

Tuesday 4 July 2017

P8\_TA(2017)0290

## **Working conditions and precarious employment**

### **European Parliament resolution of 4 July 2017 on working conditions and precarious employment (2016/2221(INI))**

(2018/C 334/09)

*The European Parliament,*

- having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 151 and 153,
- having regard to Article 5 of the Treaty on European Union (TEU),
- having regard to the Charter of Fundamental Rights of the European Union, in particular its Title IV (Solidarity),
- having regard to Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work <sup>(1)</sup>,
- having regard to Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation <sup>(2)</sup>,
- having regard to Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work <sup>(3)</sup> (the Temporary Agency Work Directive),
- having regard to the targeted revision of 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 <sup>(4)</sup> (the Posting of Workers Directive) and of Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services <sup>(5)</sup> (the Enforcement Directive),
- having regard to Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) <sup>(6)</sup>,
- having regard to its resolution of 19 October 2010 on precarious women workers <sup>(7)</sup>,
- having regard to its resolution of 10 September 2015 on ‘Creating a competitive EU labour market for the 21st century: matching skills and qualifications with demand and job opportunities, as a way to recover from the crisis’ <sup>(8)</sup>,
- having regard to its resolution of 25 February 2016 on ‘European Semester for economic policy coordination: Employment and Social Aspects in the Annual Growth’ <sup>(9)</sup>,
- having regard to its resolution of 14 September 2016 on social dumping in the European Union <sup>(10)</sup>,

<sup>(1)</sup> OJ L 216, 20.8.1994, p. 12.

<sup>(2)</sup> OJ L 204, 26.7.2006, p. 23.

<sup>(3)</sup> OJ L 327, 5.12.2008, p. 9.

<sup>(4)</sup> OJ L 18, 21.1.1997, p. 1.

<sup>(5)</sup> OJ L 159, 28.5.2014, p. 11.

<sup>(6)</sup> OJ L 177, 4.7.2008, p. 6.

<sup>(7)</sup> OJ C 70 E, 8.3.2012, p. 1.

<sup>(8)</sup> Texts adopted, P8\_TA(2015)0321.

<sup>(9)</sup> Texts adopted, P8\_TA(2016)0059.

<sup>(10)</sup> Texts adopted, P8\_TA(2016)0346.

Tuesday 4 July 2017

- having regard to its resolution of 15 September 2016 on the application of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation <sup>(1)</sup>,
- having regard to its resolution of 19 January 2017 on a European Pillar of Social Rights <sup>(2)</sup>,
- having regard to the opinion of the European Economic and Social Committee on the changing nature of employment relationships and its impact on the living wage <sup>(3)</sup>,
- having regard to the European Platform to enhance cooperation in tackling undeclared work,
- having regard to the 2016 study prepared at request of Parliament's Employment and Social Affairs Committee and entitled 'Precarious Employment in Europe: Patterns, trends and policy strategies' <sup>(4)</sup>,
- having regard to the European Quality Charter on Internships and Apprenticeships launched on 14 December 2011,
- having regard to the Commission's Employment and Social Developments in Europe (ESDE) Quarterly Review for autumn 2016,
- having regard to the Commission's Strategic Engagement for Gender Equality 2016-2020,
- having regard to the Eurofound report (2010) on 'Flexible forms of work: "very atypical" contractual arrangements',
- having regards to the Eurofound report (2014) on 'Impact of the crisis on industrial relations and working conditions in Europe' <sup>(5)</sup>,
- having regard to the Eurofound report (2015) on 'New forms of employment' <sup>(6)</sup>,
- having regard to the Eurofound report (2016) on 'Exploring the fraudulent contracting of work in the European Union' <sup>(7)</sup>,
- having regard to the Eurofound European Working Conditions Survey and its Sixth European Working Conditions Survey — Overview report <sup>(8)</sup>,
- having regard to the Eurofound European Industrial Relations Dictionary <sup>(9)</sup>,
- having regard to the fundamental labour standards established by the International Labour Organisation (ILO) and to its conventions and recommendations on working conditions,
- having regard to the ILO's Recommendation R198 of 2006 concerning the employment relationship (the Employment Relationship Recommendation) <sup>(10)</sup> and to its provisions on the determination of an employment relationship,
- having regard to the ILO report of 2011 on policies and regulations to combat precarious employment <sup>(11)</sup>,
- having regard to the ILO report of 2016 on non-standard employment around the world <sup>(12)</sup>,
- having regard to the ILO report of 2016 on building a social pillar for European convergence <sup>(13)</sup>,

<sup>(1)</sup> Texts adopted, P8\_TA(2016)0360.

