



2017/0355(COD)

5.7.2018

AMENDMENT

45 - 255

Draft opinion
Kostas Chrysogonos
(PE621.111v01-00)

Transparent and predictable working conditions in the European Union

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

AM_Com_LegOpinion

Amendment 45
Daniel Buda

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) The Charter of Fundamental Rights of the European Union provides in its Article 31 that every worker has the right to working conditions which respect his or her health, safety and dignity, and to limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave.

Amendment

(1) The Charter of Fundamental Rights of the European Union provides in its Article 31 that every worker has the right to working conditions which respect his or her health, safety and dignity, and to limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave. ***This Directive ensures that its provisions are in line with the European Social Charter, the Charter of Fundamental Rights of the European Union and the European Convention for the Protection of Human Rights and Fundamental Freedoms.***

Or. ro

Amendment 46
Daniel Buda

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

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 are entitled to be informed of the reasons for their dismissal and given a reasonable period of notice*** and that they have the right to access to effective and impartial dispute resolution and, in case of

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.

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, ***while giving employers the necessary flexibility to adapt swiftly to any economic shifts.***

Or. ro

Amendment 47 **Daniel Buda**

Proposal for a directive **Recital 3**

Text proposed by the Commission

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

Amendment

(3) Since the adoption of Council Directive 91/533/EEC, labour markets have undergone far-reaching changes due to demographic developments and digitalisation leading to the creation of new forms of employment, ***generating, on the one hand, increasing labour market flexibility and, on the other, adaptability to economic shifts, developments,*** which have supported ***the emergence of new business models,*** job creation and labour market growth. New forms of employment are often not as regular or stable as traditional employment relationships and, ***in certain cases,*** lead to reduced predictability for the workers concerned, creating uncertainty as to applicable rights and social protection ***and encouraging unclear or unfair practices, thereby***

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).

destabilising the labour market. 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 *as rapidly as possible*. In order adequately to frame the development of *these* 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).

Or. ro

Amendment 48

Răzvan Popa

Proposal for a directive

Recital 3

Text proposed by the Commission

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

Amendment

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

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.

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).

regardless of their particular field, 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.

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. ro

Amendment 49 **Francis Zammit Dimech**

Proposal for a directive **Recital 4**

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 50 **Daniel Buda**

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 ***standards*** relating to information on the essential aspects of the employment relationship and relating to working conditions that apply to every worker, ***whatever their employment contract or employment relationship***, should therefore be established at Union level in order to guarantee all workers in the Union ***the same*** degree of transparency, ***security*** and predictability as regards their working conditions.

Or. ro

Amendment 51
Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) Minimum requirements relating to information on the essential aspects of the employment relationship and relating to working conditions that apply to every worker should therefore be established at Union level in order to guarantee all workers in the Union ***an adequate*** degree of transparency and predictability as 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 52
Daniel Buda

Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The objective of this Directive - to promote a safer and more predictable labour supply, while ensuring labour market adaptability, access to innovation and better living and working conditions - can be achieved by giving all workers more efficient access to information regarding their working conditions, improving working conditions, especially for workers engaged in new and atypical forms of work, implementing the legislation more effectively and increasing labour market transparency, while avoiding the imposition of excessive burdens on businesses of any size.

Or. ro

Amendment 53
Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 7

Text proposed by the Commission

Amendment

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

(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. ***Additionally the ILO's tripartite constituents adopted Recommendation 198 Employment Relationship (2006) with indicators for an employment relationship, among others subordination and/or economic dependency, primacy of facts and***

criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees and apprentices could come within scope of this Directive.

presumption of an employment relationship. The definition of worker in Article 2(1) ***needs to be*** based on ***the*** criteria ***developed by both ECJ and ILO.*** They ensure a uniform implementation of the personal scope of the Directive while leaving it to national authorities and courts to apply it to specific situations. Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees and apprentices could come within scope of this Directive.

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.

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

Amendment 54

Daniel Buda

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

Amendment

(7) ***Given that between 2 million and 3 million workers are currently excluded from the scope of Directive 91/533/EEC,*** in order to ensure effectiveness of the rights provided by the Union law ***and the indiscriminate implementation thereof,*** 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

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.

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.

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.

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. ro

Amendment 55

Răzvan Popa

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

Amendment

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

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.

criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, platform workers, trainees, apprentices **and researchers** could come within scope of this Directive.

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. ro

Amendment 56

Kostas Chrysogonos

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

(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 **must** come within scope of this Directive.

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.

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

Amendment 57

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive

Recital 7 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 58

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive

Recital 7 b (new)

Text proposed by the Commission

Amendment

(7b) In line with ILO Recommendation 198, the determination of the existence of an employment relationship should be based on the facts related to the actual performance of work and not on the

parties' description of the relationship.

Or. en

Amendment 59

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive

Recital 7 c (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 60

Kostas Chrysogonos

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 61

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive **Recital 8**

Text proposed by the Commission

Amendment

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

Or. en

Amendment 62

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive **Recital 9**

Text proposed by the Commission

Amendment

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

Or. en

Amendment 63
Kostas Chrysogonos

Proposal for a directive
Recital 9

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 64
Kostas Chrysogonos

Proposal for a directive
Recital 10

Text proposed by the Commission

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

Amendment

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

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

Or. en

Amendment 65

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive

Recital 10

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 66
António Marinho e Pinto

Proposal for a directive
Recital 10

Text proposed by the Commission

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

Amendment

(10) Several different natural or legal persons may in practice assume the functions and responsibilities of an employer. Member States should remain free to determine more precisely the person(s) who are considered totally or partially responsible for the execution of the obligations that this Directive lays down for employers, ***as long as all those obligations are fulfilled in line with the corporate social responsibility of an entity founded on work.*** 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.

Or. pt

Amendment 67
Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 10

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 68

Răzvan Popa

Proposal for a directive

Recital 11

Text proposed by the Commission

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

Amendment

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

extend that minimum list in line with national requirements.

Or. ro

Amendment 69

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive

Recital 11

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 70

Daniel Buda

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) Information on working time should be consistent with the provisions of Directive 2003/88/EC of the European Parliament and of the Council³⁵, and include information on breaks, daily rest, weekly rest and the amount of paid leave.

Amendment

(12) Information on working time should be consistent with the provisions of Directive 2003/88/EC of the European Parliament and of the Council³⁵, and include information on breaks, daily rest, weekly rest and the amount of paid leave ***thereby ensuring protection of the safety and health of workers***.

³⁵ Directive 2003/88/EC of the European Parliament and of the Council of 4

³⁵ Directive 2003/88/EC of the European Parliament and of the Council of 4

November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9).

November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9).

Or. ro

Amendment 71

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive

Recital 13

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 72

Daniel Buda

Proposal for a directive

Recital 14

Text proposed by the Commission

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

Amendment

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

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

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

Or. ro

Amendment 73
António Marinho e Pinto

Proposal for a directive
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) Working hours should be organized in line with economic principles and productivity but also from a strictly human perspective in the sense that working hours should be progressively reduced in order to provide workers with increased leisure.

