with women once again bearing the brunt of this. Probationary periods should not exceed three months and should ideally be shorter. Probationary periods may *exceed three months in duly justified cases, such as when the technical complexity of the work or the high degree of responsibility in the worker's post justifies this or where the worker is appointed to a managerial position. Member States should pass legislation defining the cases in which exceptions may exceed the three-month probationary period and the corresponding appropriate periods*.

Or. pt

Amendment 50

Jordi Solé

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***

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Amendment

(19) Probationary periods allow employers to verify *if* 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***.

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case of long illness or in the context of specific measures promoting permanent employment notably for young workers.

Or. en

Amendment 51

Michaela Šojdrová, Anna Záborská, Agnieszka Kozłowska-Rajewicz

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 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 52

Michaela Šojdrová, Anna Záborská

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 *pattern is entirely or mostly unpredictable* 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

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 53

João Pimenta Lopes

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*

Amendment

(21) Workers whose work schedule is variable *must be guaranteed, with sufficient notice, a fixed schedule of working hours. Exceptional situations and compensatory measures should be defined – by means of collective bargaining agreements, if possible – and*

worker to respond to clients' requests.

should be included in the information to be provided to the worker upon signing the contract.

Or. pt

Amendment 54

Michaela Šojdrová, Anna Záborská

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.⁴⁰

⁴⁰ 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 *patterns* which are *entirely or mostly unpredictable and* 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.⁴⁰

⁴⁰ 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 55

Michaela Šojdrová, Agnieszka Kozłowska-Rajewicz

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 from the employer, which takes into account the needs **and possibilities** of the employer and of the worker.

Or. en

Amendment 56

Jordi Solé

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 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 57

Maria Arena, Maria Gabriela Zoană

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 ***without discrimination based on any ground such as sex***, 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.

Or. en

Amendment 58

Jordi Solé

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 27 a (new)

Text proposed by the Commission

Amendment

(27 a) The Member States should ensure the elimination of all kind of discrimination with regard to all aspects of remuneration, respecting the principle of equal pay for equal work and work of equal value, and in the terms and conditions of employment, regardless of the contract type of the worker as defined by this Directive.

Or. en

Amendment 59

João Pimenta Lopes

Proposal for a directive

Recital 32

Text proposed by the Commission

Amendment

(32) Workers exercising rights provided

(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.

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 require the employer to provide duly substantiated grounds for the dismissal or equivalent measure **and to reinstate the worker in the event the alleged grounds are unfounded. The relevant authorities shall ensure that the worker is compensated for the harm caused and shall be empowered to impose penalties on companies guilty of such practices. Particular attention shall be paid to situations that specifically affect women and situations resulting from discrimination on grounds of maternity; the latter shall be viewed as aggravating circumstances.**

Or. pt

Amendment 60
Michaela Šojdrová

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

Justification

The burden of proof should be determined by national legislation. EU law should impose it only in specific situations where discrimination occurs frequently and where the person claiming to be discriminated against is in a particularly vulnerable situation.

Amendment 61
João Pimenta Lopes

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 workers have exercised their rights provided for in this Directive, should fall on employers when workers *contest*, before a court or other competent authority, *their employer's decision to dismiss them*, or have been subject to measures with equivalent effect.

Or. pt

Amendment 62
Michaela Šojdrová, Anna Záborská, Agnieszka Kozłowska-Rajewicz

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

1. The purpose of this Directive is to improve working conditions by promoting more secure and predictable employment while ensuring labour market adaptability.

Amendment

1. The purpose of this Directive is to improve working conditions by promoting more secure and predictable employment while ensuring labour market adaptability *and maintaining competitiveness of micro, small and medium-sized enterprises*.

Or. en

Amendment 63
João Pimenta Lopes

Proposal for a directive
Article 1.º – paragraph 1

Text proposed by the Commission

1. The purpose of this Directive is to improve working conditions by promoting more secure and predictable employment while ensuring labour market *adaptability*.

Amendment

1. The purpose of this Directive is to improve working conditions by promoting more secure and predictable employment while ensuring *better protection for workers on the* labour market.

Or. pt

Amendment 64
Maria Arena

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

1. The purpose of this Directive is to improve working conditions by promoting more secure and predictable employment *while ensuring labour market adaptability*.

Amendment

1. The purpose of this Directive is to improve working conditions by promoting more secure and predictable employment.

Or. en

Amendment 65
Jordi Solé
on behalf of the Verts/ALE Group

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive lays down minimum rights that apply to every worker in the Union.

Amendment

2. This Directive lays down minimum rights that apply to every worker in the Union. *These minimum rights apply to every person who is de facto a worker*

regardless of the formal status of the person.

Or. en

Amendment 66

Maria Arena

Proposal for a directive

Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive lays down minimum rights that apply to every worker in the Union.