<sup>(2)</sup> Texts adopted, P8\_TA(2017)0010.

<sup>(3)</sup> OJ C 303, 19.8.2016, p. 54.

<sup>(4)</sup> [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/587285/IPOL\\_STU\(2016\)587285\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/587285/IPOL_STU(2016)587285_EN.pdf).

<sup>(5)</sup> [http://www.eurofound.europa.eu/sites/default/files/ef\\_publication/field\\_ef\\_document/ef1398en.pdf](http://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef1398en.pdf)

<sup>(6)</sup> [https://www.eurofound.europa.eu/sites/default/files/ef\\_publication/field\\_ef\\_document/ef1461en.pdf](https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef1461en.pdf)

<sup>(7)</sup> [http://www.eurofound.europa.eu/sites/default/files/ef\\_publication/field\\_ef\\_document/ef1639en.pdf](http://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef1639en.pdf)

<sup>(8)</sup> [http://www.eurofound.europa.eu/sites/default/files/ef\\_publication/field\\_ef\\_document/ef1634en.pdf](http://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef1634en.pdf)

<sup>(9)</sup> <https://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary>

<sup>(10)</sup> [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:312535](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312535).

<sup>(11)</sup> [http://www.ilo.org/wcmsp5/groups/public/-ed\\_dialogue/-actrav/documents/meetingdocument/wcms\\_164286.pdf](http://www.ilo.org/wcmsp5/groups/public/-ed_dialogue/-actrav/documents/meetingdocument/wcms_164286.pdf).

<sup>(12)</sup> [http://www.ilo.org/wcmsp5/groups/public/-dgreports/-dcomm/-publ/documents/publication/wcms\\_534496.pdf](http://www.ilo.org/wcmsp5/groups/public/-dgreports/-dcomm/-publ/documents/publication/wcms_534496.pdf).

<sup>(13)</sup> [http://www.ilo.org/wcmsp5/groups/public/-dgreports/-dcomm/-publ/documents/publication/wcms\\_490959.pdf](http://www.ilo.org/wcmsp5/groups/public/-dgreports/-dcomm/-publ/documents/publication/wcms_490959.pdf).

**Tuesday 4 July 2017**

- having regard to the UN's General Recommendation No 28 of 2010 on the Core Obligations of States Parties under Article 2 of the UN Convention on the Elimination of All Forms of Discrimination against Women,
  - having regard to the 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),
  - having regard to the Council of Europe's Gender Equality Strategy 2014-2017,
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Employment and Social Affairs and the opinions of the Committee on Agriculture and Rural Development and the Committee on Women's Rights and Gender Equality (A8-0224/2017),
- A. whereas non-standard, atypical forms of employment have been emerging; whereas the number of workers with fixed-term and part-time contracts has increased in the EU over the past 15 years; whereas efficient policies are needed to embrace the various forms of employment and adequately protect workers;
- B. whereas during the last 10 years standard employment has fallen from 62 % to 59 % <sup>(1)</sup>; whereas if this trend continues it may well become the case that standard contracts will only apply to a minority of workers;
- C. whereas full-time, permanent contracts continue to account for the majority of employment contracts in the EU and in some sectors atypical forms of employment are also to be found alongside standard employment; whereas atypical employment can also have negative effects on work-life balance, due to non-standard working time as well as irregular wages and pension contributions;
- D. whereas the new forms of employment that are emerging, particularly in the context of digitalisation and the new technologies, are blurring the boundary between dependent employment and self-employment <sup>(2)</sup>, which can cause a decline in the quality of employment;
- E. whereas some new forms of employment are different from traditional standard employment in a number of ways; whereas some are transforming the relationship between employer and employee, others are changing the working pattern and organisation of work, and others again are doing both; whereas this can cause a rise in bogus self-employment, a deterioration of working conditions and a reduction in social security protection, but can also bring advantages; whereas the implementation of existing legislation is therefore of paramount importance;
- F. whereas increases in employment rates in the Union since the economic crisis are to be welcomed, but can be partly attributed to an increase in the number of atypical contracts, creating in certain cases greater risk of precariousness than standard employment; whereas greater emphasis should be placed on quality in job creation;
- G. whereas part-time employment has at no moment declined since the crisis, and full-time employment at Union level is still below its 2008 pre-crisis level; whereas despite increases in recent years, the employment rate is still below the Europe 2020 target of 75 % and reveals large disparities among Member States;
- H. whereas it is important that a distinction is made between the new forms of employment that are emerging and the existence of precarious employment;

