



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on Employment and Social Affairs*

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**2009/2220(INI)**

01.6.2010

# **COMPROMISE AMENDMENTS A - T**

**Draft report**  
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(PE439.183v02-00)

Atypical contracts, secured professional paths, flexicurity  
and new forms of social dialogue  
(2009/2220(INI))

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*United in diversity*

**EN**

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## Amendment A

Compromise amendment replacing Amendments 50, 51, 52, 53, 54, 55 and 56

### Motion for a resolution

#### Paragraph 1

##### *Motion for a resolution*

1. Calls upon the 2010 spring European Council for clear guidance and concrete measures towards safeguarding employment and creating job opportunities in the framework of an ambitious EU2020 Strategy;

##### *Amendment*

1. Calls upon the 2010 spring European Council for clear guidance and concrete measures towards safeguarding ***decent work and quality*** employment and creating ***sustainable*** job opportunities in the framework of an ambitious EU2020 Strategy ***that takes account of the impact of the crisis on the economy, the society and the labour market;***

Or. en

## Amendment B

Compromise amendment replacing Amendments 58, 60, 61 and 62

### Motion for a resolution

#### Paragraph 2

##### *Motion for a resolution*

2. Calls on the Commission to ***continue*** the efforts made by the Mission for Flexicurity ***to assist*** Member States ***in promoting*** flexicurity principles, and points out that mutual learning and exchanges of good practice, as well as the open method of coordination, are essential tools for coordinating Member States' different policy approaches;

##### *Amendment*

2. Calls on the Commission to ***evaluate*** the efforts made by the Mission for Flexicurity ***and calls on the*** Member States ***to put in pace a more balanced and fair implementation of*** flexicurity principles, and points out that mutual learning and exchanges of good practice, as well as the open method of coordination, are essential tools for coordinating Member States' different policy approaches; ***however, notes that the open method of coordination (OMC), in its current form, could be better and in order to raise effectiveness the governance of the OMC***

*needs to be strengthened;*

Or. en

### **Amendment C**

Compromise amendment replacing Amendments 12, 28, 30, 46, 75, 103, 190, 208 and 230

#### **Motion for a resolution Paragraph 3 a (new)**

*Motion for a resolution*

*Amendment*

*3 a. Calls on the Commission and Member States to recognise and support the special position of independent freelance workers as a vital force in economic recovery as a "way in" or an alternative to the labour market. Notes independent working is growing in popularity especially among young workers, women and as a transition from work to retirement. Believes that independent freelancers should be treated as a unique subset of micro-businesses and for measures to be taken to minimise the burden of regulation and to encourage and support independent freelancers in launching / growing independent freelance businesses and to promote lifelong learning for this group;*

Or. en

### **Amendment D**

Compromise amendment replacing Amendments 70, 71, 73, 76, 77 and 78

#### **Motion for a resolution Paragraph 4**

*Motion for a resolution*

*Amendment*

*4. Recommends that the priorities for labour law reform, where it is needed,*

*4. Considers that all employees regardless of their employment status should be*

should focus on: extension of the protection of workers in atypical forms of employment; clarification of the situation of dependent employment; action against undeclared work; **and** the facilitation of transitions between various situations of employment and unemployment;

**guaranteed a set of core rights; recommends** that the priorities for labour law reform, where it is needed, should focus on: **urgent** extension of the protection of workers in atypical forms of employment; **grouping atypical contracts together for the purpose of simplification; the sustainable creation of normal employment relationships**; clarification of the situation of dependent employment **including preventative action with regard to health and safety of atypical workers**; action against undeclared work; the facilitation of transitions between various situations of employment and unemployment, **through the promotion of policies such as special employment allowances, lifelong learning, retraining and on-the-job training**;

Or. en

## Amendment E

Compromise amendment replacing Amendments 83, 84, 85, 86 and 87

### Motion for a resolution Paragraph 5

#### *Motion for a resolution*

5. Encourages Member States to **develop new modes of access to employment through the framing of new** labour law provisions **covering, for example, ‘distance working’, ‘specified-purpose’ contracts and ‘mission’ contracts**;

