

Better working conditions for all: balancing flexibility and security



Enrique Calvet Chambon

Parliament wants all workers to benefit from minimum rights on working conditions, including those on non-traditional contracts.

On 16 April [MEPs approved rules introducing new minimum rights on working conditions](#), including the length of the probationary period, working hours and restrictive contracts. The rules would also require that all new employees, including those on atypical contracts and in non-traditional jobs, would get an extended information package on their responsibilities and working conditions. Once the Council has approved them as well, the rules will come into force. EU countries will have three years to bring their national legislation in line with the directive.

Learn more about the new rules in our interview with report author Enrique Calvet Chambon, a Spanish member of the ALDE group.

The growing flexibility and digitalisation of the labour market has led to new and non-standard forms of employment. What are the benefits and challenges of this trend?

New technologies and digitalisation are generating new forms of employment, even a new concept of work, and also, testing our labour markets, the limits of the rules of labour law and social protection. Benefits can be many: you cannot ignore the arrival of more flexible, more imaginative and more adaptable forms of employment. It is clear that Europe wants to avoid exploitation and any lack of protection incompatible with the European social model, especially for with these new and non-standard ways of working. Briefly, we attained an equilibrium between flexibility and protection for workers: “flexi-protection”.

New business models mean it is unclear whether some workers are self-employed or employees. Will the new rules apply to platforms, such as Uber and Deliveroo?

The new rules will be applicable to the worker who performs a remunerated job under the direction of another person, who manages him and on whom he depends. Platform workers will be included in the scope. It could be said that they have motivated this directive. Regarding self-employment, Parliament wanted to be clear, by expressly excluding the genuinely and voluntary self-employed. I defended this position during negotiations with the Council.

What will change in comparison with the current rules?

The new directive establishes a universal minimum of social rights in Europe; that is the great novelty. These rights could be considered the seed of a framework for a European labour market, something necessary for the European project to be reinforced. Specifically, I would highlight the time limit of the trial period, which may not generally exceed six months; the right to work for other employers, with the prohibition of the named "exclusivity clauses" or "incompatibility"; the right to receive stipulated training for free and within working hours; and the right to specific guarantees providing minimum predictability to forms of employment that, by their nature, are not very predictable, as in the case of “on-demand” contracts.

In relation to on-demand work, Parliament defended workers' right to be paid if guaranteed hours are cancelled beyond an agreed deadline.

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