<sup>(1)</sup> Full-time permanent contracts account for 59 % of total employment in the EU; self-employment with employees for 4 %, freelance work for 11 %, temporary agency work for 1 %, fixed-term work for 7 %, apprenticeship or traineeship for 2 %, marginal part-time work (less than 20 hours per week) for 9 %, and part-time permanent work for 7 %.

<sup>(2)</sup> See ILO report of 2016 on 'Building a social pillar for European convergence'.

Tuesday 4 July 2017

- I. whereas competence for social policy is shared by the European Union and the Member States; whereas the EU can only complement and support the Member States in this field;
- J. whereas the EU can only adopt minimum requirements for working conditions without harmonising the laws and regulations of the Member States;
- K. whereas a European Platform to tackle undeclared work has already been set up, enabling closer cross-border cooperation and joint action between the competent authorities of the Member States and other stakeholders in order to combat undeclared work effectively and efficiently;
- L. whereas precarious employment leads to market segmentation and exacerbates wages inequalities;
- M. whereas there is no common definition of precarious employment so far; whereas such a definition should be drawn up in close consultation with the social partners; whereas the type of contract cannot, on its own, presage the risk of precarious employment but, on the contrary, this risk depends on a wide range of factors;
- N. whereas standard employment can mean full-time and voluntary part-time regular employment on the basis of open-ended contracts; whereas each Member State has its own laws and practices establishing working conditions applicable to different types of employment contracts and internships; whereas there is no universally accepted definition of 'standard employment';
- O. whereas the most recent issues of representation, which are due to either weaknesses of the social partners' organisations in certain sectors or to reforms in various European countries limiting social partners' roles, impinge on all employment relationships;
- P. whereas some sectors such as agriculture, construction and arts are disproportionately affected by precarious employment; whereas precarious employment has also spread to other sectors in recent years such as aviation and the hotel industry <sup>(1)</sup>;
- Q. whereas, according to recent studies, workers in mid-skilled manual and low-skilled occupations have less earnings, prospects and intrinsic job quality; whereas they report more frequent exposure to environmental and posture risks, with lower levels of both mental health and physical wellbeing <sup>(2)</sup>;
- R. whereas women account for 46 % of the EU's labour force and are particularly vulnerable to job insecurity resulting from discrimination, including in the area of pay, and whereas women earn around 16 % less than men in the EU; whereas women are more likely to work part-time or on time-limited or low-wage contracts and are therefore more at risk of precariousness; whereas such working conditions create lifelong losses in terms of income and protection, be it wages, pensions or social security benefits; whereas men are more likely to work on a full-time and permanent basis than women; whereas women are particularly affected by involuntary part-time work, bogus self-employment and undeclared work <sup>(3)</sup>;
- S. whereas the employment rate in the EU is higher for men than for women; whereas the main reasons for women leaving the labour market are the need to care for children or elderly, their own illness or incapacity or other personal and family responsibilities; whereas women often face discrimination and hurdles in view of their existing or potential motherhood; whereas single women with dependent children face a particularly high risk of precariousness;

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<sup>(1)</sup> See study of 2016 on 'Precarious Employment in Europe: Patterns, trends and policy strategies'.

<sup>(2)</sup> Eurofound (2014), 'Occupational profiles in working conditions: Identification of groups with multiple disadvantages'.

<sup>(3)</sup> See study of 2016 on 'Precarious Employment in Europe: Patterns, trends and policy strategies'.

