



2017/0355(COD)

3.10.2018

OPINION

of the Committee on Women's Rights and Gender Equality

for the Committee on Employment and Social Affairs

on the proposal for a directive of the European Parliament and of the Council
on transparent and predictable working conditions in the European Union
(COM(2017)0797 – C8-0006/2018 – 2017/0355(COD))

Rapporteur for opinion: Maria Arena

PA_Legam

AMENDEMENTS

The Committee on Women's Rights and Gender Equality calls on the Committee on Employment and Social Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive Citation 1

Text proposed by the Commission

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

Amendment

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

Amendment 2

Proposal for a directive Citation 2

Text proposed by the Commission

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

Amendment

having regard to the Treaty on the Functioning of the European Union, and in particular Article 153(1)(b) and (2)(b) **and Article 157(1-3) thereof**,

Amendment 3

Proposal for a directive Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Principle 2 of the European Pillar of Social Rights reiterates that equal treatment and opportunities between women and men must be ensured and fostered in all areas, including participation in the labour market, terms

and conditions of employment and career progression, and they have the right to equal pay for work of equal value pursuant to Article 157(1-3) TFEU.

Amendment 4

Proposal for a directive Recital 3 a (new)

Text proposed by the Commission

Amendment

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

Amendment 5

Proposal for a directive Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) In its communication of 8 March 2016 on the European Pillar of Social Rights (COM(2016) 0127, Annex I) the Commission acknowledged that European labour markets still discriminate against women; that women are still under-represented in employment and over-represented in part-time work and low-wage sectors, and receive smaller hourly wages even when performing work equivalent to that performed by men and with an equivalent or higher level of education.

Amendment 6

Proposal for a directive Recital 3 c (new)

Text proposed by the Commission

Amendment

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

Amendment 7

Proposal for a directive Recital 13

Text proposed by the Commission

Amendment

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

(13) Information on remuneration to be provided should include ***but not be limited to*** all elements of the remuneration, ***as well as the method of calculation and information on pay levels, broken down by gender, for categories of employees doing the same work or work of equal value***, including contributions in cash or kind, directly or indirectly received by the worker in respect of his or her work ***overtime payments, bonuses and other entitlements, such as sick pay or leaves***. The provision of such information should be without prejudice to the freedom for employers to provide for additional elements of remuneration such as one-off payments. The fact that elements of remuneration due by law or collective

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

Amendment 8

Proposal for a directive Recital 19

Text proposed by the Commission

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

Amendment

(19) Probationary periods allow employers to verify that workers are suitable for the position for which they have been engaged while providing them with accompanying support and training. Such periods may be accompanied by reduced protection against dismissal. Any entry into the labour market or transition to a new position should not be subject to prolonged insecurity. ***Probationary periods must not be made into mechanisms for exploiting workers in that they are guaranteed employment for prolonged periods on low wages and then dismissed at the end of the probationary period. This would be a way of replacing fixed-term contracts with more precarious contracts, with women once again bearing the brunt of this. Probationary periods should not exceed three months and should ideally be shorter.*** Probationary periods may ***exceed three months in duly justified cases, such as when the technical complexity of the work or the high degree of responsibility in the worker's post justifies this or where the worker is appointed to a managerial position. Member States should pass legislation defining the cases in which exceptions may exceed the three-month probationary period and the corresponding appropriate periods.***

Amendment 9

Proposal for a directive Recital 26

Text proposed by the Commission

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

Amendment

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

Amendment 10

**Proposal for a directive
Recital 27 a (new)**

Text proposed by the Commission

Amendment

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

Amendment 11

**Proposal for a directive
Recital 32**

Text proposed by the Commission

Amendment

(32) Workers exercising rights provided for in this Directive should enjoy protection from dismissal or equivalent detriment (such as an on-demand worker no longer being assigned work) or any preparations for a possible dismissal, on

(32) Workers exercising rights provided for in this Directive should enjoy protection from dismissal or equivalent detriment (such as an on-demand worker no longer being assigned work) or any preparations for a possible dismissal, on

the grounds that they sought to exercise such rights. Where workers consider that they have been dismissed or have suffered equivalent detriment on those grounds, workers and competent authorities should ***be able to*** require the employer to provide duly substantiated grounds for the dismissal or equivalent measure.

