

The EU Directive on Transparent and Predictable Working Conditions

Key Provisions

- EU member states have until 1 August 2022 to transpose the directive into national law.
- The aim of the directive, as its name suggests, is to make working conditions across the EU more transparent and predictable for workers, especially in light of the increase in new and potentially less secure jobs, e.g. the growth of the “gig” economy, the increase in the use of zero hour contracts, casual workers, etc.
- The directive obliges member states to introduce local legislation requiring employers to provide workers with more information (in writing) about essential aspects of the working relationship, from details of their remuneration and working hours to information about training entitlements and probationary periods. Additional information must be provided to workers who spend time working abroad in a different member state.
- EU employers are already required to provide employees with certain information about their terms and conditions of employment, but this new directive sets out additional information that must be provided – and extends the right to workers who are not employees.
- The new requirements will apply to most workers, but EU member states have scope to exclude certain individuals, e.g. those individuals whose predetermined and actual working time is three hours per week or less over a period of four weeks. This exemption does not apply to those relationships without any guaranteed hours, i.e. zero hour workers or those on similar types of contract.
- The directive will also introduce certain minimum rights for workers with the aim of promoting security and predictability in employment relationships, e.g. a ban on probationary periods that exceed six months (unless they can be justified) and a right for workers in non-standard forms of employment with at least six months’ service to request more predictable and secure forms of employment.
- As you would expect, member states will be required to ensure that workers have a right of redress should their rights be infringed, as well as protection against dismissal and adverse treatment for seeking to exercise their rights.
- The UK will obviously not be required to implement this directive, but if UK employers are thinking “this all sounds familiar”, it is because these new requirements are similar to the changes in April 2020 that required UK employers to provide additional information to workers when they start.



How Is the Transparency Directive Being Implemented Across Europe?

Belgium

On 6 May 2022, the Council of Ministers approved a preliminary draft law that partially transposes the requirements of the directive.

Germany

On 23 June 2022, the German Federal Parliament approved a bill to implement this EU directive. The new law will come into force on 1 August 2022.

This considerably expands the list of working conditions that must be recorded in writing and made available to employees from the first day of employment. Breaches of this obligation can be fined up to €2,000 per case.

Poland

Draft legislation is in the consultation phase and an updated draft of a bill amending the Labour Code was published on 6 June. The draft bill assumes entry into force on 1 August 2022, but it has not yet been processed by Parliament.

Slovak Republic

On 27 May 2022, a draft amendment to the Slovak Labour Code implementing this directive was submitted to the parliament for consideration. The current draft amendment assumes entry into force on 1 October 2022.

Czech Republic

To date, there has been no progress on implementation of this directive.

France

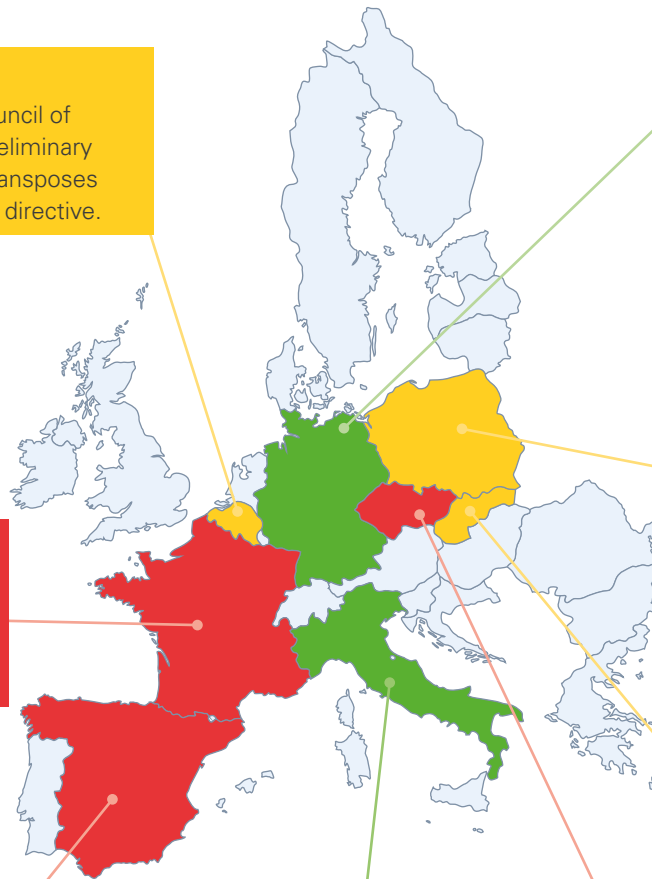
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Spain

To date, there has been no progress on implementation of this directive.

Italy

Final legislation has now been approved by the Italian Council of Ministers. The official text of the legislative decree has not yet been published in the Italian Official Gazette, although this is expected shortly.



What Should Global Companies Be Doing Now?

Companies with a presence in the EU will need to review and update their standard contracts and agreements to ensure they contain the necessary additional information. They should, therefore, be monitoring local developments to ensure they are aware of the specific information they will be required to provide.

Keep an eye out on our *Employment Law Worldview* blog, as we will be posting more detailed summaries of the changes taking place in individual member states, as and when they are finalised.



