

European Communities

EUROPEAN PARLIAMENT

Working Documents

1982-1983

3 September 1982

DOCUMENT 1-540/82

REPORT

drawn up on behalf of the Committee on Social Affairs and
Employment

on the proposal from the Commission of the European
Communities to the Council (Doc. 1-948/81 - COM(81)
775 final) for a directive on ~~voluntary~~ part-time work

Rapporteur: Mr C. CALVEZ

PE 77.691/fin.
Or. Ne.

1.2.2

English Edition

By letter of 7 January 1982 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 100 of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a directive on voluntary part-time work.

On 21 January 1982, the President of the European Parliament referred this proposal to the Committee on Social Affairs and Employment as the committee responsible and to the Committee on Economic and Monetary Affairs and the Committee of Inquiry into the Situation of Women in Europe for their opinions.

On 28 January 1982 the Committee on Social Affairs and Employment appointed Mr Calvez rapporteur.

It considered the Commission proposal at its meetings of 26 February, 17 March, 30 April, 28 May, 23 June and 12 July 1982. At the latter meeting the committee decided by 21 votes to 4 with no abstentions to recommend that Parliament should adopt the Commission proposal subject to the following amendments.

The following took part in the vote: Mr Papaefstratiou, chairman; Mr Peters, vice-chairman; Mr Calvez, rapporteur; Mr Barbagli, Mr Boyes, Mrs Cassanmagnago Cerretti, Mr Ceravolo, Mr Chanterie, Ms Clwyd, Mr Dido', Mrs Duport, Mr Eisma, Mr Estgen, Mr Ghergo, Mrs Kellett-Bowman (deputizing for Sir David Nicolson), Mrs Krouwel-Vlam (deputizing for Mr Horgan), Mr Lezzi (deputizing for Mrs Charzat), Mrs Maij-Weggen, Mr Michel (deputizing for Mr McCartin), Mr van Minnen, Mr Patterson, Mr Protopapadakis (deputizing for Mr Brok), Mrs Squarcialupi (deputizing for Mr Frischmann), Mrs Van Hemeldonck (deputizing for Mrs Salisch).

The opinions of the Committee on Economic and Monetary Affairs and the Committee of Inquiry into the Situation of Women in Europe are attached.

The explanatory statement will be given orally.

C O N T E N T S

	<u>Page</u>
Amendments.....	5
MOTION FOR A RESOLUTION.....	11
Opinion of the Committee on Economic and Monetary Affairs.....	16
Opinion of the Committee of Inquiry into the Situation of Women in Europe.....	22

The Committee on Social Affairs and Employment hereby submits to the European Parliament the following proposals for amendments and motion for a resolution together with explanatory statement:

Text proposed by the Commission
of the European Communities

Amendments proposed by the
Committee on Social Affairs
and Employment

Proposal for a Council directive
on voluntary part-time work (Doc. 1-948/81)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES

Having regard to the Treaty
establishing the European
Economic Community, and in
particular Article 100,

Having regard to the proposal
from the Commission,

Having regard to the opinion
of the European Parliament,

Having regard to the opinion
of the Economic and Social
Committee

Whereas the Council, in its
resolution adopted on 18 December
1971¹ on the adaptation of working
time, stated in relation to part-
time working that it 'must be
voluntary, open to both men and
women and must not be imposed
on persons who wish to work
full time'.

unchanged

¹OJ No. C 2, 4 January 1980

Amendment PE 77.860/fin.

Following the first paragraph of the preamble, insert a new paragraph 1(a):

1(a): Whereas the European Parliament, in its resolution of 11 February 1981¹ on the situation of women in the European Community dealt with the various aspects of part-time work, which it set out in paragraphs 16 to 18 and laid down a number of criteria.

Whereas the Parliament, in its resolution adopted on 17 September 1981² on employment and the adaptation of working time stated in relation to part-time working that 'this form of work must be the result of a voluntary choice' and 'steps must be taken to prevent discrimination'.

Whereas although part-time work has become a feature of the labour market, measures have yet to be taken to guarantee part-time workers the same rights as full-time employees while taking into account the special features of part-time work.

unchanged

Whereas although part-time work has become a feature of the labour market, and the number of part-time workers is increasing, measures have yet to be taken to guarantee part-time workers the same rights as full-time employees while taking into account the special features of part-time work.

¹ OJ No. C 50, 9 March 1981

² OJ No. C 260, 12 October 1981

Text proposed by the Commission
of the European Communities

Whereas this measure is designed to complement in the field of part-time work existing legislation on the realisation of equal treatment for men and women.

Whereas there are still significant differences between the Member States concerning the implementation of the principle of non-discrimination between part-time and full-time workers, and these differences can distort competition between undertakings and affect the functioning of the common market;

Whereas it is therefore necessary to remedy this situation by approximating the laws of the Member States while maintaining the improvement referred to in Article 117 of the Treaty,

Article 1

This Directive covers part-time work.

For the purpose of this Directive, the following definitions shall apply:

- normal hours of work: the normal working hours for any particular category of worker established by legislation, by collective agreement or by agreement concluded at the level of the individual establishment or undertaking;
- full-time work: work performed on a regular basis for the normal hours of work;

Amendments proposed by the Committee
on Social Affairs and Employment

Whereas this measure is therefore designed to complement in the field of part-time work existing legislation on the realisation of equal treatment for men and women.

Article 1

unchanged

Text proposed by the Commission
of the European Communities

- part-time work: work performed on a regular basis in respect of which an employer and a worker agree to shorter working hours than the normal hours of work;
- full-time (part-time) worker: a worker who agrees with his or her employer to carry out full-time (part-time) work.

Article 2

Part-time workers shall not be discriminated against as compared with full-time workers in respect of working conditions, rules governing dismissal, entitlement to participate actively or passively in bodies representing employees and access to vocational training, promotion, social facilities and medical care. This is hereinafter referred to as the 'principle of non-discrimination'.

Article 3

1. Part-time workers shall not be excluded from statutory or occupational social security schemes. Their contributions to and benefits from such schemes shall be made on the same basis as for full-time workers, taking account of the hours worked by the part-time workers and/or the remuneration received.

Amendments proposed by the Committee
on Social Affairs and Employment

Amendment PE 77.860/fin. +
Amendment No. 14

Article 2

Part-time workers shall not be discriminated against as compared with full-time workers in respect of working conditions, remuneration, rules governing dismissal, entitlement to participate actively or passively in bodies representing employees and access to occupational and industrial training, promotion, social facilities and medical care. This is hereinafter referred to as the 'principle of non-discrimination'.