Amendment

2. This Directive lays down minimum rights that apply to every worker in the *private and public sector in the* Union.

Or. en

Amendment 67

Jordi Solé

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. *Paragraph 2 is without prejudice to workers who are undergoing training including trainees and apprentices.*

Or. en

Amendment 68

João Pimenta Lopes

Proposal for a directive

Article 1.º – paragraph 3

Text proposed by the Commission

Amendment

3. *Member States may decide not to apply the obligations in this Directive to workers who have an employment*

deleted

relationship equal to or less than 8 hours in total in a reference period of one month. Time worked with all employers forming or belonging to the same enterprise, group or entity shall count towards that 8 hour period.

Or. pt

Amendment 69

Maria Arena

Proposal for a directive

Article 1 – paragraph 3

Text proposed by the Commission

Amendment

3. *Member States may decide not to apply the obligations in this Directive to workers who have an employment relationship equal to or less than 8 hours in total in a reference period of one month. Time worked with all employers forming or belonging to the same enterprise, group or entity shall count towards that 8 hour period.*

deleted

Or. en

Amendment 70

Jordi Solé

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 3

Text proposed by the Commission

Amendment

3. *Member States may decide not to apply the obligations in this Directive to workers who have an employment relationship equal to or less than 8 hours in total in a reference period of one month. Time worked with all employers forming or belonging to the same enterprise, group or entity shall count towards that 8 hour period.*

deleted

Amendment 71

Michaela Šojdrová, Agnieszka Kozłowska-Rajewicz

Proposal for a directive

Article 1 – paragraph 3

Text proposed by the Commission

3. Member States may decide not to apply the obligations in this Directive to workers who have an employment relationship equal to or less than 8 hours in total in a reference period of one *month*. Time worked with all employers forming or belonging to the same enterprise, group or entity shall count towards that 8 hour period.

Amendment

3. Member States may decide not to apply the obligations in this Directive to *employers of* workers who have an employment relationship equal to or less than 8 hours in total in a reference period of one *week*. Time worked with all employers forming or belonging to the same enterprise, group or entity shall count towards that 8 hour period

Or. en

Amendment 72

João Pimenta Lopes

Proposal for a directive

Article 1.º – paragraph 4

Text proposed by the Commission

4. *Paragraph 3 shall not apply to an employment relationship where no guaranteed amount of paid work is predetermined before the employment starts.*

Amendment

deleted

Or. pt

Amendment 73

Maria Arena

Proposal for a directive

Article 1 – paragraph 4

Text proposed by the Commission

Amendment

4. *Paragraph 3 shall not apply to an employment relationship where no guaranteed amount of paid work is predetermined before the employment starts.*

deleted

Or. en

Amendment 74
Maria Arena

Proposal for a directive
Article 1 – paragraph 5

Text proposed by the Commission

5. Member States may determine which persons are responsible for the execution of the obligations for employers laid down by this Directive as long as all those obligations are fulfilled. They may also decide that all or part of these obligations shall be assigned to a natural or legal person who is not party to the employment relationship. This paragraph is without prejudice to Directive 2008/104/EC.

Amendment

5. Member States may determine which persons are responsible for the execution of the obligations for employers laid down by this Directive as long as all those obligations are fulfilled. They may also decide that all or part of these obligations shall be assigned to a natural or legal person who is not party to the employment relationship. This paragraph is without prejudice to Directive 2008/104/EC. ***Where one or more natural or legal person(s) who is or are directly or indirectly party to an employment relationship with a worker, they shall be jointly and severally liable for obligations under this Directive.***

Or. en

Amendment 75
Michaela Šojdrová, Anna Záborská, Agnieszka Kozłowska-Rajewicz

Proposal for a directive
Article 1 – paragraph 5

Text proposed by the Commission

5. Member States may determine which persons are responsible for the execution of the obligations for employers laid down by this Directive as long as all

Amendment

5. Member States may determine which persons are responsible for the execution of the obligations for employers laid down by this Directive as long as all

those obligations are fulfilled. They may also decide that all or part of these obligations shall be assigned to a natural or legal person who is not party to the employment relationship. This paragraph is without prejudice to Directive 2008/104/EC.

those obligations are fulfilled. They may also decide that all or part of these obligations shall be assigned to a natural or legal person who is not party to the employment relationship, ***provided that the responsible person can be clearly determined on the basis of national law.*** This paragraph is without prejudice to Directive 2008/104/EC.

Or. en

Amendment 76
Maria Arena

Proposal for a directive
Article 1 – paragraph 6

Text proposed by the Commission

Amendment

6. Member States may decide not to apply the obligations set out in Articles 10 and 11 and Article 14(a) to natural persons belonging to a household where work is performed for that household.

deleted

Or. en

Amendment 77
Jordi Solé
on behalf of the Verts/ALE Group

Proposal for a directive
Article 1 – paragraph 6

Text proposed by the Commission

Amendment

6. Member States may decide not to apply the obligations set out in Articles 10 and 11 and Article 14(a) to natural persons belonging to a household where work is performed for that household.

deleted

Or. en

Amendment 78
Michaela Šojdrová, Agnieszka Kozłowska-Rajewicz

Proposal for a directive
Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) ‘worker’ means a natural person who *for a certain period of time* performs *services for and under the direction of another person in return for remuneration*;

Amendment

(a) ‘worker’ means a natural person who performs *work in accordance with national law and practice*;

Or. en

Amendment 79
Maria Arena

Proposal for a directive
Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) ‘reference hours and days’ means time slots in specified days during which work can take place *at the request of the employer*.

