

Briefing Note

On the European Commission's proposal for a Directive on Transparent and Predictable Working Conditions

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The proposal for a Directive on Transparent and Predictable Working Conditions is a direct follow-up to the proclamation of the **European Pillar of Social Rights**.

It aims to set **new rights for all workers**, particularly addressing insufficient protection for workers in more precarious jobs, while limiting burdens on employers and maintaining labour market adaptability.

The Commission is proposing that all workers in the EU should have the right to:

- more complete information on the essential aspects of the work, to be received by the worker, in writing, at the **latest on the first day on the job (rather than up to two months afterwards)**,
- a limit to the **length of probationary periods** at the beginning of the job,
- seek additional employment, with a ban on **exclusivity clauses and limits on incompatibility clauses**,
- know a **reasonable period** in advance when work will take place, for workers with very variable working schedules determined by the employer, as in the case of on-demand work,
- receive a written reply to a **request to transfer** to another more secure job,
- receive **cost-free the mandatory training** that the employer has a duty to provide.

The proposal aims to ensure that these rights cover all workers, including those in the most flexible non-standard and new forms of work such as zero-hour contracts, casual work, domestic work, voucher-based work or platform work.

It also comes with targeted provisions on **enforcement**, to make sure that workers in the workplace effectively benefit from these rights.

The proposal for a Directive on Transparent and Predictable Working Conditions is available in all EU languages. Read the full proposal [here](#).

1. Context

The last 25 years have brought about a growing flexibilisation of the labour market. In 2016 a quarter of all employment contracts were for "non-standard" forms of employment. These trends have led to instability and an increased lack of predictability in some working relationships, especially for workers in the most precarious situations.

The general objective of the proposed Directive is to promote more secure and predictable employment while ensuring labour market adaptability and improving living and working conditions.

2. Stakeholder consultations and impact assessment

Stakeholder consultations

Pursuant to Article 154 TFEU (Treaty on the Functioning of the European Union), the Commission undertook a two-phase consultation with the social partners (trade unions and employer's organisations) on a possible revision of the Written Statement Directive. In both phases **trade unions** were strongly in favour of new minimum rights aimed at improving transparency and predictability of working conditions. **Employers' organisations** (with very limited exceptions) opposed the inclusion of new minimum rights in a revised Directive. They preferred not to express views on specific minimum rights, arguing that such issues were a matter of national competence and that it was not necessary, or even contrary to the principle of subsidiarity, for the EU to act in these fields.

Impact assessment

The Impact Assessment was discussed with the Regulatory Scrutiny Board (RSB). At least 2-3 million non-standard workers will enter the scope of the Directive. Employers would benefit from more sustainable competition, increased legal certainty and an overall improvement in transparency in the labour markets. Non-quantified benefits for employers include higher retention and loyalty, improved worker relations, fewer complaints and court cases, better resource planning, contributing to an overall increase in productivity.

The expected costs of the combination of options are for employers: the cost of issuing a new or revised written statement and one-off costs related to familiarisation with the new Directive. Employers anticipate also some modest indirect costs (legal advice, revised scheduling systems, HR management time, information for staff).

3. Main aspects of the proposal

Chapter II: Information on the employment relationship

Article 3: Obligation to provide information

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

Paragraph 2 names, among others:

1. duration and conditions of probation (Article 3.2.f),
2. training entitlement (Article 3.2.g),

3. the length of the worker's standard working day or week and any arrangements for overtime and its remuneration (Article 3.2.k),
4. the procedure, including the length of the period of notice, should the employment relationship be terminated (Article 3.2.i),
5. if the work schedule is entirely or mostly not variable, the length of the worker's standard working day or week and any arrangements for overtime and its remuneration (Article 3.2.k),
6. for variable working schedules: the amount of guaranteed paid hours and the remuneration of work performed in addition to the guaranteed hours, for entirely or mostly determined work schedules: the reference hours and days within which the worker may be required to work and the minimum advance notice the worker shall receive before the start of a work assignment (Article 3.2.l),

Article 4: Timing and means of information

Paragraph 1 sets out that 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.

Article 5: Modification of the employment relationship

All modifications to the working conditions notified under Article 3 or to the information provided under Article 6 of the proposed Directive must be transmitted at the latest on the day they take effect, rather than up to two months afterwards as in the current Directive.

Article 6: Additional information for workers posted or sent abroad

Paragraph 1 defines that workers sent abroad shall be provided with the essential aspects of the employment relationship before their departure. In order to limit burdens on employers the obligations set out in this Article apply only if the duration of the work period abroad is more than four consecutive weeks (Paragraph 4).

Chapter III: Minimum requirements relating to working conditions

Article 7: Maximum duration of any probationary period

The provision sets a maximum duration of six months for any probationary period.

Article 8: Employment in parallel

The article provides that no worker may be prevented by his or her employer from taking up another employment (Paragraph 1) unless this is justified by legitimate reasons such as the protection of business secrets or avoidance of conflicts of interest (Paragraph 2).

Article 9: Minimum predictability of work

This article provides that, if a worker has a variable work schedule where the employer, rather than the worker, determines the timing of the work assignments, the employer must notify such workers of the periods of hours and days within which they may be required to work. Workers

cannot be required to work if they receive less than a reasonable advance notice from their employer, set out in advance in the written statement.

Article 10: Transition to another form of employment

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 (Paragraph 1). Employers are required to respond in writing (Paragraph 2).

Article 11: Training

This provision ensures that employers provide workers with any training to carry out their tasks that they are required to provide under Union or national legislation or collective agreements, without charging its cost to the workers.

Chapter IV: Collective agreements

Article 12: Collective agreements

Member States may allow social partners to conclude collective agreements, establish arrangements concerning the working conditions of workers which differ from those referred to in Articles 7 to 11.

4. Next steps

The Commission's proposal will now go the Council and the Parliament for negotiations under co-decision procedure.