Amendment PE 77.860/fin.

Article 3

1. Part-time workers shall be covered by statutory or occupational social security schemes. Their contributions to and the benefits from such schemes shall be made on the same basis as for full-time workers, taking account of the hours worked by the part-time workers and/or the remuneration received. X

Text proposed by the Commission
of the European Communities

2. Member States shall be exempt from applying the provisions of paragraph 1 to part-time workers whose working hours and/or remuneration are below the threshold of eligibility for statutory or occupational social security schemes.

Article 4

1. The remuneration, holiday pay, redundancy pay and retirement benefits of part-time workers shall, taking account of the hours of work, be in proportion to those of full-time workers doing an equivalent job.

2. Paragraph 1 shall be without prejudice to the ability of the Member States to allow more favourable treatment to be given to part-time workers by means of laws, regulations and administrative provisions, collective agreements or other agreements.

Article 5

The nature of the part-time work, the hours of work and the arrangements for the distribution of these hours shall be specified in a written agreement between the employer and the worker.

Amendments proposed by the Committee
on Social Affairs and Employment

2. For a period of up to one year following the adoption of this directive, Member States shall be exempt from applying the provisions of paragraph 1 to part-time workers whose working hours and/or remuneration are below the threshold of eligibility for statutory or occupational social security schemes. Thereafter, all part-time workers must be covered by statutory and occupational social security schemes.

Amendment PE 77.860/fin.

Article 4

All benefits such as remuneration, holiday pay etc. (rest of text unchanged).

Amendment PE 77.860/fin.

Article 5

The nature of the part-time work, the hours of work and the arrangements for the distribution of these hours shall be specified in a written agreement between the employer and the worker.

Such written agreements shall be based
on collective agreements, where these
exist. The written agreement, in
addition to specifying the total
working time, must also lay down how
the time is to be divided up among
the days of the week and the conditions
governing changes to this arrangement.

Article 6

Part-time workers wishing to occupy or return
to a full-time job or full-time workers
wishing to occupy or return to a part-time
job in the same establishment or undertaking
shall have priority over candidates outside
the undertaking where a vacancy occurs in a
situation corresponding to their skills or
occupational experience.

Article 6

unchanged

Article 7

Part-time workers shall be taken into account,
at least in proportion to their working hours,
in the total count of employees in an estab-
lishment or undertaking, particularly for the
purposes of determining the social obligations
which are linked to the number of workers
employed.

Amendment PE 77.860/fin., first
sentence

Article 7

Part-time workers shall be taken fully
into account, in the total count of
employees in an establishment or under-
taking, particularly for the purposes
of determining the social obligations
which are linked to the number of
workers employed.

Article 8

Recourse to part-time work shall come within
the scope of the procedures for the information

Amendment PE 77.860/fin. +
Amendment No. 10

Article 8

'Before the introduction of part-time
work, the procedures for the information

and consultation of workers' representatives as are in force for full-time workers in the Member States.

Article 9

1. Any laws, regulations and administrative provisions in breach of the preceding Articles shall be abolished.
2. Any provisions in breach of the preceding Articles which are included in collective agreements or individual contracts of employment shall be, or may be declared, null and void.

Article 10

1. Member States shall implement the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 January 1984 and shall notify them to the Commission without delay.
2. Member States shall communicate to the Commission the texts of the laws, regulations and administrative provisions which they adopt in the field covered by this Directive.

consultation and participation of workers' representatives that are in force for full-time workers in the Member States shall be applied'.

The Directive shall apply to persons
working more than 12 hours a week.

Article 9

1. unchanged
2. Any provisions in breach of the preceding Articles which are included in collective agreements or individual contracts of employment shall be and must be declared, null and void.
3. Laws and administrative rules applicable in individual Member States which go further than the provisions of this directive in protecting part-time workers may continue to apply.

Amendment PE 77.860/fin. +
Amendment No. 12 + final section of
Article 11

Article 10

unchanged

Text proposed by the Commission
of the European Communities

Amendments proposed by the Committee
on Social Affairs and Employment

Member States shall submit to the European
Commission a report on how the Directive
is working in practice not later than three
years after the Directive comes into force
to enable it to draw up a report on the
application of this Directive for submission
to the Council.

Article 11

Within two years of the expiry of
the period referred to in Article 10,
Member States shall forward to the
Commission all necessary information to
enable it to draw up a report on the
application of this Directive for submission
to the Council.

Article 12

This Directive is ~~addressed~~ to the
Member States.

Article 11

delete

Article 12

Article 12 becomes Article 11.

MOTION FOR A RESOLUTION

closing the procedure for consultation of the European Parliament on the proposal from the Commission of the European Communities to the Council for a directive on voluntary part-time work

The European Parliament,

- having regard to the proposal from the Commission to the Council (COM(81) 775 final)¹,
 - having been consulted by the Council pursuant to Article 100 of the Treaty establishing the EEC (Doc. 1-948/81),
 - having regard to its resolution of 11 February 1981 on the situation of women in the European Community and, more specifically, paragraphs 15 and 16 thereof²,
 - having regard to its resolution on employment and the adaptation of working time³,
 - having regard to the report of the Committee on Social Affairs and Employment and the opinions of the Committee on Economic and Monetary Affairs and the Committee of Inquiry into the Situation of Women in Europe (Doc. 1-540/82),
 - having regard to the result of the vote on the proposal from the Commission,
1. Notes that part-time work is usually a deliberate choice made in response to a social or economic situation;
 2. Wishes to see part-time work contribute in future to a better distribution of domestic and family responsibilities between men and women and at the same time permit men and women to acquire a skilled occupation, and notes that part-time work is no substitute for a general reduction in working time;
 3. Notes, as the Commission points out, that 90% of part-time workers are women and that the advantage of extending part-time work in a period of unemployment must outweigh the fact that at present the main justification for this form of work is provided by the unequal distribution of family responsibilities between men and women;