Or. pt

Amendment 74
Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 15

Text proposed by the Commission

Amendment

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

(15) Information on social security systems should include, where relevant, ***at least*** sickness, maternity and equivalent, parental, paternity, old-age, invalidity, survivors', unemployment, pre-retirement or family benefits ***and all other risks covered by Regulation (EC) 883/2004***. Information on social security protection provided by the employer should include

schemes within the meaning of Council Directive 98/49/EC³⁶ and Directive 2014/50/EU of the European Parliament and of the Council.³⁷

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

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

coverage by supplementary pension schemes within the meaning of Council Directive 98/49/EC³⁶ and Directive 2014/50/EU of the European Parliament and of the Council.³⁷

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

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

Or. en

Amendment 75

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive Recital 16

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 76
Răzvan Popa

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

Or. ro

Amendment 77
Daniel Buda

Proposal for a directive
Recital 17

Text proposed by the Commission

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

Amendment

(17) In order to help employers to provide timely information, Member States should ensure the availability of templates at national level including relevant and sufficiently comprehensive information on the legal framework applicable. **The European Commission should assist Member States in producing these templates in order to avoid any discrepancies in content between the various Member States. The content of these templates may be determined at sectoral or local level, by national authorities and social partners, provided that no disproportionate or excessive additional administrative burdens are created.**

Or. ro

Amendment 78

Răzvan Popa

Proposal for a directive

Recital 17

Text proposed by the Commission

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

Amendment

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

Or. ro

Amendment 79

Răzvan Popa

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 Council³⁸, 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,

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 Council³⁸, 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.

these obligations apply if the duration of the work period abroad is more than four consecutive weeks. ***Workers posted abroad must be notified in the official language of the country where the initial employment contract is signed.***

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).

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. ro

Amendment 80

Ana Miranda, Tamás Meszerics

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 18

Text proposed by the Commission

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

Amendment

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

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).

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

Amendment 81

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive **Recital 19**

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 82
Kostas Chrysogonos

Proposal for a directive
Recital 19

Text proposed by the Commission

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

Amendment

(19) Probationary periods allow employers to verify that workers are suitable for the position for which they have been engaged while providing them with accompanying support and training. Any entry into the labour market 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 should not be extended under any circumstance.*** Probationary periods may be longer than ***three*** months ***only*** where this is in the interest of the worker, such as in the case of long illness or in the context of specific measures promoting permanent employment notably for young workers.

Or. en

Amendment 83
Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 20

Text proposed by the Commission

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

Incompatibility clauses, understood as a restriction on working for specific categories of employers, may be necessary for objective reasons, such as the protection of business secrets or the avoidance of conflicts of interests.

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

Amendment

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

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

Or. en

Amendment 84
Daniel Buda

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) Employers should not prohibit workers from taking up employment with other employers, outside the time spent working for them, within the limits set out in Directive 2003/88/EC of the European Parliament and of the Council³⁹. Incompatibility clauses, understood as a restriction on working for specific categories of employers, may be necessary for objective reasons, such as the protection of business secrets or the avoidance of conflicts of interests.

Amendment

(20) Employers should not prohibit workers from taking up employment with other employers, outside the time spent working for them, within the limits set out in Directive 2003/88/EC of the European Parliament and of the Council³⁹. Incompatibility clauses, understood as a restriction on working for specific categories of employers, may be necessary for objective reasons, such as the protection of business secrets or the avoidance of conflicts of interests. ***Any incompatibility clause contained in a work contract, whatever its type, must be***

accompanied by a detailed justification.

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

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

Or. ro

Amendment 85 **Răzvan Popa**

Proposal for a directive **Recital 20**

Text proposed by the Commission

(20) Employers should not prohibit workers from taking up employment with other employers, outside the time spent working for them, within the limits set out in Directive 2003/88/EC of the European Parliament and of the Council³⁹. Incompatibility clauses, understood as a restriction on working for specific categories of employers, may be necessary for objective reasons, such as the protection of business secrets or the avoidance of conflicts of interests.

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

Amendment

(20) Employers should not prohibit workers from taking up employment with other employers, outside the time spent working for them, within the limits set out in Directive 2003/88/EC of the European Parliament and of the Council³⁹. ***Member States shall have the right to adopt*** incompatibility clauses, understood as a restriction on working for specific categories of employers, ***which*** may be necessary for objective reasons, such as the protection of business secrets or the avoidance of conflicts of interests.

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

Or. ro

Amendment 86 **Răzvan Popa**

Proposal for a directive
Recital 22

Text proposed by the Commission

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

Amendment

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

Or. ro

Amendment 87
Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 23

Text proposed by the Commission

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

Amendment

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

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 88**Răzvan Popa****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 Council⁴⁰.

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 schedule which are variable or mostly determined by the employer. The length of the advance notice period, ***which must be no less than three days***, 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 Council⁴⁰.

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. ro

Amendment 89**Kostas Chrysogonos****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 **of fifteen days**, understood as the period of time between the moment a worker is informed about a new work assignment and the moment the assignment starts, constitutes another necessary element of predictability of work for employment relationships with work schedule which are variable or mostly determined by the employer. The length of the advance notice period may **be longer** according to the needs of sectors, while ensuring adequate protection of workers. It applies without prejudice to Directive 2002/15/EC of the European Parliament and of the Council.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 90
Daniel Buda

Proposal for a directive
Recital 25

Text proposed by the Commission

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

Amendment

(25) Where employers have the possibility to offer full-time or open-ended labour contracts to workers in non-standard forms of employment, a transition to more secure forms of employment should be promoted ***in line with Principle 5 of the European Pillar of Social Rights, proclaimed in Gothenburg on 17 November 2017 seeking to encourage a***

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

transition to employment of indefinite duration. Workers should be able to request another more predictable and secure form of employment, where available, and receive ***an appropriately substantiated*** written response from the employer, which takes into account the needs of the employer and of the worker.

Or. ro

Amendment 91

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive **Recital 25**

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 92

Răzvan Popa

Proposal for a directive **Recital 25**

Text proposed by the Commission

(25) Where employers have the

Amendment

(25) Where employers have the

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

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 ***within a suitable period of time***, which takes into account the needs of the employer and of the worker.

Or. ro

Amendment 93

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive **Recital 26**

Text proposed by the Commission

(26) Where employers are required by legislation or collective agreements to provide training to workers to carry out the work for which they are employed, it is important to ensure that such training is provided equally, including to those in non-standard forms of employment. The costs of such training should not be charged to the worker nor withheld or deducted from the worker's remuneration.

Amendment

(26) Where employers are required by legislation or collective agreements ***or internal rules*** to provide training to workers to carry out the work for which they are employed, it is important to ensure that such training is provided equally ***and without discrimination***, including to those in non-standard forms of employment. The costs of such training should not be charged to the worker nor withheld or deducted from the worker's remuneration. ***The training should take place during working hours.***

Or. en

Amendment 94

Daniel Buda

Proposal for a directive **Recital 27**

Text proposed by the Commission

(27) Social partners may consider that in specific sectors or situations different provisions are more appropriate, for the pursuit of the purpose of this Directive, than the minimum standards set in Chapter Three of this Directive. Member States should therefore be able to allow social partners to conclude collective agreements modifying the provisions contained in that chapter, as long as the overall level of protection of workers is not lowered.

Amendment

(27) Social partners may consider that in specific sectors or situations different provisions are more appropriate, for the pursuit of the purpose of this Directive, ***offering greater protection*** than the minimum standards set in Chapter Three of this Directive. ***Given the crucial role of the social partners at all levels in promoting and implementing the European Social Pillar,*** Member States should therefore be able to allow social partners to conclude collective agreements modifying the provisions contained in that chapter, as long as the overall level of ***non-discriminatory protection of workers*** protection of workers is not lowered ***under any circumstances.***

Or. ro

Amendment 95
Kostas Chrysogonos

Proposal for a directive
Recital 27

Text proposed by the Commission

(27) Social partners may consider that in specific sectors or situations different provisions are more appropriate, for the pursuit of the purpose of this Directive, than the minimum standards set in Chapter Three of this Directive. ***Member States should therefore be able to allow*** social partners ***to*** conclude collective agreements modifying the provisions contained in that chapter, as long as the overall level of protection of workers is not lowered.