Tuesday 4 July 2017

- T. whereas equality between men and women is a fundamental right that presupposes a guarantee of equal opportunities and equal treatment in all areas of life, and whereas policies aimed at ensuring such equality contribute to the promotion of smart and sustainable growth;
- U. whereas many workers who are in precarious employment or unemployed do not have the right to parental leave;
- V. whereas young workers are at a higher risk of finding themselves in a position of precarious employment; whereas the likelihood of being in a multiple disadvantaged position is twice as high for workers aged under 25 than for those aged 50 or more <sup>(1)</sup>;

**I. Towards decent work — addressing working conditions and precarious employment**

1. Calls on the Member States to take into account the following ILO indicators to determine the existence of an employment relationship:

- the work is carried out according to the instructions and under the control of another party;
- it involves the integration of the worker in the organisation of the enterprise;
- it is performed solely or mainly for the benefit of another person;
- it must be carried out personally by the worker;
- it is carried out within specific working hours or at a workplace specified or agreed by the party requesting the work;
- it is of a particular duration and has a certain continuity;
- it requires the worker's availability or involves the provision of tools, materials and machinery by the party requesting the work;
- the worker is paid a periodic remuneration that constitutes his or her sole or principal source of income, and there may also be provision of payment in kind such as food, lodging or transport;
- the worker has entitlements such as weekly rest periods and annual holidays;

2. Notes the Eurofound definition of atypical work, which refers to employment relationships not conforming to the standard or typical model of full-time, regular and open-ended employment with a single employer over a long time-span <sup>(2)</sup>; stresses that the terms 'atypical' and 'precarious' cannot be used synonymously;

3. Understands precarious employment to mean employment which does not comply with EU, international and national standards and laws and/or does not provide sufficient resources for a decent life or adequate social protection;

4. Notes that some atypical forms of employment may entail greater risks of precariousness and insecurity, for example, involuntary part-time and fixed-term contract work, zero-hour contracts and unpaid internships and traineeships;

5. Firmly believes that flexibility in the labour market is not about eroding workers' rights in exchange for productivity and competitiveness, but is about successfully balancing workers' protection with the opportunity for individuals and employers to agree ways of working that suit the needs of both;

6. Notes that the risk of precariousness depends on the type of contract but also on the following factors:

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<sup>(1)</sup> Eurofound (2014), 'Occupational profiles in working conditions: Identification of groups with multiple disadvantages'.  
<sup>(2)</sup> See: <https://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/atypical-work>.

Tuesday 4 July 2017

- little or no job security owing to the non-permanent nature of the work, as in involuntary and often marginal part-time contracts, and, in some Member States, unclear working hours and duties that change owing to on-demand work;
- rudimentary protection from dismissal and lack of sufficient social protection in case of dismissal;
- insufficient remuneration for a decent living;
- no or limited social protection rights or benefits;
- no or limited protection against any form of discrimination;
- no or limited prospects for advancement in the labour market or career development and training;
- low level of collective rights and limited right to collective representation;
- a working environment that fails to meet minimum health and safety standards <sup>(1)</sup>;

7. Recalls the ILO definition of 'decent work', which states: 'Decent work is work that is productive and delivers a fair income, with a safe workplace and social protection, better prospects for personal development and social integration, freedom for people to express their concerns, organise and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men' <sup>(2)</sup>; encourages the ILO to add a living wage to that definition; encourages the Commission and the Member States to endorse this definition when reviewing or developing employment legislation;

8. Recalls the success factors for good practice against precarious work, which are: a strong legal underpinning; involvement of social partners and works councils at the workplace; cooperation with relevant stakeholders; balancing flexibility and security; sectoral focus; low administrative burden for employers; enforcement by labour inspectorates; and awareness-raising campaigns;

9. Notes that the ILO Decent Work Agenda is intended specifically to guarantee job creation, rights at work, social protection and social dialogue as well as gender equality; highlights that decent work should specifically provide:

- a living wage, also guaranteeing the right of freedom of association;
- collective agreements in line with Member States' practices;
- workers' participation in company matters in line with Member States' practices;
- respect of collective bargaining;
- equal treatment of workers in the same workplace;
- workplace health and safety;
- social security protection for workers and their dependents;
- provisions on working and rest time;
- protection against dismissal;
- access to training and lifelong learning;
- support for work-life balance for all workers; stresses that to deliver on these rights it is also essential to improve the implementation of labour and social law;

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<sup>(1)</sup> See the resolution of Parliament of 19 October 2010 on precarious women workers.