¹ OJ No. C 62 of 12.3.1982, p. 7

² OJ No. C 50 of 9.3.1981, p. 40

³ OJ No. C 260 of 12.10.1981, p.54

4. Requests however that the greatest care be taken to ensure that part-time work does not conceal a reduction in the volume of employment by turning full-time posts into part-time posts;
5. Is aware of the fact that the proportion of part-time work in relation to employment as a whole, while varying from one Community country to another, was nevertheless relatively limited in the past; realizes, however, that the continuing economic crisis is likely to arouse greater interest in this type of activity;
6. Notes that the voluntary aspect of part-time work is restricted by unemployment;
7. Notes with satisfaction that the Commission has adopted almost all the criteria listed by the European Parliament in respect of part-time work¹ and that the Commission therefore intends to eliminate all forms of discrimination towards part-time workers;
8. Draws attention to the fact that hitherto both employers and employees have regarded part-time work primarily as an arrangement particularly suitable for women students and the elderly but that in future part-time work must be regarded as a new weapon in the campaign against unemployment;
9. Considers that part-time work should not be an underhand way of reducing employment and hence workers' incomes and therefore requests the Commission to carry out an investigation in order to find out whether part-time posts tend to increase the volume of work or reduce it;
10. Considers it very important to:
 - eliminate prejudice on the part of employers towards part-time work by means of a comprehensive information campaign to organize this mode of work in a manner corresponding to its social necessity,
 - promote and evaluate studies and examples of part-time work with respect to their incorporation into various forms of work and workplace including skilled work,
 - assure part-time employees of priority in switching to full-time jobs as they fall vacant, in particular on the basis of appropriate qualifications and proven professional experience;

¹ OJ No. C 260 of 12.10.1981, p. 60
OJ No. C 50 of 9.3.1981, p. 40

11. Is aware that part-time work does not provide economic independence and therefore autonomy for workers;
12. Hopes therefore that in employment procedures part-time work available will be shown on a special list;
13. Recognizes the difficulty of harmonizing national standards on social security at Community level but feels that the essential improvement of the status of part-time work presupposes the granting of entitlement to benefits under the social security scheme;
14. Considers that part-time work must be on a voluntary basis and that the refusal by a full-time worker to accept part-time work cannot be accepted as a reason for dismissal;
15. Considers, however, that it is essential for the specific rules for the implementation of voluntary part-time work to be laid down by national regulations and/or collective agreements;
16. Considers it necessary, in addition, to
 - (a) overcome employers' reticence when faced with generally complex legislation and the fact that the cost of part-time wages is still greater than that of full-time wages,
 - (b) overcome workers' apprehension over an arrangement which they feel offers them less protection, by giving them all the necessary guarantees,
 - (c) waive all measures relating to this type of work in social security rules which involve extra costs for undertakings,
 - (d) ensure the wider dissemination of the most recent data on the structure and effects of working time;
17. Considers the Commission's proposal appropriate in that it establishes outline provisions of a general nature which could help to clarify the situation in the labour market;
18. Instructs its President to forward to the Commission and the Council the text of the proposal from the Commission as voted by Parliament and the corresponding resolution as Parliament's opinion.

OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS

Draftsman: Mrs M.-J. DESOUCHES

On 24 February 1982 the Committee on Economic and Monetary Affairs appointed Mrs Desouches draftsman of the opinion for the Committee on Social Affairs and Employment.

At its meeting of 18/19 March 1982, the committee considered the draft opinion, which it adopted unanimously.

Present: Mr J. Moreau, chairman; Mr de Ferranti, vice-chairman, Mr Deleau, vice-chairman; Mrs Desouches, draftsman; Mr Albers (deputizing for Mr Wagner); Mr Beumer, Mr von Bismarck, Mr Bonaccini, Mr Caborn, Mr Carossino (deputizing for Mr Fernandez), Miss Forster, Mr Franz, Mr I. Friedrich, Mr de Goede, Mr de Gucht, Mr Herman, Mr Hopper, Mr Leonardi, Mr Mihr, Mr Orlando (deputizing for Mr Ruffolo), Mr Papantoniou, Mr Purvis, Sir Brandon Rhys-Williams, Mr Rogalla (deputizing for Mr Schinzel), Mr Seal (deputizing for Mr Rogers), Mr van Rompuy and Mr von Wogau.

1. In its resolution of 18 December 1979 concerning the adaptation of working time the Council recognized that part-time working had become a feature of the labour market and asked the Commission to prepare a specific communication on this subject. The European Parliament has underlined the importance of this type of work on several occasions and also asked the Commission to put forward suitable proposals in its resolution of 11 February 1981.

2. There is no difference of opinion between the various institutions on the objectives to be pursued with regard to the status of part-time work and in this respect it is worth listing the principles laid down by the Council in its resolution of 18 December 1979¹:

- i) Part-time working must be voluntary and open to both men and women. It must not be imposed on persons who wish to work full-time. Furthermore, particular care must be taken to ensure that part-time work is not limited to women or to relatively unskilled work;
- ii) Consideration should be given to the extent to which part-time work could be made more readily available to certain groups of workers, particularly parents of young children and older workers;
- iii) Part-time workers should as a rule have the same social rights and obligations as full-time workers, bearing in mind however the specific character of the work performed;
- iv) Part-time work should not be limited to half-time work; it could be on a daily, weekly or monthly basis, according to the needs of different groups of workers and to those of undertakings.

¹OJ N° C 2, 4.1.1980

3. The Committee on Economic and Monetary Affairs wholly endorses these principles, which fully correspond to those set out in its opinion to the Committee on Social Affairs and Employment on employment and the adaptation of working time (Doc. 1-425/81). The proposal for a directive under consideration meets the requests made by Council and Parliament and the stated objectives. Nevertheless, the proposal is essentially aimed at social objectives, i.e. the elimination of the main abuses and principal forms of discrimination, and does not attempt to resolve all the problems.

4. However the elimination of abuses and discrimination is a sine qua non for the supply of and demand for part-time work to increase. Although it offers advantages both for employees and employers, little use is made of part-time working because of the discriminatory treatment to which it is subject in comparison with full-time work. Part-time workers are very often subject to discrimination as regards their legal status, conditions of work and employment, and part-time workers are not offered the same rights; the social security rules governing this type of work very often cost employers more and therefore inhibit part-time working. The purpose of the proposal for a directive is to end the forms of discrimination to which part-time work is subject by extending to part-time workers the rules and arrangements applicable to full-time workers, notably pro rata entitlement to remuneration and paid annual leave, redundancy and retirement, the inclusion of such workers in the total workforce of the undertaking, the right to information and to be consulted.