Amendment

(27) Social partners may consider that in specific sectors or situations different provisions are more appropriate, for the pursuit of the purpose of this Directive, than the minimum standards set in Chapter Three of this Directive. Social partners ***can*** conclude collective agreements modifying the provisions contained in that chapter, as long as the overall level of protection of workers is not lowered ***or is improved.***

Or. en

Amendment 96
Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 27

Text proposed by the Commission

(27) Social partners may consider that in specific sectors or situations different provisions are more appropriate, for the pursuit of the purpose of this Directive, ***than the minimum standards set in Chapter Three of this Directive***. Member States should therefore be able to allow social partners to conclude collective agreements modifying the provisions contained in ***that chapter***, as long as the ***overall level of protection of workers is*** not lowered.

Amendment

(27) Social partners may consider that in specific sectors or situations different provisions are more appropriate, for the pursuit of the purpose of this Directive, ***as long as these are in full compliance with this Directive***. Member States should therefore be able to allow social partners to conclude collective agreements modifying the provisions contained in ***this Directive*** as long as the ***rights established by this Directive are*** not lowered.

Or. en

Amendment 97
Jytte Guteland

Proposal for a directive
Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) In Member States where there are a high level of organisation, both among employees and employers, and where the social partners in their capacity as representatives for workers and employers have the primary responsibility to regulate working conditions on the labour market, the social partners should have full authority regarding the possibility to conclude collective agreements. Such concluded collective agreements that regulate working conditions and give workers an overall protection can deviate from the minimum rights provided by this directive as long as the purpose of the

directive is respected.

Or. en

Amendment 98

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) The Member States should ensure the elimination of all kind of discrimination with regard to all aspects of remuneration and terms and conditions of employment and regardless of the contract type of the worker.

Or. en

Amendment 99

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 28

Text proposed by the Commission

Amendment

(28) The consultation on the European Pillar of Social Rights showed the need to strengthen enforcement of Union labour law to ensure its effectiveness. As regards Directive 91/533/EEC, the REFIT evaluation⁴¹ confirmed that strengthened enforcement mechanisms could improve its effectiveness. It showed that redress systems based solely on claims for damages are less effective than systems that also provide for sanctions (such as lump sums or loss of permits) for employers who fail to issue written statements. It also showed that employees

(28) The consultation on the European Pillar of Social Rights showed the need to strengthen enforcement of Union labour law to ensure its effectiveness. As regards Directive 91/533/EEC, the REFIT evaluation⁴¹ confirmed that strengthened enforcement mechanisms could improve its effectiveness. It showed that redress systems based solely on claims for damages are less effective than systems that also provide for sanctions (such as lump sums or loss of permits) for employers who fail to issue written statements. It also showed that employees

rarely seek redress during the employment relationship, which jeopardises the goal of the provision of the written statement to ensure workers are informed about their essential features of their employment relationship. It is therefore necessary to introduce enforcement provisions which ensure the use either of favourable presumptions where information about the employment relationship is not provided, **or** of an administrative procedure under which the employer may be required to provide the missing information and subject to sanction if it does not. ***That redress should be subject to a procedure by which the employer is notified that information is missing and has 15 days in which to supply complete and correct information.***

⁴¹ SWD(2017)205 final, page 26.

rarely seek redress during the employment relationship, which jeopardises the goal of the provision of the written statement to ensure workers are informed about their essential features of their employment relationship. It is therefore necessary to introduce enforcement provisions which ensure the use either of favourable presumptions where information about the employment relationship is not provided, **and** of an administrative procedure under which the employer may be required to provide the missing information and subject to sanction if it does not.

⁴¹ SWD(2017)205 final, page 26.

Or. en

Amendment 100

Kostas Chrysogonos

Proposal for a directive

Recital 28

Text proposed by the Commission

(28) The consultation on the European Pillar of Social Rights showed the need to strengthen enforcement of Union labour law to ensure its effectiveness. As regards Directive 91/533/EEC, the REFIT evaluation⁴¹ confirmed that strengthened enforcement mechanisms could improve its effectiveness. It showed that redress systems based solely on claims for damages are less effective than systems that also provide for sanctions (such as lump sums or loss of permits) for employers who fail to issue written statements. It also showed that employees

Amendment

(28) The consultation on the European Pillar of Social Rights showed the need to strengthen enforcement of Union labour law to ensure its effectiveness. As regards Directive 91/533/EEC, the REFIT evaluation⁴¹ confirmed that strengthened enforcement mechanisms could improve its effectiveness. It showed that redress systems based solely on claims for damages are less effective than systems that also provide for sanctions (such as lump sums or loss of permits) for employers who fail to issue written statements. It also showed that employees

rarely seek redress during the employment relationship, which jeopardises the goal of the provision of the written statement to ensure workers are informed about their essential features of their employment relationship. It is therefore necessary to introduce enforcement provisions which ensure the use *either* of favourable presumptions where information about the employment relationship is not provided, *or* of an administrative procedure under which the employer may be required to provide the missing information and subject to sanction if it does not. That redress should be subject to a procedure by which the employer is notified that information is missing and has 15 days in which to supply complete and correct information.

⁴¹ SWD(2017)205 final, page 26.

rarely seek redress during the employment relationship, which jeopardises the goal of the provision of the written statement to ensure workers are informed about their essential features of their employment relationship. It is therefore necessary to introduce enforcement provisions which ensure the use of favourable presumptions where information about the employment relationship is not provided, *and* of an administrative procedure under which the employer may be required to provide the missing information and subject to sanction if it does not. That redress should be subject to a procedure by which the employer is notified that information is missing and has 15 days in which to supply complete and correct information.

⁴¹ SWD(2017)205 final, page 26.

Or. en

Amendment 101

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive Recital 29

Text proposed by the Commission

(29) An extensive system of enforcement provisions for the social acquis in the Union has been adopted since **Directive 91/533/EEC**, notably in the fields of anti-discrimination and equal opportunities, *elements of which* should be applied to this Directive in order to ensure that workers have access to effective and impartial dispute resolution and a right to redress, including adequate compensation, reflecting the Principle 7 of the European Pillar of Social Rights.

Amendment

(29) An extensive system of enforcement provisions for the social acquis in the Union has been adopted since **Directive 91/533/EEC**, notably in the fields of anti-discrimination and equal opportunities; *this system* should be **fully** applied to this Directive in order to ensure that workers have access to effective and impartial dispute resolution and a right to redress, including adequate compensation, reflecting the Principle 7 of the European Pillar of Social Rights. ***It should be also urgently considered to broaden these***

enforcement provisions to all matters relating to working conditions.

Or. en

Amendment 102

Daniel Buda

Proposal for a directive

Recital 29

Text proposed by the Commission

(29) An extensive system of enforcement provisions for the social acquis in the Union has been adopted since Directive 91/533/EEC, notably in the fields of anti-discrimination and equal opportunities, elements of which should be applied to this Directive in order to ensure that workers have access to effective and impartial dispute resolution and a right to redress, including adequate compensation, reflecting the Principle 7 of the European Pillar of Social Rights.

Amendment

(29) An extensive system of enforcement provisions for the social acquis in the Union has been adopted since Directive 91/533/EEC, notably in the fields of anti-discrimination and equal opportunities, elements of which should be applied to this Directive in order to ensure that workers, ***as defined in Article 2 of this Directive***, have access to effective and impartial dispute resolution and a right to redress, including adequate compensation, reflecting the Principle 7 of the European Pillar of Social Rights.