Amendment

(e) ‘reference hours and days’ means time slots in specified days during which work can take place.

Or. en

Amendment 80
Jordi Solé
on behalf of the Verts/ALE Group

Proposal for a directive
Article 2 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(e a) ‘trainee’ means a worker who does a traineeship, this being a limited period of work practice which includes a learning and training component, in line with the Council Recommendation of 10 March 2014 on a Quality Framework for Traineeships.

Amendment 81

Maria Arena

Proposal for a directive

Article 2 – paragraph 2

Text proposed by the Commission

2. For the purposes of this Directive the terms 'microenterprise', '**small enterprise**' and '**medium-sized enterprise**' shall have the meaning set out in the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises⁴³ or in any subsequent act replacing that Recommendation.

⁴³ OJ L 124/36, 20.05.2003.

Amendment

2. For the purposes of this Directive the terms 'microenterprise' shall have the meaning set out in the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises⁴³ or in any subsequent act replacing that Recommendation.

⁴³ OJ L 124/36, 20.05.2003.

Amendment 82

Jordi Solé

on behalf of the Verts/ALE Group

Proposal for a directive

Article 3 – paragraph 2 – introductory part

Text proposed by the Commission

2. The information referred to in paragraph 1 shall include:

Amendment

2. The information referred to in paragraph 1 shall **at least** include, **but not be limited to**:

Amendment 83

Maria Arena

Proposal for a directive

Article 3 – paragraph 2 – introductory part

Text proposed by the Commission

2. The information referred to in paragraph 1 shall include:

Amendment

2. The information referred to in paragraph 1 shall **at least** include:

Or. en

Amendment 84

Jordi Solé

on behalf of the Verts/ALE Group

Proposal for a directive

Article 3 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(e a) the remuneration method of calculation and information on pay levels, broken down by gender, for categories of employees doing the same work or work of equal value;

Or. en

Amendment 85

João Pimenta Lopes

Proposal for a directive

Article 3.º – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) the duration and conditions of the probationary period, if any;

(f) the duration and conditions of the probationary period, if any, ***which must include any traineeship periods;***

Or. pt

Amendment 86

Michaela Šojdrová, Anna Záborská

Proposal for a directive

Article 3 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) **any** training **entitlement** provided by the employer;

(g) **the general** training **policy** provided by the employer;

Or. en

Justification

Employers claim that individual training entitlements of an employee cannot be determined in the very beginning of the employment relationship. Workers should therefore be informed of the general training policy while their individual training entitlements can be determined at a later stage.

Amendment 87

Jordi Solé

on behalf of the Verts/ALE Group

Proposal for a directive

Article 3 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) the amount of paid leave to which the worker is entitled or, where this cannot be indicated when the information is given, the procedures for allocating and determining such leave;

(h) the amount of paid **leave and the different forms to take up the** leave to which the worker is entitled or, where this cannot be indicated when the information is given, the procedures for allocating and determining such leave;

Or. en

Amendment 88

Maria Arena, Maria Gabriela Zoană

Proposal for a directive

Article 3 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) the amount of paid leave to which the worker is entitled or, where this cannot be indicated when the information is given, the procedures for allocating and determining such leave;

(h) the amount of paid leave to which the worker is entitled or, where this cannot be indicated when the information is given, the procedures for **applying for**, allocating and determining such leave;

Or. en

Amendment 89

Maria Arena

Proposal for a directive

Article 3 – paragraph 2 – point i

Text proposed by the Commission

(i) the procedure, including the length of the **period** of notice, to be observed by the employer and the worker should their employment relationship be terminated or, where the length of the period of notice cannot be indicated when the information is given, the method for determining such **period** of notice;

Amendment

(i) the procedure, including the length of the **periods** of notice, to be observed by the employer and the worker should their employment relationship be terminated or, where the length of the period of notice cannot be indicated when the information is given, the method **as well as the formal requirements** for determining such **periods** of notice, **as well as the deadline for taking legal action contesting the dismissal**;

Or. en

Amendment 90

Jordi Solé

on behalf of the Verts/ALE Group

Proposal for a directive

Article 3 – paragraph 2 – point i a (new)

Text proposed by the Commission

Amendment

(i a) all prerogatives and rights workers are entitled to, such as sickness, maternity and equivalent, parental, paternity, care, old-age, invalidity, survivors', unemployment, pre-retirement, pension or family benefits;

Or. en

Amendment 91

João Pimenta Lopes

Proposal for a directive

Article 3.º – paragraph 2 – point j

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Text proposed by the Commission

(j) the initial basic amount, any other component elements, the frequency and method of payment of the remuneration to which the worker is entitled;