In addition, a number of principles specifically relating to part-time work are proposed, in particular the need for a written contract between employer and worker and priority for such workers to switch from part-time to full-time employment.

5. The flexibility of part-time work offers advantages and meets the needs of undertakings as well as workers. The directive should promote an expansion of part-time work by providing for the elimination of the main forms of discrimination and principle abuses and introducing provisions which will put this form of work on an equal footing with full-time work. In a number of Member States preparations are already underway for measures concerning the status of part-time work aimed at combatting unemployment by sharing the available employment more widely. It remains to be seen however whether employment opportunities will be substantially increased by eliminating discrimination and abuses. It is most likely that demand will outstrip supply by even more than the existing substantial margin. People who are not working at present or who are active in the 'black' economy and who are not protected by the social security system may be attracted by the improvement in the status of part-time work to offer their services on the labour market. At the same time full-time workers may prefer part-time work in the light of the new conditions, so that the available employment could be shared by more workers, which would reduce the strains on the labour market. Despite the flexibility which part-time work offers, it is fairly unlikely that the

supply of jobs will increase at the same rate as demand. It is even possible to imagine a situation where certain undertakings facing enormous pressures to cut costs in order to remain competitive and at the same time in a strong position on the labour market given the high rate of unemployment, may replace full-time jobs with part-time jobs. This kind of substitution is only acceptable if the work to be carried out is suitable for part-time employment.

In this connection it is important to restate the fundamental principle that part-time work must be voluntary, a principle which must be rigorously applied.

6. One of the principles adopted by the various institutions is that part-time work may not be limited to less-qualified jobs. While approving this principle, it is nevertheless clear that it is easier to organize part-time work in certain jobs than in others. The problem of equal opportunities for promotion also arises in this context. The proposal for a directive offers no solution to these problems. The explanatory memorandum states that: 'The proposed directive will need to be supported by further positive action to ensure the greater availability of the part-time work option in all types of employment within an organization'.

The Commission should explain what action it intends to propose in this context and should draw up such proposals as soon as possible.

7. Conclusions

The Committee on Economic and Monetary Affairs:

- (a) approves the objectives of the proposal for a directive, which is intended to eliminate discrimination and abuses associated with part-time work; asks the Committee on Social Affairs and Employment to amend the directive so that obligations imposed on employers by the directive are not so onerous that they lead to a decrease in the number of part-time jobs being offered;
- (b) considers that although they do not represent a perfect remedy for unemployment the proposed measures meet the wishes of a large number of workers and are capable of making a significant contribution to solving the employment problem;
- (c) stresses that the proposal for a directive does not solve all the problems and urges the Commission to submit as soon as possible proposals for further positive action in this field, the need for which is recognized in the explanatory memorandum.
- (d) requests that the following amendment be added to Article 5 of the proposal for a directive;

Text as amended by Parliament

Text proposed by the Commission

Article 5

The nature of the part-time work, the hours of work and the arrangements for the distribution of these hours shall be specified in a written agreement between the employer and the worker, preferably as part of collective agreements binding each undertaking.

The nature of the part-time work, the hours of work and the arrangements for the distribution of these hours shall be specified in a written agreement between the employer and the worker.

OPINION OF THE COMMITTEE OF INQUIRY INTO THE SITUATION OF WOMEN IN EUROPE

Draftsman: Mrs H. WIECZOREK-ZEUL

At its meeting of 23 November 1981 the Committee of Inquiry into the Situation of Women in Europe decided to draw up reports on 17 different subjects¹. One of these concerns the adaptation of working time, on which Mrs Wieczorek-Zeul was appointed rapporteur at the meeting of 30 November.

In the meantime the Commission had put forward a proposal for a Council directive on voluntary part-time work (Doc. 1-948/81), on which the Council asked the European Parliament for its opinion on 4 January 1982.

On 21 January 1982 the President of the European Parliament referred the proposal for a directive to the Committee on Social Affairs and Employment as the committee responsible.

As this subject was directly linked to Mrs Wieczorek-Zeul's report, the Committee of Inquiry into the Situation of Women in Europe at its meeting of 23/24 February 1982 instructed her to draw up an interim report incorporating an opinion on the Commission's proposal for a directive on voluntary part-time work insofar as this concerns women.

The Committee of Inquiry considered the proposal for a directive and the draft opinion at its meetings of 18/19 and 29/30 March 1982. At its meeting of 30 March 1982 it adopted the attached opinion and amendments together with explanatory statement by 8 votes to 2.

On 14 May 1982 the Bureau of the European Parliament formally authorized the Committee of Inquiry to deliver an opinion on the proposal for a directive.

The following took part in the vote: Mrs Vayssade, acting chairman, Mrs Lenz, vice-chairman, Dame Shelagh Roberts, vice-chairman, Mrs von Alemann, vice-chairman; Miss De Valera, Mrs Lizin, Mrs Macciocchi, Mrs Spaak, Mrs Squarcialupi (deputizing for Mrs Le Roux), Mrs van Hemeldonck (deputizing for Mrs van den Heuvel) and Mrs Wieczorek-Zeul, draftsman.

¹ See minutes of the meeting of 23/24 November 1981.

A. OPINION AND AMENDMENTS

The Committee of Inquiry into the Situation of Women in Europe hereby submits to the Committee on Social Affairs and Employment the following proposals for amendments and opinion:

Commission proposal for a Council
directive on voluntary part-time work

Amendments proposed by the Committee of
Inquiry into the Situation of Women in Europe

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

having regard to the Treaty establishing
the European Economic Community, and in
particular Article 100,
having regard to the proposal from the
Commission,
having regard to the opinion of the
European Parliament,
having regard to the opinion of the Economic
and Social Committee,

Whereas the Council in its resolution
adopted on 18 December 1979¹ on the adaptation
of working time, stated in relation to part-
time working that it 'must be voluntary, open
to both men and women and must not be imposed
on persons who wish to work full time';

unchanged

After the first section of the preamble
add a new section to read as follows:
Whereas the European Parliament in its
resolution of 11 February 1981² on the
situation of women in the European
Community dealt with the various aspects
of part-time work, which it set out in
paragraphs 16 to 18, and laid down a
number of criteria;