Or. ro

Amendment 103

Evelyne Gebhardt

Proposal for a directive

Recital 33 a (new)

Text proposed by the Commission

Amendment

(33a) As effective enforcement of rules of the European Union matters to Europeans a robust, efficient and effective system is needed to ensure that Member States fully apply, implement and enforce EU law and provide adequate redress. In particular in the event of collective redundancies workers should

benefit from such a system. Therefore Members States should allow trade unions to seek representative actions aimed at the protection of the collective interests of workers.

Or. en

Amendment 104

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive

Recital 33 a (new)

Text proposed by the Commission

Amendment

(33a) The burden of proof that there has been no employment relationship should fall on the natural or legal person identifiable as employer based on the primacy of facts.

Or. en

Amendment 105

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive

Recital 33 b (new)

Text proposed by the Commission

Amendment

(33b) Persons reporting situations of infringements of the rights provided under this Directive, should be fully protected by current and future European rules regarding the protection of whistleblowers.

Or. en

Amendment 106
António Marinho e Pinto

Proposal for a directive
Recital 36 a (new)

Text proposed by the Commission

Amendment

(36a) Work must be structured according to its individual and collective economic goals, but also as an instrument through which the worker achieves fulfilment as a human being.

Or. pt

Amendment 107
António Marinho e Pinto

Proposal for a directive
Recital 36 b (new)

Text proposed by the Commission

Amendment

(36b) To this extent, work acquires a personal and individual dimension, as well as a collective and social dimension.

Or. pt

Amendment 108
Kostas Chrysogonos

Proposal for a directive
Recital 37

Text proposed by the Commission

Amendment

(37) In implementing this Directive Member States should avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings. Member States are therefore invited to

deleted

assess the impact of their transposition act on SMEs in order to make sure that SMEs are not disproportionately affected, with specific attention for micro-enterprises and for administrative burden, and to publish the results of such assessments.

Or. en

Amendment 109
António Marinho e Pinto

Proposal for a directive
Recital 36 b (new)

Text proposed by the Commission

Amendment

(36b) To this extent, work thus acquires a personal and individual dimension, as well as a collective and social dimension.

Or. pt

Amendment 110
Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 38

Text proposed by the Commission

Amendment

(38) The Member States *may* entrust social partners with the implementation of this Directive, where social partners jointly request to do so and as long as the Member States take all the necessary steps to ensure that they can at all times guarantee the results sought under this Directive.

(38) The Member States *should* entrust social partners with the implementation of this Directive, where social partners jointly request to do so and as long as the Member States take all the necessary steps to ensure that they can at all times guarantee the results sought under this Directive.

Or. en

Amendment 111
Daniel Buda

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 the efficient and non-discriminatory application of the law.***

Or. ro

Amendment 112
Răzvan Popa

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, ***transparent*** and predictable employment while ensuring labour market adaptability.

Or. ro

Amendment 113
António Marinho e Pinto

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, ***transparent*** and predictable employment while ensuring labour market

adaptability.

Or. pt

Amendment 114
Francis Zammit Dimech

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, *transparent, clear, informed* and predictable employment.

Or. en

Amendment 115
Jytte Guteland

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 *having an employment contract or employment relationship as defined by the applicable national law, collective agreements or practice in force in each Member State*.

Or. en

Amendment 116
Ana Miranda, Tamás Meszerics
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 their formal status or the existence of a written employment contract.***

Or. en

Amendment 117
Kostas Chrysogonos

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 ***public and private sector in the European Union without exception.***

Or. en

Amendment 118
Daniel Buda

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 ***under Article (2)(1)(a).***

Or. ro

Amendment 119

Răzvan Popa

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. ro

Amendment 120

Ana Miranda, Tamás Meszerics

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**

Or. en

Amendment 121

Evelyne Gebhardt

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.

3. *(Does not apply to English version)*

(This amendment applies to the whole text)

Or. de

Justification

For reasons of gender equality, the German version rightly uses the terms ‘Arbeitnehmer’ (male) and ‘Arbeitnehmerin’ (female) to translate the English term ‘worker’. Consequently, the English term ‘employer’ must be translated as ‘Arbeitgeberin’ (female) and ‘Arbeitgeber’ (male). This is especially true given that, in German, most employers are in the feminine, for example ‘die Gesellschaft’ (company) or ‘die Firma’ (firm).

Amendment 122
Răzvan Popa

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. ro

Amendment 123
Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

4a. Paragraph 2 is without prejudice to workers who are undergoing training including trainees and apprentices.

Or. en

Amendment 124
Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive
Article 1 – paragraph 5

Text proposed by the Commission

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.

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 125
Francis Zammit Dimech

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. ***Nevertheless, the Employers shall continue to be responsible for ensuring that the obligations laid down therein are met appropriately and in full.*** This paragraph is without prejudice to Directive 2008/104/EC.

Or. en

Amendment 126
Francis Zammit Dimech

Proposal for a directive
Article 1 – paragraph 6

Text proposed by the Commission

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.***

Amendment

deleted

Or. en

Amendment 127
Ana Miranda, Tamás Meszerics
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

Justification

This exemption is a violation of ILO Convention 189, for which the EU has requested ratification by its Member States.

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C189

Amendment 128

Francis Zammit Dimech

Proposal for a directive Article 1 – paragraph 7

Text proposed by the Commission

Amendment

7. Chapter II of this Directive applies to seafarers and fishermen without prejudice to Council Directive 2009/13/EC and Council Directive (EU) 2017/159, respectively.

7. Chapter II of this Directive applies to seafarers and **sea** fishermen, **taking into account the specific conditions of the sector**, without prejudice to Council Directive 2009/13/EC and Council Directive (EU) 2017/159, respectively **or any relevant Union provisions being more specific and granting a higher level of protection to seafarers and fishermen. The obligations set out in Articles 3(2) (k), (l), (n), 4(2), 6, 8, 9 and 10 shall not apply to seafarers and sea fishermen.**

Or. en

Amendment 129

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive
Article 1 – paragraph 7

Text proposed by the Commission

7. ***Chapter II*** of this Directive applies to seafarers and fishermen without prejudice to Council Directive 2009/13/EC and Council Directive (EU) 2017/159, respectively.

Amendment

7. This Directive applies to seafarers and fishermen without prejudice to Council Directive 2009/13/EC and Council Directive (EU) 2017/159, respectively.

Or. en

Amendment 130
Jytte Guteland

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

deleted

Or. en

Amendment 131
Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

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 for a certain period of time performs services for and under the direction of another ***natural or legal*** person in return for remuneration; ***direction includes where the person is in a situation of economic***

dependency.

Or. en

Justification

ECJ Ruhrlandklinik: In accordance with the settled case-law of the Court, the essential feature of an employment relationship is that, for a certain period of time, a person performs services for and under the direction of another person, in return for which he receives remuneration, the legal characterisation under national law and the form of that relationship, as well as the nature of the legal relationship between those two persons, not being decisive in that regard (see, to that effect, judgment of 11 November 2010, Danosa, C232/09, EU:C:2010:674, paragraphs 39 and 40 and the case-law cited).

Amendment 132

Răzvan Popa

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 services for and under the direction of another person;

Or. ro

Amendment 133

Evelyne Gebhardt

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 for a certain period of time performs services for and under the direction of *an employer* in return for remuneration;

Or. en

Justification

Art. 2 1b already defines the term "employer". Consequently, in order to avoid confusion, this term should be used in Art. 2 1a, too.