<sup>(2)</sup> ILO report of 14 November 2016 on non-standard employment around the world.

**Tuesday 4 July 2017**

10. Notes that numerous factors, such as digitalisation and automation, are contributing to the transformation of the nature of work, including the rise in new forms of employment; notes in this regard that new forms of work might need new, responsive and proportionate regulation in order to ensure that all forms of employment are covered;
11. Reiterates in the context of digital jobs that digital platform workers and other intermediaries should be guaranteed adequate social and health coverage and protection;
12. Emphasises that digitalisation must not be seen simply as something that destroys jobs, and stresses, on the contrary, that it affords opportunities for the development and extension of individual skills;
13. Highlights that there are projected to be 756 000 unfilled job vacancies in the ICT sector in 2020, thus showing the need to improve the digital skills of the European workforce;
14. Stresses that the economic crisis has given rise to migratory flows within the EU that have highlighted existing barriers to the free movement of persons between Member States and discrimination on the basis of nationality, exposing EU citizens to a situation of job insecurity;
15. Stresses that precarious employment conditions, including undeclared work and bogus self-employment, have a long-term effect on mental health and physical wellbeing and can place workers at greater risk of poverty, social exclusion and deterioration of their fundamental rights;
16. Highlights that workers with very short contracts are those most exposed to adverse conditions in the physical aspects of their work; highlights that the combination of job insecurity and lack of control over working time often derives from stress-related occupational hazards;
17. Stresses that in certain sectors of the economy, flexible or atypical labour relations are being overused to the point of abuse;
18. Calls on the Commission and the Member States to promote policies that empower workers, interns and apprentices by strengthening social dialogue and promoting collective bargaining, ensuring that all workers regardless of their status can access and exercise their right to associate and to bargain collectively, freely and without fear of direct or indirect sanctions by the employer;
19. Stresses the importance of the social partners in safeguarding workers' rights, defining decent working conditions, setting decent wages and incomes in accordance with Member States' laws and practices, and providing consultation and guidance to employers and workers;
20. Calls on the Member States, in close cooperation with the social partners, to shore up career pathways so as to make it easier for people to adapt to the different situations they may face in their lives, in particular via lifelong vocational training, adequate unemployment benefits, the transferability of social rights, and active, effective labour market policies;
21. Calls on the Commission and the Member States to promote and guarantee effective protection and equal pay for male and female workers who perform work in the context of an employment relationship, through a comprehensive policy response that aims to tackle precarious employment and guarantee career paths and proper social security coverage;
22. Stresses the importance of Member States' labour inspectorates, and underlines that they should focus on the goal of monitoring, ensuring compliance with and improving working conditions, workplace health and safety, and combating illegal or undeclared work, and must under no circumstances be abused so as to become migration control mechanisms; points out the risk of discrimination against the most vulnerable workers, and strongly condemns the practice of companies who employ migrants without securing them their full rights and benefits and informing them on the matter; calls, therefore, on the Member States to provide labour inspectorates with adequate resources to ensure effective monitoring;



