IP/97/682

Brussels, 23 July 1997

Part-time work: Commission adopts a proposal for a Directive

The European Commission today adopted a proposal for a Council Directive designed to transpose into European law the framework agreement on part-time work. This agreement was concluded by UNICE[1], CEEP[2] and the ETUC[3] on 6 June 1997. This is the second time that an agreement reached by the social partners at European level has been submitted to the Council for adoption.[4] The aims of the agreement between the three organisations are: to prevent any form 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 in doing so contribute to a flexible organisation of working time.

The agreement requests Member States and social partners to identify and review obstacles of a legal or administrative nature which may limit opportunities for part-time work and, where appropriate, eliminate them. Employees should have the choice to work part-time or full-time. Employers should give more consideration to workers´requests to transfer from full-time to part-time or vice versa, facilitate change by providing sufficient information on vacancies and improve access to part-time work on all levels of an enterprise, including skilled and managerial positions.

The purpose of the proposed Directive is to put the framework agreement into effect. It sets out the general principles and minimum requirements relating to part-time work, leaving leeway for Member States to introduce or keep more favourable provisions. The transition period for Member States will be two years after adoption by the Council, with an extra year if it is necessary to take account of special difficulties or if implementation is to be by collective agreement.

Padraig Flynn, European Commissioner with responsibility for Employment and Social Affairs described the proposal as "an important step towards a European Employment strategy. Part-time work has had an important impact on employment in recent years and it is an essential factor in promoting employment and equal opportunities for women and men. This agreement between the social partners at European level will improve working conditions throughout Europe and bring greater flexibility to the labour market."

---

[1] UNICE - Union of Industrial and Employers' Confederations of Europe
[2] CEEP - European Centre of Enterprises with Public Participation
[3] ETUC - European Trade Union Confederation
[4] The first framework agreement was on the issue of parental leave

From Agreement to Directive

The Commission proposal is limited to making the provisions of the agreement concluded between the social partners legally binding. Its legal basis is Article 4(2) of the Agreement on Social Policy annexed to the Social Protocol of the Treaty on the European Union.

The Commission takes the view that, in this particular case, the most appropriate legal instrument is a Council Directive, since the framework agreement is intended to be applied indirectly by way of provisions to be transposed into national law by the Member States or the social partners. In accordance with the Communication concerning the application of the Agreement on Social Policy, the text of the agreement is not incorporated in the proposal but is annexed to it. If the Council amends the agreement as concluded between the social partners, the Commission will exercise its right to withdraw the proposal.

Although Article 4(2) of the Agreement on social policy does not provide for consultation of the European Parliament on requests addressed to the Commission by the social partners, the Commission has kept Parliament informed about the various phases of consultation that had led to this agreement. It will now forward this proposal to Parliament, to the Economic and Social Committee and to the Committee of Regions, so they may deliver an opinion.

Commenting on the Commission's proposal, Mr. Flynn said, "Minimum standards with regard to part-time work are a big step forward in promoting equal opportunities for men and women. Sharing of family responsibilities between parents is a key element in strategies designed to improve equality in the labour market." The agreement also helps to boost the employment-intensity of growth, through more flexible working patterns designed to meet both employees' needs and the requirements of business. Mr. Flynn added that, "The positive contribution of the social partners shows that consideration has been given both to business competitiveness and to the interests of employees. I am also pleased that the social partners have already expressed their intention to consider the need for similar agreements on other flexible forms of work, for example, temporary work."

Background

The importance of new forms of flexible working, especially part-time work, has increased substantially over recent years, and the trend continues on national employment markets.

On 29 June 1990, the European Commission submitted three proposals for Council Directives relating to certain employment relationships (e.g. part-time and temporary). For four years these proposals were discussed in the Council on a number of occasions and in considerable detail, but only one directive was ever adopted.

Since no progress was made in the Council on 27 September 1995, the Commission decided to launch the first stage of consultation of the social partners according to the procedure laid down by Article 3 of the Agreement on Social Policy. The second stage of consultation was launched on 9 April 1996.

On 19 June 1996, UNICE, CEEP and ETUC announced their intention of negotiating a collective agreement on part-time work. Agreement was reached one year later on 6 June 1997, when the three organisations concerned signed the framework agreement.