


# Procedure file

Basic information		
COS - Procedure on a strategy paper (historic)	<a href="#">1997/0221(COS)</a>	Procedure completed
Part-time work: framework agreement concluded by UNICE, CEEP and the ETUC		
Subject 4.15.03 Arrangement of working time, work schedules		

Key players			
European Parliament	Committee for opinion	Rapporteur for opinion	Appointed
	<b>FEMM</b> Women's Rights	V <a href="#">VAN DIJK Nel B.M.</a>	24/07/1997
Council of the European Union	Council configuration	Meeting	Date
	Social Affairs	<a href="#">2060</a>	15/12/1997
	Social Affairs	<a href="#">2030</a>	07/10/1997
	Social Affairs	<a href="#">1930</a>	03/06/1996
	Social Affairs	<a href="#">1892</a>	05/12/1995

Key events			
05/12/1995	Debate in Council	<a href="#">1892</a>	
03/06/1996	Debate in Council	<a href="#">1930</a>	
23/07/1997	Non-legislative basic document published	COM(1997)0392	Summary
07/10/1997	Debate in Council	<a href="#">2030</a>	
24/10/1997	Committee referral announced in Parliament		
04/11/1997	Vote in committee		Summary
04/11/1997	Committee report tabled for plenary	<a href="#">A4-0352/1997</a>	
18/11/1997	Debate in Parliament		
19/11/1997	Decision by Parliament	T4-0550/1997	Summary
19/11/1997	End of procedure in Parliament		
08/12/1997	Final act published in Official Journal		

Technical information
-----------------------

Procedure reference	1997/0221(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 142
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/4/09223

### Documentation gateway

Non-legislative basic document	COM(1997)0392	23/07/1997	EC	Summary
Committee report tabled for plenary, single reading	<a href="#">A4-0352/1997</a> <a href="#">OJ C 371 08.12.1997, p. 0004</a>	04/11/1997	EP	
Text adopted by Parliament, single reading	T4-0550/1997 <a href="#">OJ C 371 08.12.1997, p. 0045-0060</a>	19/11/1997	EP	Summary
Implementing legislative act	<a href="#">31997L0081</a> <a href="#">OJ L 014 20.01.1998, p. 0009</a>	15/12/1997	EU	Summary
Committee of the Regions: opinion	<a href="#">CDR0389/1997</a> <a href="#">OJ C 180 11.06.1998, p. 0072</a>	12/03/1998	CofR	

## Part-time work: framework agreement concluded by UNICE, CEEP and the ETUC

OBJECTIVE: the implementation, through a Community directive, of the framework Agreement on part-time work concluded by the social partners (UNICE, CEEP and the ETUC), in accordance with paragraph 2 of Article 4 of the Agreement on Social Policy. SUBSTANCE: the framework Agreement has two main objectives: - to provide for the removal of discrimination against part-time workers and to improve the quality of part-time work; - to facilitate the development of part-time work on a voluntary basis and to contribute to the flexible organization of working time in a manner which takes into account the needs of employers and workers. The framework Agreement lays down the principle that, in terms of working conditions, part-time workers should not be treated any less favourably than full-time workers, unless different treatment was justified on objective grounds (principle of non-discrimination). The implementing procedure for this principle will be defined by the Member States and/or social partners, having regard to Community legislation, national law, collective agreements and national practices. The Agreement applies to part-time workers who have a defined working relationship in the Member States. When justified on objective grounds, Member States and/or social partners may make access to particular conditions of employment subject to a period of service, time worked or an earnings qualification. In addition, it would also be possible to limit or totally eliminate provisions in the Agreement affecting part-time workers who worked only occasionally. These access and exclusion criteria involving part-time work should be reviewed periodically, having regard to the principle of non-discrimination. Under the terms of the framework Agreement, a worker's refusal to transfer from full-time to part-time work or vice-versa should not in itself constitute a valid reason for termination of employment (without prejudice to the possibility of termination on other grounds such as might arise from the operational requirements of the establishment concerned). As far as possible, employers should give consideration to requests from workers to transfer from full-time to part-time work (and vice versa), including skilled and managerial positions. Measures should also be taken with a view to facilitating access by part-time workers to vocational training. The Directive included a 'non-regression' standard clause that affected the Member States which had, at the time of adoption of the Directive, a higher level of protection than that guaranteed by the framework Agreement. It also included a non-discrimination clause on sex, race, ethnic origin, religion or sexual orientation, as well as a clause obliging Member States to provide for penalties if the Directive was not applied. ?