Tuesday 4 July 2017

**II. Proposals**

23. Calls on the Commission and the Member States to tackle precarious employment, including undeclared work and bogus self-employment, in order to ensure that all types of work contracts offer decent working conditions with proper social security coverage, in line with the ILO Decent Work Agenda, Article 9 TFEU, the EU Charter of Fundamental Rights and the European Social Charter;
24. Calls on the Commission and the Member States to combat all practices which might lead to an increase of precarious employment, thereby contributing to the Europe 2020 target of reducing poverty;
25. Calls on the Member States to increase job quality in non-standard jobs by providing, at the least, a set of minimum standards as regards social protection, minimum wage levels and access to training and development; stresses that this should be done while maintaining entry opportunities;
26. Calls on the Commission and the Member States to ensure that national social security systems are fit for purpose when it comes to new forms of employment;
27. Calls on the Commission to assess new forms of employment driven by digitalisation; calls, especially, for an assessment of the legal status of labour market intermediaries and online platforms and of their liability; calls on the Commission to revise Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship <sup>(1)</sup> (the 'Written Statement Directive') to take account of new forms of employment;
28. Emphasises the potential that the collaborative economy has, in particular as regards new jobs; calls on the Commission and the Member States to assess the potential new employment norms created by the collaborative economy; strongly emphasises the need to increase the protection afforded to workers in this sector by stepping up transparency with regard to their status, the information they are given and non-discrimination;
29. Calls for the Commission to proceed with its targeted review of the Posting of Workers Directive, and to review the Agency Workers Directive to ensure fundamental social rights for all workers, including equal pay for equal work at the same location;
30. Underlines the need for public and private investment promoting in particular those sectors of the economy which promise the largest possible multiplier effect, in order to promote upward social convergence and cohesion in the Union and the creation of decent jobs; stresses in this context the need to support SMEs and start-ups;
31. Stresses the need to tackle undeclared work, since it reduces tax and social security revenues and creates precarious and poor working conditions and unfair competition between workers; welcomes the creation of a European Platform to enhance cooperation in tackling undeclared work;
32. Notes that given the number of workers, particularly young people, who are now leaving their countries of origin for other Member States in search of employment opportunities, there is an urgent need to develop appropriate measures to guarantee that no worker is left uncovered by social and labour rights protection; calls, in this regard, on the Commission and the Member States to further improve EU labour mobility while upholding the principle of equal treatment, safeguarding wages and social standards and guaranteeing full portability of social rights; calls on each Member State to establish social and employment policies for equal rights and equal pay at the same place of work;
33. Notes with concern the weakening of collective bargaining and of the coverage of collective agreements; calls on the Commission and the Member States to promote strategic policies of universal coverage of workers under collective agreements, safeguarding and enhancing at the same time the role of trade unions and employers' organisations;

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<sup>(1)</sup> OJ L 288, 18.10.1991, p. 32.



**Tuesday 4 July 2017**

34. Recognises the major role played by social partners regarding the Union directives on part-time work, fixed-term contracts and temporary agency work, and encourages the Commission, in collaboration with the social partners, to regulate new forms of employment where appropriate; calls on Eurofound to study how social partners develop strategies to ensure job quality and tackle precarious employment;

35. Calls on the Commission and the Member States, within their respective competences, to ensure that individual self-employed workers who are legally considered a sole-member company have the right to collective bargaining and to freely associate;

36. Recalls that according to the Charter of Fundamental Rights of the European Union and to 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 <sup>(1)</sup> (the Working Time Directive), every worker has the right to limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave; stresses the need to ensure that those rights apply to all workers, including on-demand workers, workers in marginal part-time employment and crowd workers; recalls that the Working Time Directive is a health and safety measure; calls for the enforcement of the ECJ decisions confirming that on-call time in the workplace is working time and must be followed by compensatory rest;

37. Recalls that marginal part-time employment is marked by lower levels of job security, fewer career opportunities, less investment in training by employers, and a higher share of low pay; calls on the Member States and the Commission to encourage measures supporting longer hours for those who want to work more;

38. Recalls that according to the Charter of Fundamental Rights of the European Union, everyone has the right to access to vocational training and lifelong learning; calls on the Member States to ensure that vocational and continuing training are also available to workers in atypical employment relationships; recalls that upskilling measures are particularly important in a fast-changing digital economy; recalls that skills shortages and mismatches contribute to high unemployment levels; welcomes recent initiatives to tackle skills shortages;

39. Calls for a Skills Guarantee as a new right for everyone, at every stage of life, to acquire fundamental skills for the 21st century, including literacy, numeracy, digital and media literacy, critical thinking, social skills and relevant skills needed for the green and circular economy, taking into account emerging industries and key growth sectors and ensuring full outreach to people in disadvantaged situations, including people with disabilities, asylum seekers, the long-term unemployed and other under-represented groups; stresses that education systems should be inclusive, providing good quality education to the whole population, enabling people to be active European citizens, preparing them to be able to learn and adapt throughout their lives, and responding to societal and labour market needs;

40. Stresses that the policies of the Member States should be formulated and implemented in accordance with national law and practice and in consultation and close cooperation with employers' and workers' organisations;

41. Recalls that precarious employment not only harms the individual but also entails significant costs for society, in terms of tax losses and higher public expenditure in the long run, as well as of support for those suffering the long-term effects of income loss and difficult working conditions; calls on the Commission and the Member States to encourage the use of open-ended contracts and the exchange of best practices between Member States in order to tackle precarious employment;

42. Recalls that workers in the informal economy face a high level of precariousness; calls on the Commission and the Member States to adopt policies adapted to this group that protect them by tackling their problems irrespective of their residence status;

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<sup>(1)</sup> OJ L 299, 18.11.2003, p. 9.