Amendment 134

Jytte Guteland

Proposal for a directive

Article 2 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) 'employer' means one or more natural or legal person(s) who is or are directly or indirectly party to an employment relationship with a worker;

deleted

Or. en

Amendment 135

Francis Zammit Dimech

Proposal for a directive

Article 2 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) 'employer' means one or more natural or legal person(s) **who** is or are directly or indirectly party to an employment relationship with **a** worker;

(b) 'employer' means one or more natural or legal person(s) (***virtual platform or otherwise***) **who employ(s) the services of one or more workers and** is or are directly or indirectly party to an employment relationship with worker(s);

Or. en

Amendment 136

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive

Article 2 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) 'employer' means ***one or more*** natural or legal person(s) ***who is or are*** directly or indirectly ***party to an employment relationship with a worker;***

(b) 'employer' means ***a*** natural or legal person ***that engages workers*** directly or indirectly.

Or. en

Justification

Alignment with the existing ILO definition of an employer in its "General principles and operational guidelines for fair recruitment" of September 2016.

Amendment 137

Jytte Guteland

Proposal for a directive

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) '***employment relationship***' means ***the work relationship between workers and employers as defined above;***

deleted

Or. en

Amendment 138

Francis Zammit Dimech

Proposal for a directive

Article 2 – paragraph 1 – point e

Text proposed by the Commission

Amendment

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

(e) 'reference hours and days' means ***schedules, shifts and any*** time slots in specified days during which work can take place at the request of the employer;

Or. en

Amendment 139

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

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 140

Răzvan Popa

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. ro

Amendment 141

Francis Zammit Dimech

Proposal for a directive

Article 2 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) 'probationary period' means a preagreed period of time wherein a worker's performance is monitored closely in order to assess his capabilities

and in which the employment relationship can be terminated without having to provide any reason whatsoever.

Or. en

Amendment 142
Kostas Chrysogonos

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that employers are required to inform workers of the essential aspects of the employment relationship.

Amendment

1. Member States shall ensure that employers are required to inform workers of the essential aspects of the employment relationship *and that the workers have the right to demand such information.*

Or. en

Amendment 143
Francis Zammit Dimech

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 include, *but not limited to:*

Or. en

Amendment 144
Daniel Buda

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 include ***at least***:

Or. ro

Amendment 145

Răzvan Popa

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 include ***at least***:

Or. ro

Amendment 146

Ana Miranda, Tamás Meszerics

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 include ***at least***:

Or. en

Amendment 147

Evelyne Gebhardt

Proposal for a directive

Article 3 – paragraph 2 – point a

Text proposed by the Commission

- (a) the identities of the parties to the employment relationship;

Amendment

- (a) the identities of the parties to the employment relationship ***including at least full names, addresses and, if applicable, legal representatives;***

Or. en

Amendment 148

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive

Article 3 – paragraph 2 – point e

Text proposed by the Commission

- (e) in the case of a temporary employment relationship, the end date or the expected duration thereof;

Amendment

- (e) in the case of a temporary employment relationship, the end date or the expected duration thereof, ***the name of the user undertaking in case of temporary agency workers as well as the pay scales of the user undertaking in order to provide for equal pay;***

Or. en

Amendment 149

Daniel Buda

Proposal for a directive

Article 3 – paragraph 2 – point g

Text proposed by the Commission

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

Amendment

- (g) any right to training provided by the employer ***if he is obliged to do so by law, under the terms of collective agreements or in accordance with the employer's general training policy;***

Or. ro

Amendment 150
Francis Zammit Dimech

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 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 ***and the requirements for the notice of termination, time limits for enforcing claims, which shall include time frames for the seeking of action contesting dismissal or compensation for accidents/injuries at work and for any infringement of labour rights;***

Or. en

Amendment 151
Daniel Buda

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 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, ***as well as the formal requirements for the notice of termination and the deadline for bringing an action contesting dismissal;***

Amendment 152

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

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 period of notice, ***as well as the deadlines for taking action contesting the dismissal***

Or. en

Amendment 153

Răzvan Popa

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 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 ***and the deadline for bringing an action contesting dismissal;***

Or. ro

Amendment 154

Ana Miranda, Tamás Meszerics
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 method of calculation;*** the frequency and method of payment of the remuneration to which the worker is entitled;

Or. en

Amendment 155

Evelyne Gebhardt

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 ***including all kinds of boni and the amount of social security contribution paid by the employer,*** the frequency and method of payment of the remuneration to which the worker is entitled;

Or. en

Amendment 156

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 157
Francis Zammit Dimech

Proposal for a directive
Article 3 – paragraph 2 – point m

Text proposed by the Commission

(m) any collective agreements governing the worker's conditions of work; in the case of collective agreements concluded outside the business by special joint bodies or institutions, the name of the competent body or joint institution within which the agreements were concluded;

Amendment

(m) any collective agreements governing the worker's conditions of work ***as well as time limits laid down in the collective agreements for claims arising from those agreements***; in the case of collective agreements concluded outside the business by special joint bodies or institutions, the name of the competent body or joint institution within which the agreements were concluded;

Or. en

Amendment 158
Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive
Article 3 – paragraph 2 – point m

Text proposed by the Commission

(m) any collective agreements governing the worker's conditions of work; in the case of collective agreements concluded outside the business by special joint bodies or institutions, the name of the competent body or joint institution within

Amendment

(m) any collective agreements governing the worker's conditions of work; in the case of collective agreements concluded outside the business by special joint bodies or institutions, the name of the competent body or joint institution within

which the agreements were concluded;

which the agreements were concluded, *and the cut off periods if there are any;*

Or. en

Amendment 159

Evelyn Regner

Proposal for a directive

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

Text proposed by the Commission

Amendment

(na) any time limits for enforcing claims against the employer;

Or. en

Amendment 160

Evelyn Regner

Proposal for a directive

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

Text proposed by the Commission

Amendment

(nb) any benefits in kind which the employer provides for the worker;

Or. en

Amendment 161

Evelyn Regner

Proposal for a directive

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

Text proposed by the Commission

Amendment

(nc) any categorization into a general pay scheme;

Or. en

Amendment 162

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive **Article 3 – paragraph 3**

Text proposed by the Commission

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.

Amendment

3. The information referred to in paragraph 2(f) to (k) and (n) ***shall be accompanied by*** a reference to the laws, regulations and administrative or statutory provisions or collective agreements governing those particular points.

Or. en

Amendment 163

Evelyn Regner

Proposal for a directive **Article 3 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3a. The information referred to in Article 3(2) must not be construed as a declaration of acceptance by the worker.

Or. en

Amendment 164

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive **Article 4 – paragraph 1**

Text proposed by the Commission

Amendment

1. The information referred to in

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.

Article 3(2) shall be provided individually to the worker in the form of a document **as early as possible and** at the latest, **where applicable, the moment the employment contract is signed and before** the first day of the employment **relations**. That document may be **sent** electronically **directly to the worker** as long as it is easily accessible by the worker and **it may also be accessible to the entity controlling working conditions and** can be stored and printed

Or. en

Amendment 165
Daniel Buda

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 **written paper** document at the latest on the first day of the employment relationship. That document may be provided and transmitted electronically as long as **reception can be confirmed and as long as** it is easily accessible by the worker and can be stored and printed.

Or. ro

Amendment 166
Răzvan Popa

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

1. The information referred to in

Amendment

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.

Article 3(2) shall be provided individually to the worker in the form of a ***written*** document ***before commencement*** of the employment relationship. ***At the request of the worker***, 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. ro

Amendment 167

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The document shall be provided at the same moment in time to the worker representative and the responsible social protection authorities.