Amendment

(j) the initial basic amount, any other component elements, the frequency and method of payment of the remuneration to which the worker is entitled, ***as well as other regular and periodic benefits to which workers are entitled of equal value or for equal work;***

Or. pt

Amendment 92

Jordi Solé

on behalf of the Verts/ALE Group

Proposal for a directive

Article 3 – paragraph 2 – point j

Text proposed by the Commission

(j) the initial basic amount, any other component elements, the frequency and method of payment of the remuneration to which the worker is entitled;

Amendment

(j) the initial basic amount, any other component elements ***indicated separately, such as payments of overtime, bonuses and other entitlements, such as sick pay,*** the frequency and method of payment of the remuneration to which the worker is entitled;

Or. en

Amendment 93

Michaela Šojdrová, Anna Záborská

Proposal for a directive

Article 3 – paragraph 2 – point k

Text proposed by the Commission

(k) if the work ***schedule*** is entirely or mostly not ***variable***, the length of the worker's standard working day or week and any arrangements for overtime and its remuneration;

Amendment

(k) if the work ***pattern*** is entirely or mostly not ***predictable***, the length of the worker's standard working day or week and any arrangements for overtime and its remuneration;

Or. en

Amendment 94
João Pimenta Lopes

Proposal for a directive
Article 3.º – paragraph 2 – point k

Text proposed by the Commission

(k) if the work schedule is entirely or mostly not variable, the length of the worker's standard working day *or* week and any arrangements for overtime and its remuneration;

Amendment

(k) if the work schedule is entirely or mostly not variable, the length of the worker's standard working day *and* week and any arrangements for overtime and its remuneration;

Or. pt

Amendment 95
Michaela Šojdrová, Anna Záborská

Proposal for a directive
Article 3 – paragraph 2 – point 1 – introductory part

Text proposed by the Commission

(1) if the work *schedule* is entirely or mostly *variable*, the principle that the work *schedule is variable*, the amount of guaranteed paid hours, the remuneration of work performed in addition to the guaranteed hours and, if the work *schedule* is entirely or mostly *determined*, by the employer:

Amendment

(1) if the work *pattern* is entirely or mostly *unpredictable*, the principle that the work *pattern is unpredictable*, the amount of guaranteed paid hours, the remuneration of work performed in addition to the guaranteed hours and, if the work *pattern* is entirely or mostly *unpredictable*, by the employer:

Or. en

Amendment 96
João Pimenta Lopes

Proposal for a directive
Article 3.º – paragraph 2 – point 1 – point ii

Text proposed by the Commission

(ii) the minimum advance notice the worker shall receive before the start of a

Amendment

(ii) the minimum advance notice, *of no less than 15 days*, the worker shall receive

work assignment;

before the start of a work assignment;

Or. pt

Amendment 97

Jordi Solé

on behalf of the Verts/ALE Group

Proposal for a directive

Article 3 – paragraph 2 – point 1 – point ii a (new)

Text proposed by the Commission

Amendment

(ii a) the conditions and the level of financial compensation in case of cancellation of work by the employer.

Or. en

Amendment 98

Jordi Solé

on behalf of the Verts/ALE Group

Proposal for a directive

Article 3 – paragraph 2 – point n a (new)

Text proposed by the Commission

Amendment

(n a) the mechanisms through which workers may lodge complaints, including information on specific mechanisms for complains on psychological and sexual harassment.

Or. en

Amendment 99

Michaela Šojdrová, Anna Záborská

Proposal for a directive

Article 3 – paragraph 3

Text proposed by the Commission

Amendment

3. The information referred to in

3. The information referred to in

paragraph 2(f) to (k) and (n) may, where appropriate, be given in the form of a reference to the laws, regulations and administrative or statutory *provisions* or collective agreements governing those particular points.

paragraph 2(f) to (k) and (n) may, where appropriate, be given in the form of a reference to *specific provisions of* the laws, regulations and administrative or statutory *acts* or collective agreements governing those particular points.

Or. en

Amendment 100

Jordi Solé

on behalf of the Verts/ALE Group

Proposal for a directive Article 4 – paragraph 1

Text proposed by the Commission

1. The information referred to in Article 3(2) shall be provided individually to the worker in the form of a document at the latest **on** the first day of the employment relationship. That document may be provided and transmitted electronically as long as it is easily accessible by the worker and can be stored and printed.

Amendment

1. The information referred to in Article 3(2) shall be provided individually to the worker in the form of a document **as early as possible but** at the latest **at the commencement** the first day of the employment relationship. That document may be provided and transmitted electronically as long as it is easily accessible by the worker and can be stored and printed.

Or. en

Amendment 101

João Pimenta Lopes

Proposal for a directive Article 4.º – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a The worker, the union delegate, the trade union or inter-union commission, the workers' council, the subcommittee of workers and the trade union association and other representative structures of the workers have the right to be informed about relevant aspects of the temporary

employment contract.