Whereas the Parliament, in its resolution
adopted on 17 September 1981³ on employment
and the adaptation of working time stated
in relation to part-time working that
'this form of work must be the result of a
voluntary choice' and 'steps must be taken
to prevent discrimination';

unchanged

¹ OJ No. C 2 of 4.1.1980

² OJ No. C 50 of 9.3.1981

³ OJ No. C 260 of 12.10.1981

Whereas although part-time work has become a feature of the labour market, measures have yet to be taken to guarantee part-time workers the same rights as full-time employees, while taking into account the special features of part-time work;

Whereas although part-time work has become a feature of the labour market and the numbers of part-time workers are increasing, measures have yet to be taken to guarantee part-time workers the same rights as full-time employees, while taking into account the special features of part-time work;

Whereas this measure is designed to complement in the field of part-time work existing legislation on the realization of equal treatment for men and women;

Whereas this measure is therefore designed to complement in the field of part-time work existing legislation on the realization of equal treatment for men and women;

Whereas ~~there~~ are still significant differences between the Member States concerning the implementation of the principle of non-discrimination between part-time and full-time workers, and these differences can distort competition between undertakings and affect the functioning of the common market;

unchanged

Whereas it is therefore necessary to remedy this situation by approximating the laws of the Member States while maintaining the improvement referred to in Article 117 of the EEC Treaty,

unchanged

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 1

This directive covers part-time work.

For the purpose of this directive, the following definitions shall apply:

- normal hours of work: the normal working hours for any particular category of worker established by legislation, by collective agreement or by agreement concluded at the level of the individual establishment or undertaking;

unchanged

- full-time work: work performed on a regular basis for the normal hours of work;

- part-time work: work performed on a regular basis in respect of which an employer and a worker agree to shorter working hours than the normal hours of work;
- full-time (part-time) worker: a worker who agrees with his or her employer to carry out full-time (part-time) work.

Article 2

Part-time workers shall not be discriminated against as compared with full-time workers in respect of working conditions, rules governing dismissal, entitlement to participate actively or passively in bodies representing employees and access to vocational training, promotion, social facilities and medical care. This is hereinafter referred to as the 'principle of non-discrimination'.

Article 3

1. Part-time workers shall not be excluded from statutory or occupational social security schemes. Their contributions to and benefits from such schemes shall be made on the same basis as for full-time workers, taking account of the hours worked by the part-time workers and/or the remuneration received.

2. Member States shall be exempt from applying the provisions of paragraph 1 to part-time workers whose working hours and/or remuneration are below the threshold of eligibility for statutory or occupational social security schemes.

Article 2

Part-time workers shall not be discriminated against as compared with full-time workers in respect of working conditions, remuneration, rules governing dismissal, entitlement to participate actively or passively in bodies representing employees and access to vocational training, promotion, social facilities and medical care. This is hereinafter referred to as the 'principle of non-discrimination'.

Article 3

1. Part-time workers shall be covered by statutory or occupational social security schemes. Their contributions to and benefits from such schemes shall be made on the same basis as for full-time workers, taking account of the hours worked by the part-time workers and/or the remuneration received.

2. For a period of up to one year following the adoption of this directive Member States shall be exempt from applying the provisions of paragraph 1 to part-time workers whose working hours and/or remuneration are below the threshold of eligibility for statutory or occupational social security schemes. Thereafter all part-time workers must be covered by statutory or occupational social security schemes.

Article 4

1. The remuneration, holiday pay, redundancy pay and retirement benefits of part-time workers shall, taking account of the hours of work, be in proportion to those of full-time workers doing an equivalent job.

2 Paragraph 1 shall be without prejudice to the ability of the Member States to allow more favourable treatment to be given to part-time workers by means of laws, regulations and administrative provisions, collective agreements or other agreements.

Article 5

The nature of the part-time work, the hours of work and the arrangements for the distribution of these hours shall be specified in a written agreement between the employer and the worker.

Article 6

Part-time workers wishing to occupy or return to a full-time job or full-time workers wishing to occupy or return to a part-time job in the same establishment or undertaking shall have priority over candidates outside the undertaking where a vacancy occurs in a situation corresponding to their skills or occupational experience.

Article 7

Part-time workers shall be taken into account, at least in proportion to their working hours, in the total count of employees in an establishment or undertaking, particularly for the purposes of determining the social obligations

Article 4

1. All benefits such as remuneration, etc.
(rest unchanged)

Article 5

The nature of the part-time work, the hours of work and the arrangements for the distribution of these hours shall be specified in a written agreement between the employer and the worker. Such written agreements shall be based on collective agreements, where these exist. The written agreement, in addition to specifying the total working time, must also lay down how the time is to be divided up among the days of the week and the conditions governing changes to this arrangement.

Article 6

unchanged

Article 7

Part-time workers shall be taken fully into account, in the total count of employees in an establishment or undertaking, particularly for the purposes of determining the social obligations which are linked to the number of

which are linked to the number of workers
employed.

workers employed. The number of part-time
jobs should not account for more than a
certain proportion of the total number of
full-time jobs to be agreed by trade unions
and employers. A target should also be set to
that will ensure a balance between the numbers
of men and women working part time.

Article 8

Recourse to part-time work shall come within
the scope of the procedures for the informa-
tion and consultation of workers'
representatives as are in force for full-time
workers in the Member States.

Article 8

Before the introduction of part-time work the
procedures for the information, consultation
and participation of workers' representatives
that are in force for full-time workers in the
Member States shall be applied.

Article 9

1. Any laws, regulations and administrative
provisions in breach of the preceding articles
shall be abolished.

2. Any provisions in breach of the preceding
articles which are included in collective
agreements or individual contracts of employ-
ment shall be, or may be declared, null and
void.

Article 9

1. unchanged

2. Any provisions in breach of the preceding
articles which are included in collective
agreements or individual contracts of
employment shall be, and must be declared,
null and void.

3. Laws and administrative rules applicable
in individual Member States which go further
than the provisions of this directive in
protecting part-time workers may continue
to apply.

Article 10

1. Member States shall implement the laws,
regulations and administrative provisions
necessary to comply with this directive not
later than 1 January 1984 and shall notify
them to the Commission without delay.

2. Member States shall communicate to the
Commission the texts of the laws, regulations
and administrative provisions which they adopt
in the field covered by this directive.

Article 10

unchanged

Article 11

Within two years of the expiry of the period referred to in Article 10, Member States shall forward to the Commission all necessary information to enable it to draw up a report on the application of this directive for submission to the Council.

Article 12

This directive is addressed to the Member States.