Or. en

Amendment 168

Daniel Buda

Proposal for a directive

Article 4 – paragraph 2

Text proposed by the Commission

Amendment

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.

2. Member States shall develop templates ***or*** 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. ***The European Commission shall assist Member States in producing these templates or models in order to avoid any discrepancies in***

content between the various Member States.

Or. ro

Amendment 169
Francis Zammit Dimech

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 ***after consultation with stakeholders and social partners,*** 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.

Or. en

Amendment 170
Răzvan Popa

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, ***after consultation with social partners,*** 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.

Or. ro

Amendment 171
Jytte Guteland

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that the information on the laws, regulations and administrative or statutory provisions or collective agreements governing the legal framework applicable which are to be communicated by employers is made generally available free of charge in **a clear, transparent, comprehensive and** easily accessible way at a distance and by electronic means, including through existing online portals for Union citizens and businesses.

Amendment

3. Member States shall ensure that the information on the laws, regulations and administrative or statutory provisions or collective agreements **which have been declared universally applicable** governing the legal framework applicable which are to be communicated by employers is made generally available free of charge in **an** easily accessible way at a distance and by electronic means, including through existing online portals for Union citizens and businesses.

Or. en

Amendment 172
Daniel Buda

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 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. ***This identification is already provided for within Article 4(1).***

Or. ro

Amendment 173

Răzvan Popa

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 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 **written** document by the employer to the worker at the earliest opportunity and at the latest on the day it takes effect.

Or. ro

Amendment 174

Daniel Buda

Proposal for a directive

Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that, where a worker is required to work in a Member State or third country other than the Member State in which he or she habitually works, the document referred to in Article 4(1) shall be provided before his or her departure and shall include at least the following additional information:

Amendment

1. Member States shall ensure that, where a worker is required to work in a Member State or third country other than the Member State in which he or she habitually works, the document referred to in Article 4(1) shall be provided **within a reasonable period** before his or her departure and shall include at least the following additional information:

Or. ro

Amendment 175

Francis Zammit Dimech

Proposal for a directive

Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) the country or countries in which the work abroad is to be performed and its duration;

Amendment

(a) ***the exact place of work in*** the country or countries in which the work abroad is to be performed and its duration, ***as well arrangements for the possible lengthening or shortening of the period of work;***

Or. en

Amendment 176

Evelyn Regner

Proposal for a directive

Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) the country or countries in which the work abroad is to be performed and its duration;

Amendment

(a) the country or countries ***as well as exact place or places*** in which the work abroad is to be performed and its duration;

Or. en

Amendment 177

Francis Zammit Dimech

Proposal for a directive

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

Text proposed by the Commission

Amendment

(aa) ***the working hours, the rules on public holidays and tax and security arrangements;***

Or. en

Amendment 178

Francis Zammit Dimech

Proposal for a directive
Article 6 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) the name of the line manager who the worker reports to for the duration of the posting;

Or. en

Amendment 179
Daniel Buda

Proposal for a directive
Article 6 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) where applicable, the conditions governing the worker's repatriation.

(d) the conditions governing the worker's repatriation.

Or. ro

Amendment 180
Răzvan Popa

Proposal for a directive
Article 6 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) the work schedule and rules regarding legal holidays in the country or countries in which they are to work;

Or. ro

Amendment 181
Evelyn Regner

Proposal for a directive
Article 6 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) any arrangements for the possible lengthening or shortening of the period of work;

Or. en

Amendment 182

Ana Miranda, Tamás Meszerics
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

(da) where applicable, the changes to the worker's social security situation.

Or. en

Amendment 183

Evelyn Regner

Proposal for a directive

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

Text proposed by the Commission

Amendment

(db) the name of the line manager in the place or places of work where the work abroad is to be performed;

Or. en

Amendment 184

Răzvan Popa

Proposal for a directive

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

Text proposed by the Commission

Amendment

**(db) the name of the line manager or
line managers whom the worker reports;**

Or. ro

Amendment 185

Evelyn Regner

Proposal for a directive

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

Text proposed by the Commission

Amendment

**(dc) any rules on public holidays in the
country or countries in which the work
abroad is to be performed;**

Or. en

Amendment 186

Răzvan Popa

Proposal for a directive

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

Text proposed by the Commission

Amendment

**(dc) information on social security
measures and taxes levied by the host
country.**

Or. ro

Amendment 187

Evelyn Regner

Proposal for a directive

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

Text proposed by the Commission

Amendment

(dd) any changes in tax and social security arrangements for the period in which the work abroad is to be performed;

Or. en

Amendment 188

Răzvan Popa

Proposal for a directive

Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Member States shall ensure that, if the worker sent abroad is a posted worker covered by Directive 96/71/EC, he or she shall in addition be notified of:

2. Member States shall ensure that, if the worker sent abroad is a posted worker covered by Directive 96/71/EC, he or she shall in addition, **as stated in Article 4(1)**, be notified of:

Or. ro

Amendment 189

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive

Article 6 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the remuneration to which the worker is entitled in accordance with the applicable law of the host Member State;

(a) the **employment conditions under Article 3.1 of Directive 96/71/EC including** remuneration to which the worker is entitled in accordance with the applicable law of the host Member State;

Or. en

Amendment 190

Răzvan Popa

Proposal for a directive

Article 6 – paragraph 3

Text proposed by the Commission

3. The information referred to in 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.

Amendment

3. The information referred to in 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. ***The information must be provided in the official language of the country from which the worker is posted.***

Or. ro

Amendment 191

Francis Zammit Dimech

Proposal for a directive

Article 6 – paragraph 3

Text proposed by the Commission

3. The information referred to in 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.

Amendment

3. The information referred to in paragraph 1(b) and 2(a) ***shall be clearly*** given in the form of a reference to the laws, regulations and administrative or statutory provisions or collective agreements governing those particular points ***and made available or translated in a language that the posted workers are able to understand.***

Or. en

Amendment 192

Evelyne Gebhardt

Proposal for a directive

Article 6 – paragraph 3

Text proposed by the Commission

3. The information referred to in 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.

Amendment

3. The information referred to in 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. ***The reference shall provide all essential information in comprehensible terms.***

Or. en

Amendment 193

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

3. The information referred to in 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.

Amendment

3. The information referred to in paragraph 1(b) and 2(a) ***shall*** be given in ***writing clearly outlining*** the reference to the laws, regulations and administrative or statutory provisions or collective agreements governing those particular points.

Or. en

Amendment 194

Ana Miranda, Tamás Meszerics
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

Amendment

deleted

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 195

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

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, including any extension. ***Any time worked with the same enterprise, group or entity shall count towards that six months period. During a probationary period an employment relationship shall not be declared dormant.***

Or. en

Amendment 196

Francis Zammit Dimech

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 ***that stipulated in the national legislation or relevant collective agreements.***

Or. en

Amendment 197
Evelyn Regner

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 *one month*, including any extension.

Or. en

Amendment 198
Ana Miranda, Tamás Meszerics
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 employment or is in the interest of the worker.*

Amendment

deleted

Or. en

Amendment 199
Francis Zammit Dimech

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

Amendment

2. Member States may provide for longer probationary periods *only* in cases

this is justified by the nature of the employment or is in the interest of the worker.

where this is ***appropriately*** justified by the nature of the employment, ***the skills, the work conditions*** or is in the interest of the worker.

Or. en

Amendment 200

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive **Article 7 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. A probation period shall not hamper the accrual of rights.

Or. en

Amendment 201

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive **Article 7 – paragraph 2 b (new)**

Text proposed by the Commission

Amendment

2b. A probation period can only be agreed in cases of open-ended contracts.