#### *Amendment*

5. Encourages Member States to **promote transitions into productive and rewarding quality jobs; to develop** labour law provision **that effectively safeguard the rights of people who are employed in atypical forms of work ensuring equal treatment with workers with full-time standard contracts, assuming the maximum level of worker protection**;

Or. en

## Amendment F

Compromise amendment replacing Amendments 91, 92, 93, 94, 95 and 96

### Motion for a resolution Paragraph 6

#### *Motion for a resolution*

6. Notes that the **increase in** the proportion of non-standard or atypical contracts has a strong gender and intergenerational dimension, as women, older and also younger workers are disproportionately represented in non-standard employment; calls upon the Member States and the Commission to combat **and monitor the** imbalance;

#### *Amendment*

6. Notes that the **trend increasing** the proportion of non-standard or atypical contracts has a strong gender and intergenerational dimension, as women, older and also younger workers are disproportionately represented in non-standard employment; **notes that some sectors experience rapid structural changes**; calls upon the Member States and the Commission **to investigate the reasons for this trend, to take appropriate, targeted measures in the relevant areas to combat this imbalance by facilitating the transition towards permanent employment and, in particular, by promoting measures to reconcile work, family and private life both for men and women, through a greater focus on social dialogue with worker representatives in companies and to monitor and publish the success of these measures**; **further calls on the Commission and the Member States to ensure that recourses to non-standard or atypical contracts do not serve to conceal illicit employment but rather to promote, via the exchange of skills, the passage of young people and unemployed towards effective integration in the labour market by providing employees and companies with a context of security and flexibility that strengthens respectively their employability and competitiveness**;

Or. en

## Amendment G

Compromise amendment replacing Amendments 102, 104, 105 and 106

### Motion for a resolution

#### Paragraph 9

##### *Motion for a resolution*

9. **Stresses** that non-standard forms of work must go hand in hand with support for workers who find themselves in situations of transition from one job or employment status to another;

##### *Amendment*

9. **Notes that atypical forms of employment must contractually provide workers a course of training and stresses** that non-standard forms of work **can, if they are properly protected and include support in the field of social security, workers rights and the transition to stable protected employment, constitute an opportunity but** must go hand in hand with support for workers who find themselves in situations of transition from one job or employment status to another **through targeted active employment policies; regrets that this is often neglected;**

Or. en

## Amendment H

Compromise amendment replacing Amendments 109, 110, 111, 112 and 114

### Motion for a resolution

#### Paragraph 10

##### *Motion for a resolution*

10. Encourages the Member States to develop active intervention policies giving workers who re-enter the labour market an entitlement to individual support during the period strictly necessary for them to **become more employable through** training and **requalification**; unemployed people should re-enter the labour market quickly even if their contracts **are** atypical, the **most** important consideration being to keep people in the labour market;

##### *Amendment*

10. Encourages the Member States to develop **early and** active intervention policies giving workers, **in particular women**, who re-enter the labour market an entitlement to individual support during the period necessary for them to **develop their** training and/or **(re)qualification**; unemployed people should **be supported both by a solid social security system and by an efficient system of active policies, so that they can** re-enter the labour market

quickly even if their *previous* contracts *were* atypical, the important consideration being to keep people in the labour market *and facilitate their transition to decent, stable, protected, high-quality forms of employment; if the re-entry takes place through atypical contracts, these contracts must guarantee well-regulated and secure working conditions;*

Or. en

## **Amendment I**

Compromise amendment replacing Amendments 118, 120, 121, 122, 123, 124 and 125

### **Motion for a resolution**

#### **Paragraph 12**

##### *Motion for a resolution*

12. Calls upon the Union and the Member States to *eradicate* illicit employment and believes that *implementation* of *flexicurity* strategies can help in fighting illicit employment and in *making ‘very atypical’ forms of work less precarious;*

##### *Amendment*

12. Calls upon the Union and the Member States, *with the help of the social partners,* to *fight effectively* illicit employment *in particular through prevention and deterrent penalties* and believes that *definition* of strategies, *including at European level, that oppose illicit employment* can help in fighting illicit employment and in *reducing unsecured, especially ‘atypical’, labour relations; combating illicit employment should be accompanied by measures to create viable and sustainable employment alternatives, and to support people in accessing the open labour market;*