Article 11

unchanged

Article 12

unchanged

B

EXPLANATORY STATEMENT

I. General comments

1. For some 9 million people in the European Community part-time work is their main source of employment and for another 2 million it is an additional source of work. On average, 90% of all part-time workers in the Community are women and about a quarter of all working women are engaged in part-time work. It is clear from a more detailed analysis of the situation in the Member States that:

- (1) Part-time work is a feature of the divided employment market and is concentrated in a few sectors and among those with lower levels of qualifications;
- (2) part-time work is a factor in the growth of employment among women. In countries where there has been a sharp increase in the number of women working as, for example, the United Kingdom or Denmark, a large proportion of this increase is accounted for by the rise in part-time work;
- (3) part-time work in its present form cannot provide a satisfactory level of economic independence in almost all cases. Part-time work in its present form provides inadequate social security or none at all, for instance against unemployment or in terms of pensions. It offers virtually no chance for promotion;
- (4) the trend towards part-time working or increasingly towards other flexible approaches to working time is attributable to two factors:
 - (a) From the point of view of employers, shorter working time means more intensive use of labour which makes possible greater flexibility for managements, particularly in the services sector, and with the introduction of new technologies allows better use to be made of production capacity.
 - (b) Employees are more interested in a greater measure of leisure time and flexibility. More flexible approaches to working time should be regarded as just as normal and as offering the same rights as the existing compulsory 40-hour working week, e.g. 38, 36, 32 hours, etc.

There are two possible ways of responding to these tendencies:

- (a) Employers would like to continue to force this development through unilaterally vis-à-vis individual employee.

This has serious negative consequences for employees, particularly for female workers:

- so-called 'flexible' systems which require the employee to be permanently available for work and exploit him or her to the full (KAPOVAZ system),
- whole branches of industry are transformed into part-time branches with the consequent loss of full-time jobs,
- such branches then become essentially badly-paid areas of employment for women,
- the employer negotiates the conditions of work separately with each individual worker with the result that rights achieved by means of collective agreements are ignored.

(b) From the woman's point of view, the correct approach would be to satisfy the employee's justified interest in greater flexibility, but at the same time ensure that the conditions governing flexibility are negotiated between employers and trade unions or are governed by legislation so that employees are guaranteed adequate protection.

At the same time all existing forms of discrimination against part-time work must be eliminated so that part-time work is no longer an area of a divided labour market into which women are shunted. The result would be a new style of part-time work covering any period of work less than the normal full-time period.

2. As regards the legal position of part-time workers, no country of the Community had clear legal provisions at the time of the Commission's communication on part-time workers (COM(80) 405 final). However, account was taken of part-time workers in the various employment laws and to some extent in wage agreements. The differences in the arrangements governing part-time work in the Member States are described below:

2.1. No country had a specific definition of part-time work.

2.2. The requirements governing ~~entitlement to~~ social security benefits for part-time workers varied greatly from one Member State to another and involved either:

- the fixing of a minimum number of working hours per week to qualify for social welfare benefits;
- or, the fixing of minimum wage levels as ~~an eligibility~~ threshold.

A few examples from the Member States will serve to illustrate the various systems:

- in Belgium: a four-hour working day is required to qualify for family allowances;
- in Denmark, the Federal Republic of Germany and Luxembourg, a certain number of hours per week, ranging from 15 to 24, to qualify for benefits;
- in Ireland: a 20-hour working week to qualify under the Redundancy Payments Act, which also lays down the periods of notice;
- in the United Kingdom and Ireland: minimum wage and minimum working hours per week to qualify for social welfare insurance with a scale of minimum working hours according to length of service.

These examples are sufficient to illustrate the differences in the criteria under which part-time workers may qualify for social welfare insurance.

It is to be assumed that part-time workers who fail to meet these criteria are almost totally unrepresented in the statistics.

2.3. In most countries part-time workers are taken fully into account for the purpose of representation at the place of work. In some countries part-time workers are taken into account only in proportion to their working time for the purpose of ~~providing~~ social facilities within the undertaking concerned.

2.4. Generally speaking, leave entitlement is calculated in the countries of the Community on a pro rata basis, although there is some uncertainty where certain types of special leave are concerned. In the United Kingdom, for instance, women must work at least 16 hours a week to qualify for maternity leave.

2.5. The position of part-time workers is unclear where overtime payment are concerned. No Member State gives part-time workers an explicit right to claim payment for hours worked in excess of those laid down in his contract on the same basis as full-time workers.

2.6. There are still many provisions of employment law which discriminate against part-time workers. Employees in Denmark, for example, who work fewer than 15 hours do not continue to receive wages in the event of illness.

3. Another ~~factor~~ which has some bearing on the elimination of provisions which discriminate against part-time work is whether non-wage costs discourage undertakings from employing part-time workers. In France employers' social security contributions for part-time workers may be refunded if the undertaking can prove that it would have paid less in the way of contributions to employ one full-time worker than two part-time workers. Some Member States also levy taxes on the basis of the number of employees and not in proportion to gross earnings or hours worked.

4. The situation described above reflects the circumstances obtaining at the time of the Commission's communication. In the meantime new rules have already been adopted in some Member States or are under discussion.

There have been changes in employment law in Belgium. A law covering all part-time workers came into force on 1 March 1982; other rules are covered in a binding national wage agreement. All the essential features of the planned Community directive are therefore now legally established in Belgium. In the context of the draft directive it should be pointed out that, under Belgian law, the beginning and end of the period of work, the duration of the period of work, and breaks in the period of work must be set out in writing in respect of each system of part-time working. Part-time workers are also given priority when it comes to filling full-time vacancies.

In Italy the Economic and Social Council (CNEL), a government advisory body, submitted a draft law governing part-time work in 1981. In particular, it is proposed that the number of part-time workers in each undertaking should not exceed a percentage to be agreed with the trade unions. Collective agreements of this kind have already been concluded in Italy. The Italian Government is currently considering a draft law on part-time work.

In France the government has now put forward proposals for a law governing part-time work. Although no provision is made for an upper limit on the numbers of part-time workers in individual sectors, the government has reserved the right to fix such upper limits by decree following a trial period.

These examples show that priority is being given to ~~introducing~~ rules on part-time work in some Community Member States and the arrangements in force in some cases already go further than those of the Commission proposal. The European Parliament should take this into account.

