



European
Commission



EUROPEAN PILLAR OF SOCIAL RIGHTS

#SocialRights

6 February 2019

TOWARDS TRANSPARENT AND PREDICTABLE WORKING CONDITIONS

EU rules adopted in 1991 foresee that employees should get information in writing about their working conditions. Since then, the world of work has evolved significantly. Demographic change has resulted in a greater diversity of the working population, digitalisation has facilitated the creation of new forms of employment and new and more flexible employment relationships have emerged. In recent years, 1 in 4 employment contracts concerned atypical forms of employment, meaning all jobs which are not full time and open-ended, ranging from 'classical' part-time work to on-demand work without guaranteed working hours.

In the context of the European Pillar of Social Rights, the Commission proposes to update and modernise the current EU rules, so that:

- ▶ Workers can benefit from **new and updated minimum standards**, fit for purpose in the 21st century
- ▶ **More workers**, including those in atypical forms of employment, are covered

WHICH WORKERS ARE COVERED?

Today workers who have contracts of less than 8 hours per week (32 per month) or shorter than one month or casual workers can be excluded from the rules and are therefore not covered. The new directive will make sure that only people **working less than 12 hours a month** can be excluded. Thanks to this measure an **additional 2 to 3 million workers** will be covered and protected by the updated rules:

Workers in atypical or new forms of work are, for instance:



Workers on zero-hour contracts, such as fast food chains workers, workers in logistical centres, shelf stockers in supermarkets