Or. pt

Amendment 102

Michaela Šojdrová, Agnieszka Kozłowska-Rajewicz

Proposal for a directive Article 4 – paragraph 2

Text proposed by the Commission

2. Member States shall develop templates and models for the document referred to in paragraph 1 and put them at the disposal of workers and employers including by making them available on a single official national *website and* by other suitable means.

Amendment

2. Member States shall, *in cooperation with social partners, including representatives of micro, small and medium-sized enterprises*, develop templates and models for the document referred to in paragraph 1 and put them at the disposal of workers and employers including by making them available on a single official national *web site and* by other suitable means. *Such templates and models may be further adapted by employers to the needs and specific aspects of certain sectors.*

Or. en

Amendment 103

João Pimenta Lopes

Proposal for a directive Article 4.º – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a The employer must provide the relevant authorities with a copy of the employment contract within five working days of the conclusion of the contract and, for temporary employment contracts, must provide evidence justifying the choice of this type of contract.

Or. pt

Amendment 104

Michaela Šojdrová, Anna Záborská

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

Member States shall ensure that any change in the aspects of the employment relationship referred to in Article 3(2) and to the additional information for workers posted or sent abroad in Article 6 shall be provided in the form of a document by the employer to the worker at the earliest opportunity and at the latest on the day it takes effect.

Amendment

Member States shall ensure that any **substantial** change in the aspects of the employment relationship referred to in Article 3(2) and to the additional information for workers posted or sent abroad in Article 6 shall be provided in the form of a document by the employer to the worker at the earliest opportunity and at the latest on the day it takes effect.

Or. en

Justification

Employers should have the obligation to notify workers in case of changes in the rights of workers, not for instance changes in mere references to revised legal acts.

Amendment 105

Jordi Solé

on behalf of the Verts/ALE Group

Proposal for a directive

Article 6 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(d a) where applicable the changes to the worker's social security situation

Or. en

Amendment 106

Michaela Šojdrová, Anna Záborská

Proposal for a directive

Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. The information referred to in
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3.
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The information referred to in
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paragraph 1(b) and 2(a) may, where appropriate, be given in the form of a reference to *the* laws, regulations and administrative or statutory *provisions* or collective agreements governing those particular points.

paragraph 1(b) and 2(a) may, where appropriate, be given in the form of a reference to *specific provisions of* laws, regulations and administrative or statutory *acts* or collective agreements governing those particular points, *provided that such collective agreements are easily accessible for workers*.

Or. en

Amendment 107

Jordi Solé

on behalf of the Verts/ALE Group

Proposal for a directive

Article 6 – paragraph 4

Text proposed by the Commission

4. Unless Member States provide otherwise, paragraphs 1 and 2 shall not apply if the duration of each work period outside the Member State in which the worker habitually works is four consecutive weeks or less.

Amendment

deleted

Or. en

Amendment 108

Michaela Šojdrová

Proposal for a directive

Article 6 – paragraph 4

Text proposed by the Commission

4. Unless Member States provide otherwise, paragraphs 1 and 2 shall not apply if the duration of each work period outside the Member State in which the worker habitually works is four consecutive weeks or less.

Amendment

4. Unless ***the law of*** Member States ***which governs the employment contract*** provide otherwise, paragraphs 1 and 2 shall not apply if the duration of each work period outside the Member State in which the worker habitually works is four consecutive weeks or less.

Or. en

Amendment 109
Michaela Šojdrová

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that, where an employment relationship is subject to a probationary period, that period shall not exceed six months, ***including any extension.***

Amendment

1. Member States shall ensure that, where an employment relationship is subject to a probationary period, that period shall not exceed six months, ***notwithstanding extensions in accordance with national law.***

Or. en

Amendment 110
João Pimenta Lopes

Proposal for a directive
Article 7.º – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that, where an employment relationship is subject to a probationary period, that period shall not exceed *six* months, including any extension.

Amendment

1. Member States shall ensure that, where an employment relationship is subject to a probationary period, that period shall not exceed ***three*** months, including any extension.

Or. pt

Amendment 111
Jordi Solé
on behalf of the Verts/ALE Group

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

2. ***Member States may provide for longer probationary periods in cases where this is justified by the nature of the***

Amendment

2. ***A probation period shall not hamper the accrual of rights and can only be agreed in cases of open-ended***

employment or is in the interest of the worker.

contracts.

Or. en

Amendment 112
João Pimenta Lopes

Proposal for a directive
Article 7.º – paragraph 2

Text proposed by the Commission

2. Member States may provide for longer probationary periods in cases where this is justified by the nature of the employment *or is in the interest of the worker.*

Amendment

2. Member States may provide for longer probationary periods in cases where this is justified by the nature of the employment.

Or. pt

Amendment 113
Michaela Šojdrová

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that an employer shall not prohibit workers from taking up employment with other employers, outside the work schedule established with that employer.

Amendment

1. Member States shall ensure that an employer shall not prohibit workers from taking up employment with other employers, outside the work schedule established with that employer, ***without prejudice to the employer's right to require overtime work in accordance with national law and practice as well as the conditions of the employment contract.***

Or. en

Justification

This provision should not interfere with the possibility of employers to assign overtime work, provided that the requirements for overtime work and their limits as imposed by national law are observed.