5. In the light of the current legal situation of part-time workers in the Community, and bearing in mind the importance of this type of employment for women, ~~it is~~ ~~to~~ ~~be~~ ~~examined~~ to examine the reasons for introducing part-time work and future developments. Demand for part-time work exceeds supply throughout the Community. The fact that it is mainly women who seek part-time work is largely attributable to the unequal distribution of work in society between men and women. The OECD's High Level Conference on the Employment of Women and the European Conference of Ministers responsible for Family Affairs have looked in depth at the link between the employment of women and the division of labour in the home. There is no need to

repeat the stereotyped social attitudes towards the division of work in this document. Both conferences came to the conclusion that the social factors governing the employment of women are undergoing radical changes. These can be summarized as follows:

1. The employment of women is increasingly regarded not merely in terms of supplementing the family income but rather as an independent contribution and as offering women independent career opportunities.

2. There is an increasing desire to have a say in how leisure time should be spent and to share family responsibilities, particularly in bringing up the children. One can assume that this is why new and more flexible forms of organizing working time, including the willingness of men to work part-time, are now being widely discussed in public.

Studies have shown that firms introduce part-time work primarily because this enables them to make more intensive use of labour resources (greater capacity for work, better use of production capacity) and offers more flexibility to management. This has resulted in certain branches (particularly in the services sector but also in certain branches of industry) employing part-time workers on a massive scale with a result that in some areas part-time workers account for over 40% of the work-force (commerce and retailing in the Federal Republic of Germany) or over 50% (catering, cleaning, hairdressing and other personal services, Great Britain).

The disadvantage for employees, and women in particular, is that up to now working conditions have largely been determined on an individual basis between employer and employee with the result that rights established by collective agreements are not enjoyed by workers in this category.

In macro-economic terms the problem is one of the total amount of work being reduced rather than increased by a unilateral transition from full-time to part-time jobs.

6. In the interests of the economy as a whole, therefore, there is a need to ensure that part-time work is not misunderstood or misused as an alternative to a general reduction in working hours (Maifj-Weggen report: the development of part-time work should not be used as a pretext to circumvent the need for a general reduction in working time for all employees.)

It is clear that part-time work can contribute to a more sensible distribution of working, domestic and family responsibilities between women and men, but cannot significantly help to reduce unemployment.

7. The Commission's proposal for a directive

- establishes a distinction between part-time and full-time employment;
- places a general ban on discrimination against part-time workers;
- prohibits the exclusion of part-time workers from social security systems but also contains a general clause permitting this by means of thresholds of eligibility for such schemes;
- fixes proportional arrangements for the granting of benefits by employers;
- requires a written agreement between employer and employee concerning the nature of the part-time work and the hours of work;
- requires priority to be given to part-time workers when full-time vacancies occur;
- requires that part-time workers be taken into account, at least in proportion to their working hours, in the total count of employees in an undertaking;
- establishes the principle that recourse to part-time work should come within the scope of procedures for the information and consultation of workers' representatives in accordance with the rules in force in the Member States;
- aims to abolish all discriminatory provisions;
- fixes 1 January 1984 as the deadline for compliance with the directive.

In general terms, the Commission's decision to accede to the demand of the European Parliament contained in the Maij-Weggen report for Community action in the form of a directive and not merely a recommendation with no binding force is to be welcomed, as is the general trend of the content.

Some important elements are however missing assuming that the three basic criteria of the Maij-Weggen report should be embodied in the directive.

The three criteria are :

1. All forms of discrimination against part-time workers must be eliminated.
2. Part-time work should not continue to be used as a means to remove women from the labour market nor should it be used as an instrument of anti-cyclical policy at the expense of women. Part-time work should not continue to be one of the areas reserved for women but should rather make possible a better and fairer distribution between women and men of responsibilities in employment, the home and the family.
3. The disadvantages of shift working should be avoided as far as possible as they adversely affect the fair distribution of duties between men and women in running the home and bringing up the children.

The following important changes should be made to the directive to take account of these criteria :

Criterion 1 of the Maij-Weggen report

The directive should not contain a general clause which allows the Member States to exclude a large proportion of part-time workers from the scope of the directive. This is the case however in Article 3(2).

Criterion 2

1. The rights of trade unions to be involved in the whole process must be more explicitly stated in the directive (introduction of part-time work, co-decision making powers of workers, collective agreements between employers and employees, etc.) in order to counterbalance the existing trend towards the use of part-time work.

2. The directive must contain appropriate machinery, or at least make it possible, to prevent the proportion of part-time work in certain industries being increased at the expense of full-time jobs.

3. It must also contain provisions or make it possible to achieve a balanced proportion of male and female part-time workers in the various sectors.

Criterion 3

The directive must lead in practice to the conclusion of written agreements between employers and employees containing sufficiently precise wording to prevent unacceptable part-time working arrangements (e.g. the so-called Kapovaz system under which workers can be called on as required).

8. In connection with the draft Italian law on part-time work proposed by the Minister of Labour, Mr di Giesi, I had talks on 1 and 2 April 1982 with the women's organizations of the political parties in Italy, other women's organizations and feminist groups and with women of the CGIL/CISL/UIL Trade Union Federation as part of my inquiries.

The following points emerged from these discussions:

- European Community statistics on part-time work in Italy are to be treated with great caution as part-time workers who are not covered by social security are not counted as part-time workers and as the tertiary sector, where part-time work is normally most prevalent, is less developed in Italy.

- Directives or laws on part-time work should be accompanied by additional measures to benefit women:
including flexible opening hours for kindergartens, public institutions, banks, etc.
more flexible working time,
better social services,
more generally an environment which is more receptive to women.
- Any directives and laws must include the public sector.
- There are already collective agreements in Italy covering part-time work, e.g. in banks, textiles and metal working.
These existing agreements offer the option of part-time work but there has been little demand for this.
- In the collective agreement for the banking sector, the trade unions and employers have agreed on a 10% part-time work quota.
- One thing which must be avoided in any directives or laws is the creation of so-called part-time industries which then automatically become areas of female employment.
- People asked whether the Community directive would also cover specifically part-time forms of work, e.g. seasonal work in agriculture and tourism.
- Views on the di Giesi bill differed greatly, ranging from:
total rejection of legislation and a demand for collective agreements between trade unions and employers,
criticisms of the bill on the grounds that it did not go far enough for women,
to the view that only principles and standards should be laid down but that there should be no new law until agreement had been reached in principle.

