



European Communities

EUROPEAN PARLIAMENT

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A3-0097/91

****II**

RECOMMENDATION

of the Committee on Social Affairs, Employment and the Working Environment

on the **COMMON POSITION** established by the Council with a view to the adoption of a directive supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed duration employment relationship or a temporary employment relationship

(C3-0060/91 - SYN 281)

Rapporteur: Mrs Heinke SALISCH

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A Series: Reports - B Series: Motions for Resolutions, Oral Questions - C Series: Documents received from other Institutions (e.g. Consultations)

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|-----|---|------|---|
| * | = Consultation procedure requiring a single reading | **II | = Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment |
| **I | = Cooperation procedure (first reading) | *** | = Parliamentary assent which requires the votes of a majority of the current Members of Parliament |

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At its sitting of 24 October 1990 the European Parliament delivered its opinion at first reading on the Commission proposal for a Council directive supplementing the measures to encourage improvements in the safety and health of temporary workers.

At the sitting of 24 February 1991 the President of Parliament announced that the common position had been received and referred to the Committee on Social Affairs, Employment and the Working Environment as the committee responsible and to the Committee on Economic and Monetary Affairs and Industrial Policy, the Committee on Legal Affairs and Citizens' Rights and the Committee on Women's Rights for their opinions.

At its meetings of 21 March 1991 and 22 April 1991 the Committee on Social Affairs, Employment and the Working Environment considered the common position and the draft recommendation.

At the latter meeting it adopted the following recommendation unanimously.

The following were present for the vote: van Velzen, chairman; Barros-Moura, vice-chairman; Salisch, rapporteur; Andrews (for Nianias), Brok, Cabezon Alonso, van Dijk, Domingo Segarra (for Catasta), Elmalan, Fayot (for Hughes), Glinne, McMahon, Megahy, Nielsen, O'Hagan, Oomen-Ruijten (for Menrad), Pagoropoulos, Read (for Wilson), Sandbaek, Suarez Gonzales and Torres Cuoto.

The explanatory statement will be presented orally in plenary sitting.

This recommendation was tabled on 24 April 1991.

The deadline for tabling amendments to the common position or proposals to reject it will appear on the draft agenda for the part-session at which the recommendation is to be considered.

A

RECOMMENDATION

(Cooperation procedure: second reading)

on the common position adopted by the Council
with a view to the adoption of a directive supplementing
the measures to encourage improvements in the safety and
health at work of workers with a fixed-duration employment
relationship or a temporary employment relationship
(COM(90) 0228 final¹ and COM(90) 0533 final²)

The Committee on Social Affairs, Employment and the Working Environment,

- having regard to the common position of the Council (C3-0060/91 - SYN 281),

Recommends that the European Parliament amend the common position as follows:

Common position of the Council

Amendments

(Amendment No. 1)

Title

Proposal for a Council directive
supplementing the measures to
encourage improvements in the safety
and health at work of workers with a
fixed duration employment
relationship or a temporary
employment relationship

Proposal for a Council directive
concerning the protection of the
health and safety of atypical
workers

(Amendment No. 2)

Throughout the text (replace)

'workers with a fixed-duration
employment relationship or a
temporary relationship'

'atypical workers'

¹ OJ No. C 224, 8.9.1990, p. 6

² OJ No. C 305, 5.12.1990, p. 12

(Amendment No. 3)

Article 1

This directive shall apply to:

1. employment relationships governed by a fixed-duration contract of employment concluded directly between the employer and the worker, where the end of the contract is established by objective conditions such as: reaching a specific date, completing a specific task or the occurrence of a specific event;
 2. temporary employment relationships between a temporary employment business which is the employer and the worker, where the latter is assigned to work for and under the control of an undertaking and/or establishment making use of his services.
1. Atypical employment contracts or terms of employment means any activity carried out by individuals under contracts or terms of employment which are not permanent and full-time and which offer reduced protection because of:
 - the limited duration of the employment
 - the limited number of hours worked
 - alternation between periods of employment and non-employment
 - the de facto or de jure exclusion from the provisions of laws, regulations or contracts applicable to full-time employees with permanent contracts
 - the existence of a legal system which provides for derogations reducing the level of protection
 - the dispersal of employment relations between several employers.

(Amendment No. 4)

Article 2(2)

2. The existence of an employment relationship as referred to in Article 1 shall not justify different treatment with respect to working conditions inasmuch as the protection of safety and health at work are involved, especially as regards access to personal protective equipment.
- The existence of an atypical employment contract or terms of employment shall not justify different treatment with respect to working conditions as regards the content or difficulty of the work, the safety of the work and health protection, access to personal safety equipment, the working environment and pattern, including the arrangements for fixing working hours and paid maternity leave.

(Amendment No. 5)

Article 3(3) (new)

3. prior notice must be given to staff representation bodies.

(Amendment No. 6)
Article 3a (new)

3a Member States shall ensure that, in the assignment of a worker, the user undertaking and/or establishment are responsible for the conditions governing performance of the work which are applicable thereto, without prejudice to Article 5 of Directive 89/391/EEC.

(Amendment No. 7)
Article 4, second paragraph (new)

Temporary employment businesses shall require authorization from the public authorities responsible for employment.

(Amendment No. 8)
Article 6, second paragraph (new)

Atypical workers assigned to work requiring special medical supervision over a long period must receive medical supervision beyond the term of their contract.

(Amendment No. 9)
Article 7a (new)

Atypical workers may, if they judge it necessary, inform the bodies referred to in the foregoing paragraph of any problem connected with their working environment. Such bodies must have the means to act, if necessary, on behalf of such workers.

Atypical workers shall not be penalized for taking such a step.