Amendment 114

Michaela Šojdrová, Anna Záborská

Proposal for a directive

Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

Member States shall ensure that where a worker's work *schedule* is entirely or mostly *variable* and entirely or mostly determined by the employer, the worker may be required to work by the employer only:

Amendment

Member States shall ensure that where a worker's work *pattern* is entirely or mostly *unpredictable* and entirely or mostly determined by the employer, the worker may be required to work by the employer only:

Or. en

Amendment 115

Michaela Šojdrová

Proposal for a directive

Article 9 – paragraph 1 – point b

Text proposed by the Commission

(b) if the worker is informed by their employer of a work assignment a reasonable period in advance, in accordance with Article 3(2)(1)(ii).

Amendment

(b) if the worker is informed by their employer of a work assignment a reasonable period in advance, in accordance with Article 3(2)(1)(ii).
Member States shall in cooperation with social partners determine reasonable periods in regard to specific sectors. This shall be without prejudice to overtime work required in accordance with national law and practice as well as the conditions of the employment contract.

Or. en

Amendment 116

João Pimenta Lopes

Proposal for a directive

Article 9.º – paragraph 1 – point b

Text proposed by the Commission

(b) if the worker is informed by their employer of a work assignment a reasonable period in advance, in accordance with Article 3(2)(1)(ii).

Amendment

(b) if the worker is informed by their employer of a work assignment a reasonable period in advance – **at least two weeks** – in accordance with Article 3(2)(1)(ii).

Or. pt

Amendment 117

Jordi Solé

on behalf of the Verts/ALE Group

Proposal for a directive

Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that the open-ended contract remains the norm.

Or. en

Amendment 118

Jordi Solé

on behalf of the Verts/ALE Group

Proposal for a directive

Article 9 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Zero-hour or on-demand type of contracts are prohibited

Or. en

Amendment 119

João Pimenta Lopes

Proposal for a directive

Article 10.^o – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that workers with at least six months' seniority with the same employer may request a ***form of employment with more predictable and secure working conditions where available.***

Amendment

1. Member States shall ensure that workers with at least six months' seniority with the same employer may request a ***transition towards a contract of indefinite duration.***

Or. pt

Amendment 120

Jordi Solé

on behalf of the Verts/ALE Group

Proposal for a directive

Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The worker remains entitled to its remuneration, as if he/she would have been working and the training shall take place during working hours

Or. en

Amendment 121

Jordi Solé

on behalf of the Verts/ALE Group

Proposal for a directive

Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11 a

Equal treatment and non discrimination
The Member States shall ensure the principle of equal pay for equal work and work of equal value and put in place measures that ensure that employers in undertakings and organisations regularly inform of the average remuneration by category of employee or position, broken down by gender.

The Member States shall ensure the elimination of all forms of discrimination with regard to all aspects and conditions of remuneration, equal treatment and opportunities in accessing and in the terms and conditions of employment, regardless of their employment status.

Or. en

Amendment 122
João Pimenta Lopes

Proposal for a directive
Article 12.^o – paragraph 1

Text proposed by the Commission

Member States may allow *social partners to conclude* collective agreements, in conformity with the national law or practice, *which, while* respecting the overall protection of workers, *establish* arrangements concerning the working conditions of workers which differ from those referred to in Articles 7 to 11.

Amendment

Member States may allow *and promote* collective *bargaining* agreements, in conformity with the national law or practice *and establish*, respecting the overall protection of workers, arrangements concerning the working conditions of workers which differ from those referred to in Articles 7 to 11.

Or. pt

Amendment 123
João Pimenta Lopes

Proposal for a directive
Article 12.^o – paragraph 1 a (new)

Text proposed by the Commission

Collective bargaining agreements should, inter alia, contribute to ensuring the principle of equal work for equal pay, eliminating precarious working relationships and protecting maternity rights, and serve as instruments to help reduce inequalities between men and women in industrial relations.

Amendment

Or. pt

Amendment 124
João Pimenta Lopes

Proposal for a directive
Article 12.º – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Temporary workers carrying out the same functions as workers within a company shall be covered by the same collective bargaining agreement instrument as those workers.

Or. pt

Amendment 125
Maria Arena

Proposal for a directive
Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12 a

Equal treatment

The Member States shall ensure the principle of equal pay and terms and conditions to apply to all workers regardless of their employment status. The Member States shall ensure the elimination of discrimination with regard to all aspects and conditions of remuneration and terms and conditions of employment; the employment status not being of relevance.

Or. en

Amendment 126
Michaela Šojdrová

Proposal for a directive
Article 13 – paragraph 1

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Text proposed by the Commission

Member States shall take all necessary measures to ensure that provisions contrary to this Directive in individual or collective agreements, internal rules of undertakings, or any other arrangements shall be declared null and void or are amended in order to bring them into line with the provisions of this Directive.