Tuesday 4 July 2017

43. Calls on the Commission and the Member States to combat undeclared work, bogus self-employment and all forms of illegal employment practices which undermine workers' rights and social security systems; reiterates its view that the prevention of zero-hour contracts should be considered in all future employment policies;

44. Emphasises that precarious employment is mainly suffered by the most vulnerable workers who are at risk of discrimination, poverty and exclusion; recalls in particular that having a disability, being of a different ethnic origin, religion or belief, or being a woman increases the risk of being faced with precarious employment conditions; condemns all forms of precariousness regardless of the contractual situation;

45. Calls on the Commission and the Member States to ensure the effective protection of vulnerable workers; urges the Commission and the Member States to take effective action to combat discrimination against women in the labour market, with particular emphasis on work-life balance and eliminating the gender pay gap; calls on the Commission to assess whether Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation is suited for new forms of employment;

46. Calls on the Commission and the Member States to assess all legislation targeting aspects of precarious work for its gender impact; considers it necessary to target legislative and non-legislative measures to the needs of women in precarious work, as otherwise an already over-represented group will continue to be overly affected;

47. Considers that under no circumstances should increased demands for flexibility on the labour market result in women continuing to be over-represented in atypical employment and among those with insecure employment status;

48. Calls on the Commission and the Member States to monitor and tackle the phenomenon of 'mobbing' in the workplace, including the harassment of pregnant female employees or any disadvantage experienced after returning from maternity leave; urges Member States to comply with and enforce legislation on maternity rights so that women do not suffer disadvantages in terms of pensions because they have been mothers during their working lives; stresses that maternity leave must be accompanied by effective measures that protect the rights of pregnant women and new, breastfeeding and single mothers, reflecting the recommendations of the ILO and the World Health Organisation;

49. Reiterates its demand that people in all employment relationships and the self-employed should be able to accumulate entitlements providing income security in circumstances such as unemployment, ill-health, old age, career breaks for child-raising or other caring situations, or for reasons of training;

50. Calls on the Commission and the Member States to ensure decent working conditions for all first work experience opportunities for young people, such as internships, apprenticeships or opportunities under the Youth Guarantee; encourages the Member States to adopt and implement quality frameworks for internships, traineeships and apprenticeships that ensure workers' rights and the educational focus of work experience opportunities for young people;

51. Calls on the Commission in particular and on the Member States to take steps to combat insecure employment among young people; underscores how important it is that the Commission should implement the youth guarantee in this regard;

52. Recommends that Member States ensure that all age groups of young people have access to high-quality free public education, particularly at the higher levels of education and training, since it has been shown that raising the level of instruction helps to reduce labour inequalities between men and women;

53. Stresses that the use by the Commission and Member States of the ILO understanding of 'worker' rather than the more narrowly defined 'employee' could contribute to a better application and understanding of fundamental principles and rights at work;

**Tuesday 4 July 2017**

54. Calls on the Commission and the Member States to promote entrepreneurship and the cooperative movement among workers in multi-service companies and the burgeoning sector of the collaborative economy and digital platforms, with a view to reducing the risks posed by business models concerning the rights and working conditions of workers;

55. Points out that short-term contracts in the agriculture sector reflect the seasonal nature of farm work; calls for this major natural constraint to be respected by enabling farmers to continue recruiting on a seasonal basis and sparing them the burden of additional red tape in the recruitment and management of their workforce;

56. Calls on the Commission to promote and raise awareness of the protection rights of seasonal workers, and calls on the Member States to regulate the social and legal status of seasonal workers, to safeguard their health and safety and hygiene conditions at work and to provide them with social security cover while complying with the provisions of Article 23 of Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers <sup>(1)</sup>, including those concerning 'equal pay and equal social protection'; emphasises the need to provide all seasonal workers with comprehensive information on their employment and social security rights, including pension rights, also taking account of the cross-border aspect of seasonal work;

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57. Instructs its President to forward this resolution to the Council and the Commission.

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<sup>(1)</sup> OJ L 94, 28.3.2014, p. 375.