9. Discussions were also held or opinions sought from the following in connection with this report:

- Representatives of the French Government in the light of the latter's bill on part-time work,
- Women's representatives in the Belgian trade union movement on the question of existing provisions on part-time work,
- The Commission of the European Communities (DG V),
- The European Trades Union Confederation,
- UNICE,
- The European Foundation for the Improvement of Living and Working Conditions,
- The European Trade Union Institute,
- Women's organizations in the Federal Republic of Germany and women's trade union representatives.

II. Comments in the proposed amendments to the articles of the directive.

Article 2

This article prohibits in a general way discrimination against part-time workers as compared with full-time workers and is expanded on in the subsequent articles of the proposal for a directive. It is important therefore in listing the areas where discrimination is forbidden to mention remuneration, especially as this is dealt with in more detail in Article 4. The prohibition of discrimination under Article 2 is to be regarded as having absolute priority, i.e. wage scales for part-time workers and full-time workers must be identical right across the remuneration spectrum. As discrimination is prohibited, it follows that part-time and full-time workers must be given equal treatment in, for instance, the following aspects of remuneration:

- overtime premiums where hours are worked in excess of those provided for in the contract;
- bonuses for night-shift work, working on Sundays and public holidays;
- performance-linked bonuses paid in respect of piecework, assembly line work, low wastage etc.

The prohibition of discrimination under Article 2 prevents firms in general from fixing different conditions governing remuneration for part-time workers as compared with full-time workers. Particular care must be taken to ensure that in the case of performance-linked remuneration systems, employers pass on to part-time workers the benefits of productivity gains resulting from the introduction of part-time work.

Article 3

The directive is based on Article 100 of the EEC Treaty and, according to Commission's explanatory memorandum, Article 117. Article 3(1) of the proposal for a directive takes account of the objectives of these provisions of the EEC Treaty. However, Article 3(2) of the directive introduces a general clause which is diametrically opposed both to the objective of harmonizing working and living conditions and to the provisions of Article 100. Article 3(2) will have the effect of excluding a substantial number of part-time workers from the scope of the directive. The proposal for a directive provides neither for harmonization of the rules of the Member States nor does it give any indication of the direction in which social security provisions should be developed. It does not even prevent Member States from adjusting thresholds of eligibility for membership of social security schemes for part-time workers.

As the whole purpose of the directive is to give part-time workers the same rights as full-time workers, there is no justification for Article 3(2). Either the directive should contain thresholds which would apply equally to all Member States or this paragraph should be amended to ensure that - after a transitional period - all part-time workers are covered by statutory and occupational social security schemes.

Article 4

The list of benefits to which the principle of proportionality should apply - remuneration, holiday pay and redundancy - is clearly not exhaustive. The following should also be mentioned :

- Christmas bonus
- employers' contributions to employee savings schemes
- savings bonuses
- special payments on the birth of a child or marriage of an employee
- fidelity bonuses payable on completion of a certain period of service where these are calculated on the basis of rates of pay.

In other words, all benefits which would normally be granted to a full-time employee. It must also be made clear, however, that there are some elements of remuneration which should not be based on the proportional principle since application of proportionality would be discriminatory. These include :

- the granting of bonuses for employees' suggestions (e.g. suggestions for improvements to working procedures, reduction of waste, higher productivity, etc.);
- attendance bonuses. In the case of attendance bonuses the same basis of calculation should apply as for full-time workers.

Article 4(2) is fully justified in this context as in some Member States there is no distinction either in law or in collective agreements between so-called 'indivisible rights' and 'proportional rights' for part-time workers. This is the case for example where firms grant full-time and part-time workers savings bonuses, special bonuses or fidelity bonuses on an equal basis.

Article 5

In its comments on Article 5 the Commission states that 'the working conditions of part-time workers should be put down in writing in view of the spread of new forms of work such as variable working hours and the "Kapovaz system" ' (COM(81) 775 final). Some of the new forms of organization of work could also bring definite advantages for workers and lead to a more sensible division of time between work and leisure. If the organization of working time is so flexible, however, that part-time workers have to be on permanent standby but are not paid accordingly, more detailed measures must be adopted. The committee's amendment to the proposal for a directive therefore tries to clarify the outstanding issues relating to the organization of working time. It is normal in most Member States to settle matters relating to the organization of working time, the introduction of flexible working time, etc. within the framework of existing procedures for informing and consulting workers' representatives or in collective agreements. As Article 8 of the proposal for a directive refers explicitly to the participation of workers' representatives only in terms of 'any recourse to part-time work', it would appear only sensible to refer to current practice in the Member States in Article 5 as well. Alternatively, the participation of workers' representatives could also be covered by stating this more explicitly in Article 8.

Article 7(1)

The amendment proposed by the committee is intended to ensure that part-time workers are regarded as full members of the work-force. It may be appropriate from a statistical point of view to calculate the number of employees in proportion to the number of hours worked, but, for the purposes of rights deriving from employment in an establishment or undertaking, proportionality should be rejected. This applies to the calculation of the total number of employees for the purpose of setting up bodies to represent workers' interests in an establishment or undertaking, the right to vote and stand for election and the use of social facilities in the firm such as the canteen or crèche. The amendment proposed by the committee would mean that a number of Member States would have to change their current practice but this is justified as much from the point of view of involving women in the representation of employees' interests in the firm as on the basis of Articles 100 and 117.

Article 7(2)

Part-time work is largely carried out by women in all the Member States. The Maij-Weggen report of the European Parliament called for measures to put an end to divisions in the labour market. The two measures proposed have this as their objective. First, the aim is to ensure that individual industries do not have recourse primarily to part-time work and thus make part-time employment the preserve of women, and second, to guarantee that part-time work for men is encouraged. Both the proposed measures attempt to put into practice the resolution of the Council of 18 December 1979 which laid down the following principle for part-time work :

Part-time work must be voluntary and be available to men and women. It may not be imposed on people who wish to work full-time. Care should be taken to ensure that part-time employment is not confined to women or to those with the lowest level of qualifications.

The Commission proposal totally fails to put this principle into practice, although some Member States such as France already have possibilities under the law to introduce a quota system of this kind.

Article 8

The amendment proposed by the committee is intended to ensure that workers' representatives are consulted in advance so that they have an opportunity to give their opinion before there is any recourse to part-time work.

