

Consultation Session
Transparent and predictable working conditions in the European Union
COM (2017) 797

Background Note

The [Proposal for a Directive on transparent and predictable working conditions in the European Union](#)'s general objective is to promote more secure and predictable employment while ensuring labour market adaptability and improving living and working conditions.

The proposal addresses two interlinked challenges. Firstly, the evaluation of [Directive 91/533/EEC](#) conducted under the Commission's Regulatory Fitness and Performance Programme (REFIT) identified weaknesses in the personal and material scope of the Directive and indicated how its effectiveness could be improved. Secondly, the public consultation on the European Pillar of Social Rights highlighted gaps between the current EU social acquis and recent developments on the labour market. This was also emphasised in the European Parliament's Resolution of January 2017 on the Pillar. The Parliament called to extend existing minimum standards to new kinds of employment relationships, improve enforcement of EU law, increase legal certainty across the single market, and prevent discrimination by complementing existing EU law to ensure for every worker a core set of enforceable rights, regardless of the type of contract or employment relationship. The Resolution of the European Parliament on working conditions and precarious employment of July 2017 calls on the Commission to revise the Written Statement Directive to take account of new forms of employment. The European Economic and Social Committee and the Committee of the Regions in their Opinions on the Pillar highlighted gaps in protection for workers and the need to act at EU level to set a framework for fair working conditions and to strike a balance between flexibility and security.

The specific objectives through which the general objective would be addressed are:

1. to improve workers' access to information concerning their working conditions;
2. to improve working conditions for all workers, notably those in new and non-standard employment, while preserving scope for adaptability and for labour market innovation;
3. to improve compliance with working conditions standards through enhanced enforcement; and
4. to improve transparency on the labour market while avoiding the imposition of excessive burdens on undertakings of all sizes.

The proposed Directive will replace the Written Statement Directive with a new instrument that ensures transparency about working conditions for all workers and defines new substantive rights to improve predictability and security of working conditions, particularly for those in precarious employment.