Or. en

## Amendment J

Compromise amendment replacing Amendments 140, 141, 143, 144 and 146

### Motion for a resolution Paragraph 14

#### *Motion for a resolution*

14. Believes that flexicurity *should be defined as combining flexibility and security on the labour market*, so as to help increase both productivity and the quality of jobs by guaranteeing security, while allowing firms the flexibility needed to create jobs in response to the changing needs of the market; is of the opinion that flexibility and security requirements are not contradictory and are mutually reinforcing;

#### *Amendment*

14. Believes *it essential* that *current thinking on flexicurity be updated at European level in the light of the present crisis*, so as to help increase both productivity and the quality of jobs by guaranteeing security *and the protection of employment and workers' rights, with a special support for people who are disadvantaged on the labour market*, while allowing firms the *organisational* flexibility needed to create *or reduce* jobs in response to the changing needs of the market; *is of the opinion that a fair and balanced implementation of flexicurity principles can help to make labour markets more robust in the event of structural changes*; *is also* of the opinion that flexibility and security requirements *and active labour market policies* are not contradictory and *can be* mutually reinforcing *if established through fair confrontation of the views of the social partners, governments and the European institutions together with reciprocal learning and exchange of good practices*; *these requirements have not been adequately reflected in Europe's employment growth results in recent years*;

Or. en

## Amendment K

Compromise amendment replacing Amendments 151, 152, 153 and 154

### Motion for a resolution Paragraph 15

#### *Motion for a resolution*

15. Believes that, especially in the context of the present economic situation, **implementing** flexicurity is even more necessary, recalls that application of flexibility principles requires **ambitious structural reforms based on a solid consensus**;

#### *Amendment*

15. Believes that, especially in the context of the present economic situation, **taking stock of the implementation in the Member States of** flexicurity is even more necessary **and that social partners will only support labour law and labour market reforms if they also aim at effectively reducing differentiated treatment between different types of contracts**, recalls that application of flexibility principles requires **an adequate social protection ensuring people's live and development together with a special support in job seeking; with solid labour laws for all kinds of employment based within a clear institutional framework, and needs to be accompanied by increased protection mechanisms to avoid hardship**;

Or. en

## Amendment L

Compromise amendment replacing Amendments 164, 165 and 166

### Motion for a resolution Paragraph 16

#### *Motion for a resolution*

16. Believes that companies do not **trust** the labour market and **regard it as unreliable** in the context of the current economic crisis, **and that they lack** long-term vision;

#### *Amendment*

16. Believes that companies **fear a persistent mismatch between their needs and the competences offered by job-seekers, lack access to credit enabling them to recruit and invest and do not invest enough in** the labour market and **stresses the importance**, in the context of

the current economic crisis, *of the development of long-term vision by the European production system; creating favourable business environment, adequate financial resources and the provision of good working conditions; enhancing legal certainty and transparency for both employers and workers with regard to the scope, coverage and enforcement of labour law;*

Or. en

## Amendment M

Compromise amendment replacing Amendments 171, 172, 173, 174 and 175

### Motion for a resolution Paragraph 17

#### *Motion for a resolution*

17. Calls, in the context of modern work organisation, for the creation of flexible and secure contractual arrangements; *nevertheless believes* that employment contracts of an indefinite duration *should* stay the main form of employment, *while bearing in mind that some people prefer atypical contracts, especially for students or young people who need a diversity of experience;*

#### *Amendment*

17. Calls, in the context of modern work organisation, for the creation of flexible and secure contractual arrangements *ensuring equal treatment; is firmly convinced* that employment contracts of an indefinite duration *must* stay the main form of employment *and considers that, in the context of modern work organisation, provisions should be made for contracts that are flexible in terms of working arrangements and secure with regard to job protection and rights; recognises that the definition of the legal framework for employment contracts of an indefinite duration and how they are geared to the concept of flexicurity in national labour law is crucially important for their acceptance by businesses and employees;*

Or. en

## Amendment N

Compromise amendment replacing Amendments 178, 179, 180, 181 and 182

### Motion for a resolution Paragraph 18

#### *Motion for a resolution*

18. **Condemns** the abusive replacement of regular employment with forms of atypical contracts that are at the expense of the general public, employees and competitors; stresses that ***such forms of contract violate*** the European social model;