Amendment

Member States shall take all necessary measures to ensure that provisions contrary to this Directive in **existing** individual or collective agreements, internal rules of undertakings, or any other arrangements shall be declared null and void or are amended in order to bring them into line with the provisions of this Directive.

Or. en

Justification

It should be ascertained that this article does not only apply to new arrangements.

Amendment 127
João Pimenta Lopes

Proposal for a directive
Article 14.º – paragraph 1 – introductory part

Text proposed by the Commission

Member States shall ensure that, where a worker has not received in due time all or part of the documents referred to in Article 4(1), Article 5, or Article 6, and the employer has failed to rectify that omission within 15 days of its notification, **one of** the following **systems** shall apply:

Amendment

Member States shall ensure that, where a worker has not received in due time all or part of the documents referred to in Article 4(1), Article 5, or Article 6, and the employer has failed to rectify that omission within 15 days of its notification, the following shall apply:

Or. pt

Amendment 128
João Pimenta Lopes

Proposal for a directive
Article 14.º – paragraph 1 – point a

Text proposed by the Commission

(a) the worker shall benefit from favourable presumptions defined by the Member State. Where the information provided did not include the information

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Amendment

(a) the worker shall benefit from favourable presumptions defined by the Member State. Where the information provided did not include the information

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referred to in points (e), (f), (k) or (l) of Article 3(2), the favourable presumptions shall 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, respectively. ***Employers shall have the possibility to rebut the presumptions; or***

referred to in points (e), (f), (k) or (l) of Article 3(2), the favourable presumptions shall include ***the*** 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, respectively; ***and***

Or. pt

Amendment 129
João Pimenta Lopes

Proposal for a directive
Article 14.^o – paragraph 1 – point b

Text proposed by the Commission

(b) the worker shall have the possibility to submit a complaint to a competent authority in a timely manner. If the competent authority finds that the complaint is justified, it shall order the relevant employer(s) to provide the missing information. If the employer does not provide the missing information within 15 days following receipt of the order, the authority shall be able to impose an appropriate administrative penalty, even if the employment relationship has ended. Employers shall have the possibility to lodge an administrative appeal against the decision imposing the penalty. ***Member States may designate existing bodies as competent authorities.***

Amendment

(b) the worker shall have the possibility to submit a complaint to a competent authority in a timely manner. If the competent authority finds that the complaint is justified, it shall order the relevant employer(s) to provide the missing information. If the employer does not provide the missing information within 15 days following receipt of the order, the authority shall be able to impose an appropriate administrative penalty, even if the employment relationship has ended. Employers shall have the possibility to lodge an administrative appeal against the decision imposing the penalty.

Or. pt

Amendment 130
Jordi Solé
on behalf of the Verts/ALE Group

Proposal for a directive
Article 16 – paragraph 1

Text proposed by the Commission

Member States shall introduce measures necessary to protect workers, including workers who are employees' representatives, from any adverse treatment by the employer or adverse consequences resulting from a complaint lodged with the employer or from any legal proceedings initiated with the aim of enforcing compliance with the rights provided for in this Directive.

Amendment

Member States shall introduce measures necessary to protect ***all*** workers ***regardless of their legal or formal status***, including workers who are employees' ***and trade union*** representatives, from any adverse treatment by the employer or adverse consequences resulting from a complaint lodged with the employer or from any legal proceedings initiated with the aim of enforcing compliance with the rights provided for in this Directive.

Or. en

Amendment 131

Jordi Solé

on behalf of the Verts/ALE Group

Proposal for a directive

Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall introduce measures to prevent psychological and sexual harassment at the work place through policies which set out prevention measures, effective, transparent and confidential procedures to deal with complaints, sanctions for perpetrators, information and trainings for workers and employers and support to companies to draw up actions plans to implement all the measures thereof.

Or. en

Amendment 132

João Pimenta Lopes

Proposal for a directive

Article 17.º – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall take the necessary measures to prohibit the dismissal or its equivalent and all preparations for dismissal of workers, on the grounds that they exercised the rights provided for in this Directive.

1. Member States shall take the necessary measures to prohibit the dismissal or its equivalent and all preparations for dismissal of workers, on the grounds that they exercised the rights provided for in this Directive, ***or under any other labour legislation or collective bargaining agreement.***

Or. pt

Amendment 133

Michaela Šojdrová, Anna Záborská

Proposal for a directive

Article 17 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to prohibit the dismissal or its equivalent ***and all preparations for dismissal*** of workers, on the grounds that they exercised the rights provided for in this Directive.

Amendment

1. Member States shall take the necessary measures to prohibit the dismissal or its equivalent of workers, on the grounds that they exercised the rights provided for in this Directive.

Or. en

Justification

The term "all preparations for dismissal" is vague and should be dismissed.

Amendment 134

João Pimenta Lopes

Proposal for a directive

Article 17.^o – paragraph 2

Text proposed by the Commission

2. Workers who consider that they have been dismissed, or have been subject to measures with equivalent effect, on the grounds that they have exercised the rights provided for in this Directive may request the employer to provide duly substantiated grounds for the dismissal or its equivalent.