■ Green = Final legislation published ■ Amber = Draft legislation published ■ Red = No draft implementing legislation published as yet

The EU Directive on Work-life Balance for Parents and Carers

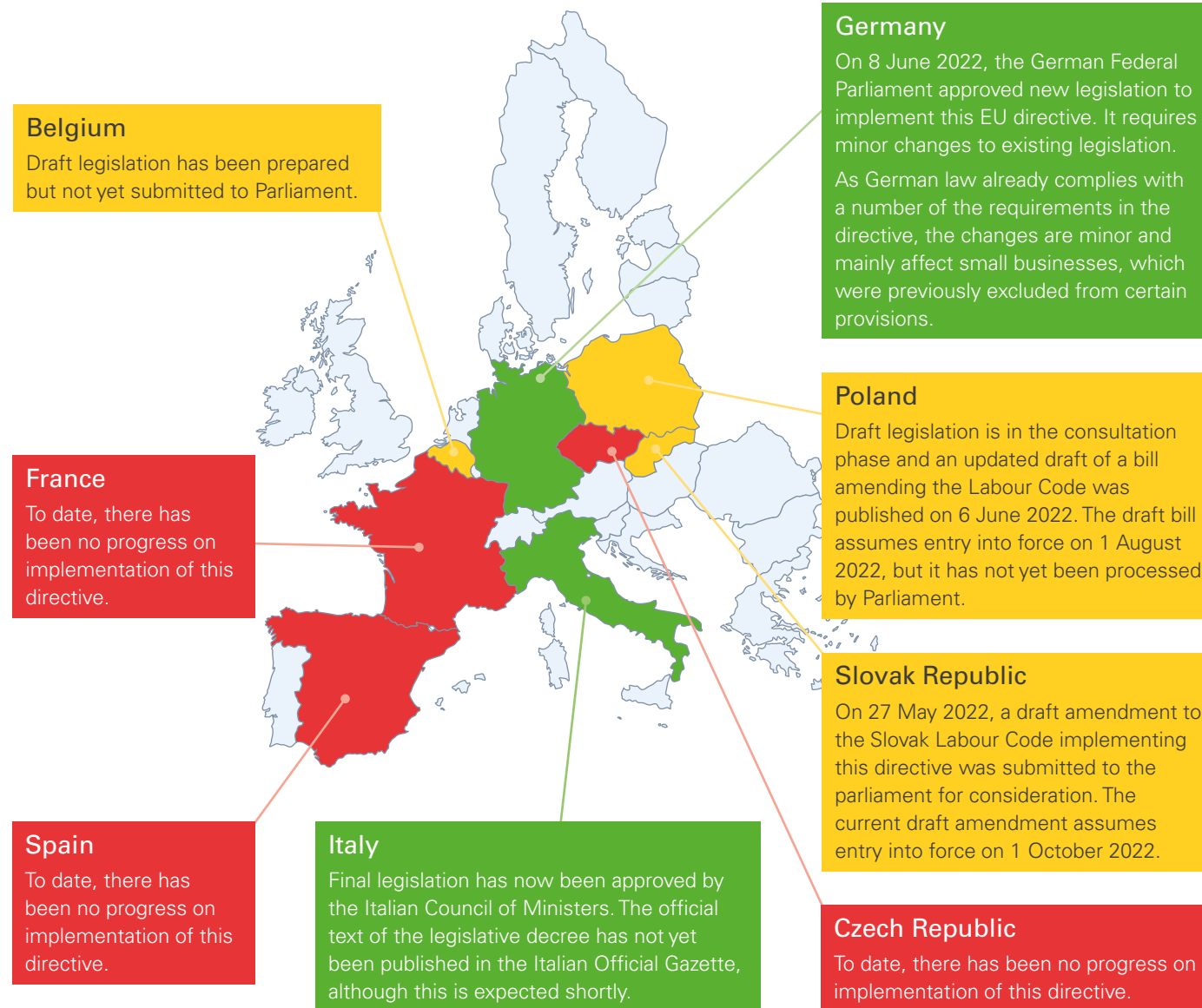
Key Provisions

- EU member states have until 2 August 2022 to implement the majority of the provisions of the directive.
- The stated aims of the directive are to better support a work-life balance for parents and carers; encourage equal sharing of parental leave between men and women; and address women's under-representation in the labour market.
- Measures under the directive include:
 - **Paternity leave** – At least 10 working days of paternity leave, to be paid at least at the level of sick pay – there are currently no minimum standards for paternity leave at the EU level.
 - **Parental leave** – Providing that at least two months of the current four-month parental leave entitlement must be non-transferable between the parents (so that to make the most of the scheme, each parent must have two months' leave), and paid.
 - **Carers' leave** – Up to five working days per year of carers' leave for workers.
 - **Flexible working** – Extending the right to request flexible working arrangements to carers and working parents.
- EU member states have some scope to set conditions for the exercise of these rights.
- The directive sets only minimum standards, so member states may choose to go beyond these. It should also be noted that some member states already meet the minimum requirements set out above, so not every country will be required to introduce new legislation.
- The UK will not be required to implement this directive. In any event, it already complies with some of the minimum requirements set out above.



How Is the Work-life Balance Directive Being Implemented Across Europe?

There has been less progress in implementing the requirements of this directive, as can be seen below.



■ Green = Final legislation published ■ Amber = Draft legislation published ■ Red = No draft implementing legislation published as yet

What Should Global Companies Be Doing Now?

Companies with a presence in the EU may need to update their policies and procedures to reflect these new entitlements, depending on the extent of any changes to existing law in individual member states. They should, therefore, be monitoring local developments to ensure they are aware of what changes they may be required to make.

As above, do keep an eye out on our *Employment Law Worldview* blog, as we will be posting more detailed summaries of the changes taking place in individual member states, as and when they are finalised.



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