#### *Amendment*

18. **Strongly condemns** the replacement of regular employment with forms of atypical contracts that ***contribute to poorer and more uncertain working conditions than regular employment conditions and that*** are at the expense of the general public, employees and competitors; stresses that ***abusive practices violate and destabilise*** the European social model, ***and calls on the Member States and the Commission to use all necessary means to fight, for example by imposing stricter penalties, abusive practice in the long term;***

Or. en

## Amendment O

Compromise amendment replacing Amendments 191, 192, 193, 194 and 195

### Motion for a resolution Paragraph 21

#### *Motion for a resolution*

21. Calls upon the Member States to implement policies that enable people to balance flexible work and family life better, ensuring ***that the opening hours of childcare facilities are tailored to working hours;***

#### *Amendment*

21. Calls upon the Member States to implement policies that enable ***all*** people, ***including the weakest and most disadvantaged, to have effective access to the labour market and*** to balance flexible work and ***care, private and*** family life better, ensuring ***extensive support for equal opportunities and for all the services needed for that purpose, for example through supporting measures such as maternity, paternity and parental leaves, flexible working time, and***

*affordable, accessible and available*  
childcare facilities;

Or. en

## **Amendment P**

Compromise amendment replacing Amendments 202, 203, 204, 206 and 207

### **Motion for a resolution** **Paragraph 24**

#### *Motion for a resolution*

24. Calls upon the Commission and the Member States to eliminate administrative burdens in order to facilitate the business environment, especially for SMEs;

#### *Amendment*

24. Calls upon the Commission and the Member States to eliminate administrative burdens in order to facilitate the business environment, especially for SMEs *but stresses the importance of ensuring that any changes are without any implications for the safety or health of employees;*

Or. en

## **Amendment Q**

Compromise amendment replacing Amendments 223, 224 and 225

### **Motion for a resolution** **Paragraph 29**

#### *Motion for a resolution*

29. Calls upon the national *social partners* to *overcome reservations against* ‘outsiders’ (employees with atypical or ‘very atypical’ contracts) and to *balance* their rights and social-protection requirements with those of ‘insiders’;

#### *Amendment*

29. Calls upon the *Commission, the national governments to feel responsible for the situation of the* "outsiders" (employees with atypical or "very atypical" contracts) and to *secure that* their rights and social-protection requirements *are in balance* with those of *the* ‘insiders’;

Or. en

## Amendment R

Compromise amendment replacing Amendments 232, 233, 234 and 235

### Motion for a resolution Paragraph 31

#### *Motion for a resolution*

31. Notes that the involvement of the social partners in policymaking and implementation varies widely across the Member States, but that generally the trend is towards the use of a wider mix of instruments to pursue policy objectives; believes that the quality of the social and institutional **support** which the social partners enjoy is **probably the major** determinant of the quality of their contribution;

#### *Amendment*

31. Notes that the involvement of the social partners in policymaking and implementation varies widely across the Member States, but that generally the trend is towards the use of a wider mix of instruments to pursue policy objectives; believes that the quality of the social and institutional **recognition** which the social partners enjoy **should at national level be further enhanced and more substantial in nature, since it is an important** determinant of the quality of their contribution; **particularly stresses, however, that the quality of social dialogue varies greatly from country to country and from sector to sector, and strongly urges the social partners to develop a genuine ‘social partnership’ at all levels;**

Or. en

## Amendment S

Compromise amendment replacing Amendment 237

### Motion for a resolution Paragraph 31 a (new)

#### *Motion for a resolution*

#### *Amendment*

***N a. whereas, collective bargaining is the most common way of determining pay in Europe - two out of three workers are covered by a collective wage agreement wither at company or higher level,***

*(To be placed as Recital N a (new))*

## **Amendment T**

Compromise amendment replacing Amendments 15, 16, 17 and 18

### **Motion for a resolution**

#### **Recital C**

##### *Motion for a resolution*

C. whereas the financial and economic crisis *may lead* to unstable labour markets and rising social exclusion,

##### *Amendment*

C. whereas the financial and economic crisis, *which has turned into a serious employment crisis with a huge loss of jobs and has led* to unstable labour markets and rising *poverty and* social exclusion, *in particular for already vulnerable individuals and disadvantaged groups,*