Amendment

2. Workers who consider that they have been dismissed, or have been subject to measures with equivalent effect, on the grounds that they have exercised the rights provided for in this Directive ***or any other labour legislation or collective bargaining agreement*** may request the employer to

The employer shall provide those grounds in writing.

provide duly substantiated grounds for the dismissal or its equivalent. The employer shall provide those grounds in writing.

Or. pt

Amendment 135
Michaela Šojdrová

Proposal for a directive
Article 17 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall take the necessary measures to ensure that, when workers referred to in paragraph 2 establish, before a court or other competent authority, facts from which it may be presumed that there has been such dismissal or its equivalent, it shall be for the respondent to prove that the dismissal was based on grounds other than those referred to in paragraph 1.

deleted

Or. en

Amendment 136
João Pimenta Lopes

Proposal for a directive
Article 17.º – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall take the necessary measures to ensure that, when workers referred to in paragraph 2 establish, before a court or other competent authority, facts from which it may be presumed that there has been such dismissal or its equivalent, it shall be for the respondent to prove that the dismissal was based on grounds other than those referred to in paragraph 1.

3. Member States shall take the necessary measures to ensure that, when workers referred to in paragraph 2 establish, before a court or other competent authority, a *complaint* from which it may be presumed that there has been such dismissal or its equivalent, it shall be for the respondent to prove that the dismissal was based on grounds other than those referred to in paragraph 1.

Or. pt

Amendment 137

Michaela Šojdrová, Agnieszka Kozłowska-Rajewicz

Proposal for a directive

Article 18 – paragraph 1

Text proposed by the Commission

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive or the relevant provisions already in force concerning the rights which are within the scope of this Directive. Member States shall take all measures necessary to ensure that those penalties are applied. Penalties shall be effective, proportionate and dissuasive. ***They may take the form of a fine. They may also comprise payment of compensation.***

Amendment

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive or the relevant provisions already in force concerning the rights which are within the scope of this Directive. Member States shall take all measures necessary to ensure that those penalties are applied. Penalties shall be effective, proportionate and dissuasive.

Or. en

Justification

The selection of sanctions should be up to Member States, as long as they are effective, proportionate and dissuasive.

Amendment 138

Jordi Solé

on behalf of the Verts/ALE Group

Proposal for a directive

Article 20 a (new)

Text proposed by the Commission

Amendment

Article 20 a

Facilitation of Complaints

Member States shall ensure that there are effective mechanisms through which workers may lodge complaints against their employers, directly or through third parties designated by Member States such as trade unions or other associations or a competent authority of the Member State

*when provided for by national legislation.
Member States shall ensure specific and confidential procedures to deal with complaints on psychological and sexual harassment.*

Or. en

Amendment 139

Maria Arena

Proposal for a directive

Article 20 a (new)

Text proposed by the Commission

Amendment

Article 20 a

Facilitation of complaints

Member States shall ensure that there are effective mechanisms through which workers may lodge complaints against their employers, directly or through third parties designated by Member States such as trade unions or other associations or a competent authority of the Member State when provided for by national legislation.

Or. en

Amendment 140

Maria Arena

Proposal for a directive

Article 21 – paragraph 1

Text proposed by the Commission

Amendment

The rights and obligations set out in this Directive shall apply to existing employment relationships as from [entry into force date + 2 years]. ***However, employers shall provide or complement the documents referred to in Article 4(1), Article 5 and Article 6 only upon request of a worker. The absence of such request shall not have the effect of excluding***

The rights and obligations set out in this Directive shall apply to existing employment relationships as from [entry into force date + 2 years].

workers from the minimum rights established under this Directive.

Or. en

Amendment 141
Maria Arena

Proposal for a directive
Article 21 a (new)

Text proposed by the Commission

Amendment

Article 21 a

Inspections

Member States shall ensure that effective and adequate inspections are carried out to control the rights laid down in this Directive.

Or. en

Amendment 142
Jordi Solé
on behalf of the Verts/ALE Group

Proposal for a directive
Article 21 a (new)

Text proposed by the Commission

Amendment

Article 21 a

Inspections

Member States shall ensure that effective and adequate inspections are carried out to control the rights laid down in this Directive.

Or. en

Amendment 143
Michaela Šojdrová, Agnieszka Kozłowska-Rajewicz, Anna Záborská

Proposal for a directive
Article 22 – paragraph 1

Text proposed by the Commission

By [entry into force date + 8 years], the Commission shall, in consultation with the Member States and social partners at Union level and taking into account the impact on small and medium-sized enterprises, review the application of this Directive with a view to proposing, where appropriate, the necessary amendments.

Amendment

By [entry into force date + 5 years], the Commission shall, in consultation with the Member States and social partners at Union level and taking into account the impact on small and medium-sized enterprises, review the application of this Directive with a view to proposing, where appropriate, the necessary amendments.

Or. en

Justification

Since SMEs are likely to suffer a significant administrative burden due to obligations imposed by this proposal, the revision should take place sooner. 5 years should be sufficient to assess the impact on SMEs.