the grounds that they sought to exercise such rights. Where workers consider that they have been dismissed or have suffered equivalent detriment on those grounds, workers and competent authorities should require the employer to provide duly substantiated grounds for the dismissal or equivalent measure ***and to reinstate the worker in the event the alleged grounds are unfounded. The relevant authorities shall ensure that the worker is compensated for the harm caused and shall be empowered to impose penalties on companies guilty of such practices. Particular attention shall be paid to situations that specifically affect women and situations resulting from discrimination on grounds of maternity; the latter shall be viewed as aggravating circumstances.***

Amendment 12

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

Amendment 13

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 the case of temporary workers and the rates of remuneration of the user undertaking to***

ensure equal pay;

Amendment 14

Proposal for a directive

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

Text proposed by the Commission

Amendment

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

Amendment 15

Proposal for a directive

Article 3 – paragraph 2 – point h

Text proposed by the Commission

Amendment

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

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

Amendment 16

Proposal for a directive

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

Text proposed by the Commission

Amendment

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

Amendment 17

Proposal for a directive
Article 3.º – 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, the frequency and method of payment of the remuneration to which the worker is entitled, ***as well as other regular and periodic benefits to which workers are entitled of equal value or for equal work;***

Amendment 18

Proposal for a directive
Article 3 – paragraph 2 – point m a (new)

Text proposed by the Commission

Amendment

(ma) in the interests of transparency and to combat wage discrimination faced by women on the employment market, the salary scale applicable to workers in accordance with the task that they are actually assigned in the undertaking by virtue of the employment relationship they have with the employer;

Amendment 19

Proposal for a directive
Article 3 – paragraph 2 – point m b (new)

Text proposed by the Commission

Amendment

(mb) all the prerogatives to which workers are entitled by virtue of their employment relationship with their employer, but also all the social rights acquired by virtue of their status as workers as referred to in Article 2(1)(a) of this Directive, such as rights to maternity, paternity and parental leave and access to training to which they are entitled and the practical arrangements for these;

Amendment 20

Proposal for a directive

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

Text proposed by the Commission

Amendment

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

Amendment 21

Proposal for a directive

Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11 a

Equal treatment and non discrimination

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

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

Amendment 22

Proposal for a directive

Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Collective bargaining agreements should,

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

Amendment 23

Proposal for a directive Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12 a

Equal treatment

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

Amendment 24

Proposal for a directive Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

Amendment 25

Proposal for a directive Article 20 a (new)

Text proposed by the Commission

Amendment

Article 20 a

Facilitation of Complaints

Member States shall ensure specific and confidential procedures to deal with complaints on psychological and sexual harassment.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Transparent and predictable working conditions in the European Union
References	COM(2017)0797 – C8-0006/2018 – 2017/0355(COD)
Committee responsible Date announced in plenary	EMPL 18.1.2018
Opinion by Date announced in plenary	FEMM 18.1.2018
Rapporteur Date appointed	Maria Arena 15.3.2018
Discussed in committee	10.7.2018
Date adopted	27.9.2018
Result of final vote	+: 17 –: 2 0: 3
Members present for the final vote	Daniela Aiuto, Beatriz Becerra Basterrechea, Malin Björk, Vilija Blinkevičiūtė, Anna Maria Corazza Bildt, André Elissen, Iratxe García Pérez, Mary Honeyball, Angelika Mlinar, Maria Noichl, Marijana Petir, Pina Picierno, Ernest Urtasun, Jadwiga Wiśniewska, Michaela Šojdrová
Substitutes present for the final vote	Stefan Eck, José Inácio Faria, Kostadinka Kuneva, Jérôme Lavrilleux, Jordi Solé
Substitutes under Rule 200(2) present for the final vote	Marek Plura, Damiano Zoffoli

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

17	+
ALDE	Beatriz Becerra Basterrechea, Angelika Mlinar
EFDD	Daniela Aiuto
GUE/NGL	Malin Björk, Stefan Eck, Kostadinka Kuneva
PPE	José Inácio Faria, Jérôme Lavrilleux, Marek Plura
S&D	Vilija Blinkevičiūtė, Iratxe García Pérez, Mary Honeyball, Maria Noichl, Pina Picierno, Damiano Zoffoli
VERTS/ALE	Jordi Solé, Ernest Urtasun

2	-
ENF	André Elissen
PPE	Anna Maria Corazza Bildt

3	0
ECR	Jadwiga Wiśniewska
PPE	Marijana Petir, Michaela Šojdrová

Key to symbols:

+ : in favour

- : against

0 : abstention