## Part-time work: framework agreement concluded by UNICE, CEEP and the ETUC

The Committee adopted a report by Mrs Karin JÖNS (EPS, D), which studies the framework agreement on part-time work. The agreement, concluded and signed by the social partners in June 1997, has a twofold purpose. On the one hand, it aims at removing discrimination against part-time workers and improving their working conditions. In addition, it seeks to facilitate the development of part-time work on a voluntary basis so that it would contribute to the flexible organization of working time. In the report, the Committee approves the principle of non-discrimination against part-time workers, but criticizes the fact that the agreement is limited to part-time work, and does not cover all forms of atypical employment. The agreement excludes social security matters which would need to be governed by legislation. Without such a basis, Member States and social partners can make exceptions to the principle of non-discrimination for "technical" or "objective" reasons, such as part-time workers who work only on a casual basis, or who do not qualify certain thresholds based on length of service, working time and salary conditions. The Committee believes that the current agreement can represent only the beginning of legal instruments required to gradually remove discrimination against people working in atypical forms of employment. The agreement should contribute to overcoming the gender-specific segregation of the labour market. It cannot justify any discrimination on the grounds of gender, race, ethnic origins, religion, age or sexual orientation. The Committee calls on the Commission to submit as soon as possible a proposal for a directive which would govern the social security legislation aspects of part-time work on a non-discriminatory basis. It reserves the right to take a parliamentary initiative should the Commission fail to present a proposal which covers all the outstanding aspects in full. ?

## Part-time work: framework agreement concluded by UNICE, CEEP and the ETUC

---

In adopting the report by Mrs Karin JÖNS (PSE, D), the European Parliament welcomes the fact that the framework agreement on part-time work advocates the principle of non-discrimination against part-time workers. However, it criticizes the limitation to part-time work and the failure to cover every form of atypical employment. It also notes that the agreement does not address social security questions, which urgently necessitate the adoption of appropriate legislation. In particular, it criticizes the fact that the agreement in several respects falls short of the 1994 ILO Convention on part-time work. It especially regrets the fact that the Member States and/or social partners may make exceptions to the principle of non-discrimination, in the case of part-time workers who work only on a casual basis, or may make certain terms of employment subject to a minimum length of service or working time or wage/salary conditions. Parliament considers it necessary to stipulate that part-time workers who work on a casual basis within the meaning of the framework agreement are those with short, temporary and non-renewable contracts. It calls on the Commission to submit a directive covering all forms of atypical employment relationships and to provide fair social protection for everyone engaged in an occupational activity. Parliament also feels that the agreement is not completely in line with the objective pursued, in that it does not eliminate all types of discrimination against part-time workers and does not contribute to making part-time work more attractive. It calls for the social partners' delegations involved in future social dialogue negotiations to include a significant representation of women. It requests an annual report listing the groups of employees who continue to be discriminated against and explaining why an exemption from the principle of non-discrimination is considered necessary in their case. The report should also indicate where progress has been made in removing discrimination. Finally, with regard to the procedure pursuant to Articles 3 and 4 of the Agreement on social policy, Parliament calls for the right of codecision to be established, as in other areas, and repeats its call for an interinstitutional agreement on the implementation of social policy at Community level. ?

## Part-time work: framework agreement concluded by UNICE, CEEP and the ETUC

---

**OBJECTIVE:** to implement, through a Community directive, the framework agreement on part-time work concluded on 6 June 1997 by the social partners (UNICE, CEEP and the ETUC), in accordance with paragraph 2 of Article 4 of the Agreement on Social Policy. **COMMUNITY MEASURE:** Council directive 97/81/EC concerning the framework agreement on part-time work concluded by UNICE, CEEP and the ETUC. **CONTENT:** the framework agreement has two main objectives: 1) to provide for the removal of discrimination against part-time workers and to improve the quality of part-time work; 2) to facilitate the development of part-time work on a voluntary basis and to contribute to the flexible organization of working time in a manner which takes into account the needs of employers and workers. The framework agreement lays down the principle that, in terms of working conditions, part-time workers should not be treated any less favourably than full-time workers, unless different treatment is justified on objective grounds (principle of non-discrimination). The implementing procedure for this principle will be defined by the Member States and/or social partners, having regard to Community legislation, national law, collective agreements and national practices. The agreement applies to part-time workers who have a defined working relationship in the Member States. When justified on objective grounds, Member States and/or social partners may make access to particular conditions of employment subject to a period of service, time worked or an earnings qualification. In addition, it would also be possible to limit or totally eliminate provisions in the agreement affecting part-time workers who worked only occasionally. These access and exclusion criteria involving part-time work should be reviewed periodically, having regard to the principle of non-discrimination. Under the terms of the framework agreement, a worker's refusal to transfer from full-time to part-time work or vice-versa should not in itself constitute a valid reason for termination of employment (without prejudice to the possibility of termination on other grounds such as might arise from the operational requirements of the establishment concerned). As far as possible, employers should give consideration to requests from workers to transfer from full-time to part-time work (and vice versa), including skilled and managerial positions. Measures should also be taken with a view to facilitating access by part-time workers to vocational training. **ENTRY INTO FORCE:** the directive will enter into force on 20 January 1998. **DEADLINE FOR TRANSPOSITION:** 20 January 2000. Member States with specific difficulties in applying the directive or which comply under the terms of a collective agreement will have an additional year in which to comply with the directive. ?