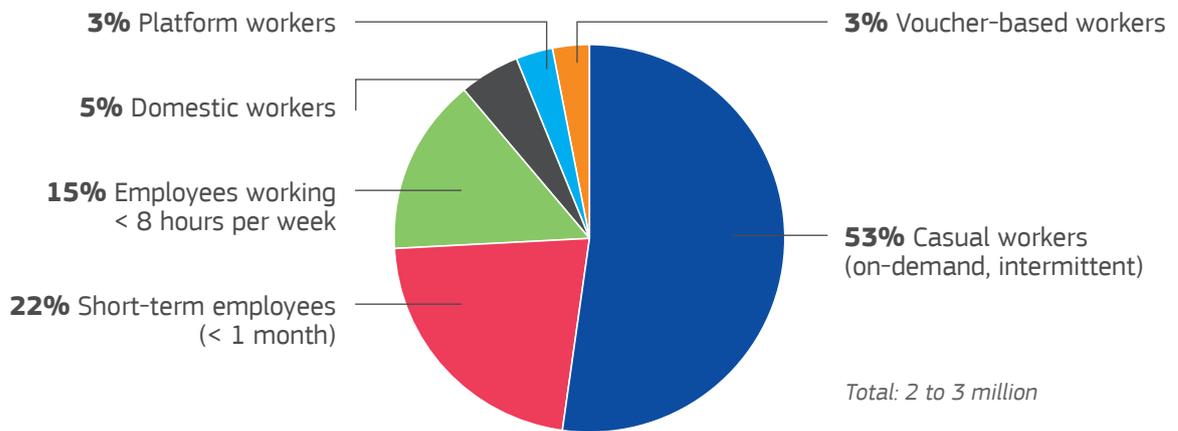
Domestic or voucher-based workers



Platform workers, such as on-demand drivers or couriers

CATEGORIES OF NEWLY PROTECTED WORKERS

Source: Study conducted as part of the impact assessment

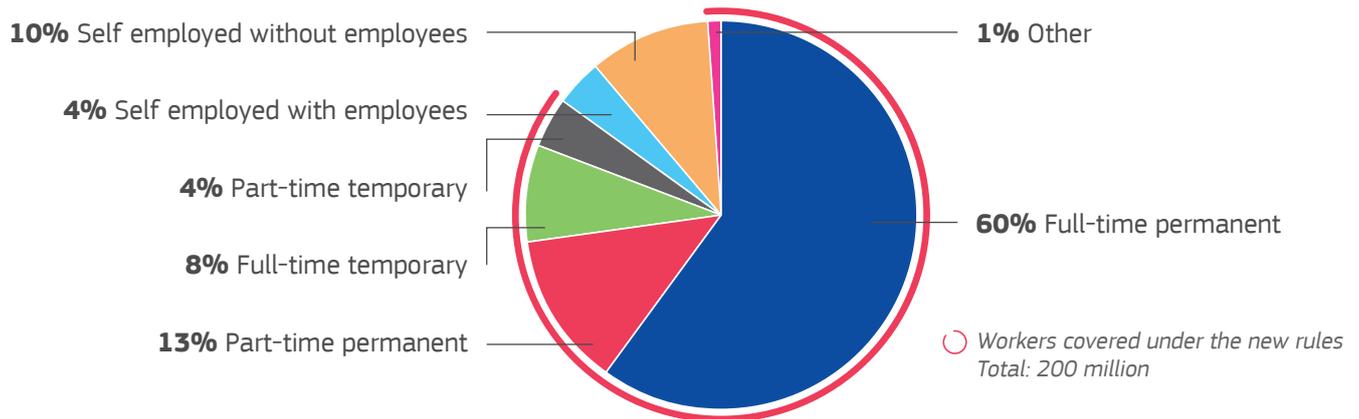


NEW AND BETTER MINIMUM STANDARDS FOR ALL WORKERS

The updated and modernised EU rules will make working conditions more transparent and predictable by allowing **200 million workers in the EU to benefit from new and better minimum standards.**

FORMS OF EMPLOYMENT COVERED UNDER THE NEW RULES

Source: Eurostat



	CURRENT RULES	NEW RULES
Type of information offered by employer	<ul style="list-style-type: none"> • Identity of parties • Place of work • Specification of work • Starting date • Duration (for temporary contracts) • Paid leave • Notice period • Amount and components of remuneration • Length of working day or week • Applicable collective agreements • Additional information for expatriate employees 	<p>In addition to current elements, information on:</p> <ul style="list-style-type: none"> • probation (if any); • training provided by employer; • arrangements and remuneration for overtime; • for temporary agency workers: information about the enterprises where they will be sent to work; • more precise information on working time for workers with variable work schedules; • social security institution where contributions are paid.
Deadline to provide the information	Within 2 months following the start of the employment relationship.	Essential information between the first day of work and the seventh calendar day that follows; supplementary information within 1 month.
How the information should be provided	Written contract, letter of engagement or one or more written documents.	<ul style="list-style-type: none"> • A written document, in paper or electronic form • Member States may provide templates and accessible information to reduce burdens on employers
Material rights	None	<ul style="list-style-type: none"> • Limit the length of probationary periods to 6 months, unless longer is objectively justified • Right to work for other employers, with a ban on exclusivity clauses and restrictions on incompatibility clauses • Right to predictability of work: workers with variable working schedules determined by the employer (i.e. on-demand work) should know in advance when they can be requested to work. Outside the agreed working time, they retain full right to refuse calls, and protection against unfair treatment. • Right to compensation when the employer cancels the work assignment after a specific deadline • Prevention of abusive practices regarding the use of on-demand or similar contracts • Possibility to request a more stable form of employment and to receive a justified written reply (within 1 month; for small and medium-sized enterprises within 3 months and orally for repeated requests) • Right to cost-free mandatory training
Enforcement	If no information is received by the worker from the employer, Member States remain free to decide what happens. Workers can be asked to make long court cases and have to prove the damage suffered from not receiving the information, which can be close to impossible.	Member States will have two options to address missing information: either they grant the worker a contract with more protective measures than the ones agreed with the employer; either workers can make an appeal at a specialised authority that will deal with the issue, to ensure timely and adequate redress. In addition, provisions based on existing social acquis on compliance, right to redress, prevention of adverse treatment, burden of proof on dismissal, and penalties are introduced.