



Re: Plenary vote Transparency and Predictability of Working Conditions

Brussels, 15 April 2019

Dear Members of the European Parliament,

On 16 April, you will vote on the triilogue's provisional agreement regarding the Transparency and Predictability of Working Conditions Directive.

EPSU, EuroCOP and EUROMIL and ETF, representing millions of workers, civil servants, military personnel, police officers, firefighters, nurses, emergency services, and transport workers wish to reiterate their strong disappointment with the agreement.

While the provisional text of the directive will improve the situation for many workers, not the least on precarious contracts, it will however potentially leave millions of others outside most of its reach.

We strongly believe in the EU equal treatment principle, as reaffirmed in the European Pillar of Social Rights proclaimed by the three EU institutions in November 2017, and thus that:

- every worker should benefit from more transparent and predictable working conditions.
- Every worker should be protected regardless of their sector, status, type of contracts or number of working hours.
- Every worker should benefit from EU-wide social progress.

Yet the directive strongly risks undermining this principle as the provisional text allows governments to exempt huge groups of workers from the minimum social provisions in Chapter III of the directive – the rights to free compulsory training (during working hours), holding a second job (ban on exclusivity clause), and a 6-month limit of probation period.

To make matters worse, the possibility to negotiate exemptions by collective agreements can also be potentially removed from the social partners representing those workers.

The workers concerned are civil servants, the armed and police forces, public emergency services, judges, prosecutors, investigators, and other law enforcement services.

Seagoing workers are explicitly excluded, among others, from the right to information in case of unpredictable work patterns, or on the identity of the social security institution(s) receiving the social contributions attached to the employment relationship.

None of the European union federations have received explanation as to why a nurse would not receive protection concerning her probation period, why a police officer could not ask for more hours, why a soldier would not be entitled to training and why a seafarer or a fisher would be denied information on any protection relating to social security provided by the employer, and why these workers could be denied basic collective bargaining rights where these are available.

These workers are not privileged workers, on the contrary many are subject to excessive working hours and precarious work contracts.

They include workers who spend their life saving and protecting ours, preventing and responding to workplace accidents, acts of terrorism, tackling natural and industrial disasters, defending our security abroad, and transporting the goods we need in our daily life.

They equally deserve protection from unscrupulous employers to carry out their work for the public good.

This discriminatory approach is out of step with modern, democratic workplaces.

With regard to “public emergency services”, this is the first time that such a block exemption is part of an EU directive. This is potentially huge as emergency services encompass a large number of workers and activities, from the army, police forces, firefighters, medical staff, as well as water engineers, electricians, and refuse collectors.

With regard to military personnel, the situation is more complex as in several European countries, they are still denied the fundamental right of association and can therefore neither form nor join trade unions or professional associations. As a result, a meaningful social dialogue with representatives of military personnel is not possible and professional interests of this group are often overlooked. In countries where military professional associations and trade unions exist, they show, however, that it does neither harm the efficiency nor the responsiveness of the military forces but on the contrary contribute to motivated and dedicated personnel.

It is our strong view that these exemptions are superfluous, discriminatory, and set a dangerous precedent with regard to the EU minimum rights approach that by definition must be universal.

When the transposition date kicks in, in 2022, we hope we will be able to count on your support to oppose any attempts by governments to use the possibility for exemptions.


To this effect, we ask you to establish a monitoring group, with the participation of the European federations concerned, as part of the Employment and Social affairs Committee to follow up on the national transposition developments and provide us with the necessary support to avoid a social Europe à la carte.

Kind regards

EPSU  
Jan Willem Goudriaan



EUROMIL  
Emmanuel Jacob



ETF  
Frank Moreels



EUROCOP  
Angels Bosch