Or. en

Amendment 202

Evelyn Regner

Proposal for a directive **Article 8 – title**

Text proposed by the Commission

Amendment

Employment *in parallel*

Employment *with other employers*

Or. en

Amendment 203

Evelyn Regner

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

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.*

1. Member States shall ensure that an employer shall not prohibit workers from taking up employment with other employers.

Or. en

Amendment 204

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive

Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. *Employers may however lay down conditions of incompatibility where such restrictions are justified by legitimate reasons such as the protection of business secrets or the avoidance of conflicts of interests.*

deleted

Or. en

Amendment 205

Francis Zammit Dimech

Proposal for a directive
Article 8 – paragraph 2

Text proposed by the Commission

2. **Employers** may however lay down conditions of incompatibility where such restrictions are justified by legitimate reasons such as the protection of business secrets or the avoidance of conflicts of interests.

Amendment

2. **Member States** may however lay down conditions of incompatibility where such restrictions are justified by legitimate reasons such as the protection of business secrets or the avoidance of conflicts of interests.

Or. en

Amendment 206
Răzvan Popa

Proposal for a directive
Article 8 – paragraph 2

Text proposed by the Commission

2. **Employers** may however lay down conditions of incompatibility where such restrictions are justified by legitimate reasons such as the protection of business secrets or the avoidance of conflicts of interests.

Amendment

2. **Member States** may however lay down conditions of incompatibility where such restrictions are justified by legitimate reasons such as the protection of business secrets or the avoidance of conflicts of interests.

Or. ro

Amendment 207
Evelyn Regner

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***

Amendment

Member States shall ensure that ***an employer can only modify the pattern of normal working hours if the following conditions are met:***

only:

Or. en

Amendment 208

Evelyn Regner

Proposal for a directive

Article 9 – paragraph 1 – point a

Text proposed by the Commission

(a) *if work takes place within predetermined reference hours and reference days, established in writing at the start of the employment relationship, in accordance with Article 3(2)(l)(i), and*

Amendment

(a) *the modification is justified for objective reasons related to the type of work;*

Or. en

Amendment 209

Evelyn Regner

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)(l)(ii).*

Amendment

(b) *the worker is informed of the pattern of the normal working hours for the respective week at least two weeks in advance, except in cases of emergency;*

Or. en

Amendment 210

Evelyn Regner

Proposal for a directive

Article 9 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the modification is not in conflict with any legitimate interests of the worker;

Or. en

Amendment 211
Evelyn Regner

Proposal for a directive
Article 9 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) the modification is not in conflict with any other agreements;

Or. en

Amendment 212
Evelyn Regner

Proposal for a directive
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that for every employment relationship the length and the pattern of the normal working time is clearly determined. Employers shall pay a premium for overtime.

Or. en

Amendment 213
Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive
Article 10 – 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 **convert into** a form of employment with more predictable and secure working conditions where available. ***Time worked with the same enterprise, group or entity or natural or legal person shall count towards that six months period.***

Or. en

Amendment 214
Evelyne Gebhardt

Proposal for a directive
Article 10 – 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 **shall be entitled to obtain** a form of employment with more predictable and secure working conditions where available.

Or. en

Amendment 215
Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

2. The employer shall **provide a written reply** within one month of the

Amendment

2. The employer shall **genuinely consider the conversion. A refusal is only**

request. *With respect to natural persons acting as employers and micro, small, or medium enterprises, Member States may provide for that deadline to be extended to no more than three months and allow for an oral reply to a subsequent similar request submitted by the same worker if the justification for the reply as regards the situation of the worker remains unchanged.*

allowed if provided in writing arguing an objective business needs within one month of the request.

Or. en

Amendment 216
Răzvan Popa

Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

2. The employer shall provide a written reply within one month of the request. With respect to natural persons acting as employers and micro, small, or medium enterprises, Member States may provide for that deadline to be extended to no more than **three months** and allow for an oral reply to a subsequent similar request submitted by the same worker if the justification for the reply as regards the situation of the worker remains unchanged.

Amendment

2. The employer shall provide **an appropriately substantiated** written reply within one month of the request. With respect to natural persons acting as employers and micro, small, or medium enterprises, Member States may provide for that deadline to be extended to no more than **one month** and allow for an oral reply to a subsequent similar request submitted by the same worker if the justification for the reply as regards the situation of the worker remains unchanged.

Or. ro

Amendment 217
Evelyn Regner

Proposal for a directive
Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that

workers with a contract of employment or employment relationship with a temporary work agency who have been assigned to the same user undertaking to work temporarily under its supervision and direction for at least six months must be employed as part of the permanent workforce of the user undertaking.

Or. en

Amendment 218

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive

Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *Should the employer not reply to the demand for conversion within one month, the conversion is presumed to have taken effect from the first day following this period.*

Or. en

Amendment 219

Francis Zammit Dimech

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall ensure that where employers are required by Union or national legislation or relevant collective agreements to provide training to workers to carry out the work for which they are employed, such training shall be provided cost-free to the worker.

Member States shall ensure that where employers are required by Union or national legislation or relevant collective agreements to provide **any** training **or education** to workers to carry out the work for which they are employed, such training **or education** shall be provided cost-free to the worker.

Amendment 220

Răzvan Popa

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

Member States shall ensure that where employers are required by Union or national legislation or relevant collective agreements to provide training to workers to carry out the work for which they are employed, such training shall be provided cost-free to the worker.

Amendment

Member States shall ensure that where employers are required by Union or national legislation or relevant collective agreements to provide training ***or instruction*** to workers to carry out the work for which they are employed, such training ***or instruction*** shall be provided cost-free to the worker.

Or. ro

Amendment 221

Evelyn Regner

Proposal for a directive

Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that workers are entitled to a minimum amount of training within working hours equivalent to at least the amount of one normal working week per year.

Or. en

Amendment 222

Ana Miranda, Tamás Meszerics
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 shall continue to be remunerated, as if he/she would have been working.

Or. en

Amendment 223

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive

Article 11 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

The training shall take place, where possible, during normal working hours. In all cases, the time spent on training shall be considered working time.

Or. en

Amendment 224

Evelyn Regner

Proposal for a directive

Article 11 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Member States shall ensure that workers are entitled to paid educational leave.

Or. en

Amendment 225

Ana Miranda, Tamás Meszerics
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

The Member States shall ensure the principles of equal pay and equal terms and conditions apply to all workers and ensure in this regard the elimination of all discrimination, regardless of the employment status.

Or. en

Amendment 226
Jytte Guteland

Proposal for a directive
Article 12 – 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 social partners to ***maintain, negotiate, conclude and enforce*** 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.

Member States with a high level of organisation and coverage for the collective agreements, and where the social partners have the primary responsibility to regulate working conditions, may determine that collective agreements concluded at the appropriate level by recognized social partners in accordance with national law, balancing the interests of workers and employers, shall be considered as respecting the overall protection of workers, as long as the purpose of this directive and

European Union law is respected.

Or. en

Justification

It is necessary to respect the social partners autonomy and their right to negotiate and conclude collective agreements at the appropriate level. The premise should be that recognized social partners have full discretion regarding the possibility to conclude collective agreements at an appropriate level. The provision should also premise that the social partners fulfil the purpose of the directive, and respect the interest of both employers and employees, through collective agreements. The position of the social partners that enables them to strike the balance between employees and employers interests must be safeguarded in the operational part of the directive. To comply with this directive the result of such bargaining between the social partners must respect the purpose of the directive.

Amendment 227

Daniel Buda

Proposal for a directive

Article 12 – 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 social partners to conclude collective agreements, in conformity with the national law or practice, which, **without prejudice to the minimum standards determined under this Directive and** the overall protection of workers, establish arrangements concerning the working conditions of workers which differ from those referred to in Articles 7 to 11.

Or. ro

Amendment 228

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive

Article 12 – 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 social partners to conclude collective agreements, in conformity with the national law or practice, which, while **fully** respecting the **level of** protection **provided by this directive**, establish arrangements concerning the working conditions of workers which differ from **but may not fall below** those referred to in Articles 7 to 11.

Or. en

Amendment 229
Evelyne Gebhardt

Proposal for a directive
Article 12 – 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 **shall** 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.

Or. en

Amendment 230
Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

Member States shall take all necessary measures to ensure that provisions

Amendment

Provisions contrary to this Directive **and less beneficial for the worker** in individual

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.

or collective agreements, internal rules of undertakings, or any other arrangements **are** null and void **and shall be** amended in order to bring them **at least** into line with the provisions of this Directive.

Or. en

Amendment 231

Răzvan Popa

Proposal for a directive

Article 14 – 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, one of the following systems shall apply:

Or. ro

Amendment 232

Francis Zammit Dimech

Proposal for a directive

Article 14 – 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 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

Amendment

(a) the worker shall benefit from favourable presumptions, **which** the Member State **has the obligation to define**. Where the information provided did not include the information referred to in points (e), (f), (k) or (l) of Article 3(2), the favourable presumptions **reported by the worker shall apply as agreed and** shall include a presumption that the worker has an open-ended employment relationship,

position, respectively. Employers shall have the possibility to rebut the presumptions; *or*

that there is no probationary period *and* that the worker has a full-time position, respectively. Employers shall have the possibility to rebut the presumptions; *and*

Or. en

Amendment 233
Francis Zammit Dimech

Proposal for a directive
Article 14 – 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, *pre-established mandatory* administrative penalty, even if the employment relationship has ended. Employers shall have the possibility to lodge an appeal against the decision imposing the penalty. Member States may designate existing bodies as competent authorities.

Or. en

Amendment 234
Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive
Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14 a

Primacy of facts

The determination of the existence of an employment relationship shall be guided by the facts relating to the actual performance of work and not on the basis of how the parties describe the relationship.

Or. en

Amendment 235

Ana Miranda, Tamás Meszerics
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' ***or trade union*** representatives, from any adverse treatment by the employer or adverse consequences resulting ***from exercising a right provided in this Directive or*** from a complaint lodged with the employer or from any legal proceedings initiated with the aim of enforcing compliance with ***these*** rights.

Or. en

Amendment 236

Francis Zammit Dimech

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 **all** necessary **measures, inter alia pre-established mandatory administrative**, 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 **their labour** rights.

Or. en

Amendment 237

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive

Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Persons reporting situations of infringements of the rights provided under this Directive, shall be fully protected by European legislation regarding the protection of persons reporting on breaches of Union law.

Or. en

Amendment 238

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive

Article 17 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall take the

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.

necessary measures to prohibit ***and declare as null and void*** the dismissal or its equivalent and all preparations for dismissal ***or other detriments or less favourable treatments*** of workers, on the grounds that they exercised the rights provided for in this Directive. ***The necessary measures shall also include the right to reinstatement and compensation.***

Or. en

Amendment 239

Răzvan Popa

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 and all preparations for dismissal of workers, on the grounds that they exercised the rights provided for in this Directive. ***The dismissal shall be considered non-effective if the employer is unable to provide supporting evidence.***

Or. ro

Amendment 240

Francis Zammit Dimech

Proposal for a directive

Article 17 – 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

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 may request

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

the employer to provide duly substantiated grounds for the dismissal or its equivalent. The employer shall provide those grounds in writing. *Member States shall also take the necessary steps to ensure that the deadline for bringing an action contesting dismissal is suspended as long as the worker has not received a written reasoned justification from the employer.*

Or. en

Amendment 241

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive Article 17 – 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. The employer shall provide those grounds in writing.

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 may request the employer to provide duly substantiated grounds for the dismissal or its equivalent. The employer shall provide those grounds in writing. *Member States shall ensure that the deadline for bringing an action contesting the dismissal is suspended as long as the worker has not received written justification from the employer.*

Or. en

Amendment 242

Răzvan Popa

Proposal for a directive Article 17 – 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. The employer shall provide those grounds in writing.

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 may request the employer to provide duly substantiated grounds for the dismissal or its equivalent. The employer shall provide those grounds in writing. ***The dismissal shall cease to take effect until the employee has received notification of the grounds.***

Or. ro

Amendment 243

Răzvan Popa

Proposal for a directive

Article 17 – paragraph 3

Text proposed by the Commission

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.

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. ***Dismissal shall not take effect until the matter has been resolved.***

Or. ro

Amendment 244

Evelyne Gebhardt

Proposal for a directive

Article 17 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Member States shall allow trade unions to seek representative actions aimed at the protection of the collective interests of workers in relation to this directive corresponding to the rules of Directive 2009/22/EC.^{1a}

**^{1a} to be repealed by 2018/0089(COD);
Proposal for a directive of the European Parliament and of the Council on representative actions for the protection of the collective interests of consumers.**

Or. en

Amendment 245

Evelyn Regner

Proposal for a directive

Article 17 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. If the employer fails to provide substantiated grounds for the dismissal or its equivalent in accordance with Article 17(2), it shall be presumed that the worker was dismissed on the grounds of exercising the rights of this Directive.

Or. en

Amendment 246

Ana Miranda, Tamás Meszerics

on behalf of the Verts/ALE Group

Proposal for a directive

Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17a

***Burden of proof of the existence of and
employment relationship***

***The burden of proof of absence of an
employment relationship shall be on the
natural or legal person identifiable as
employer.***

Or. en

Amendment 247

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

**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. They may take the form of a fine. They ***shall*** also comprise ***an appropriate and at least proportional*** payment of compensation.

Or. en

Amendment 248

Francis Zammit Dimech

**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. They **shall** take the form of a fine **and** comprise **appropriate** payment of compensation.

Or. en

Amendment 249

Răzvan Popa

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. They may take the form of a fine. They **must** also comprise payment of compensation.

Or. ro

Amendment 250

Evelyn Regner

Proposal for a directive
Article 19 – paragraph 1

Text proposed by the Commission

1. This Directive ***shall*** not constitute valid grounds for reducing the ***general*** level of protection already afforded to workers within Member States.

Amendment

1. This Directive ***does*** not constitute valid grounds for reducing the level of protection already afforded to workers within Member States ***in any form***.
Member States shall gradually improve the level of protection for workers within the areas which fall under the scope of this Directive.

Or. en

Amendment 251
Francis Zammit Dimech

Proposal for a directive
Article 19 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States are required to progressively improve the level of protection of workers in the regulatory field that come under the scope of this Directive and in full compliance with the European Charter of Fundamental Rights of the EU and the European Social Charter.

Or. en

Amendment 252
Ana Miranda, Tamás Meszerics
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.

Or. en

Amendment 253

Răzvan Popa

Proposal for a directive

Article 21 – paragraph 1

Text proposed by the Commission

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 workers from the minimum rights established under this Directive.*

Amendment

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

Or. ro

Amendment 254

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

Proposal for a directive

Article 21 – paragraph 1

Text proposed by the Commission

The rights and obligations set out in this Directive shall apply to existing employment relationships as from [entry

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 workers from the minimum rights established under this Directive.**

into force date + 2 years].

Or. en

Amendment 255

Ana Miranda, Tamás Meszerics
on behalf of the Verts/ALE Group

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

Or. en