



# E-LEARNING

Level 5



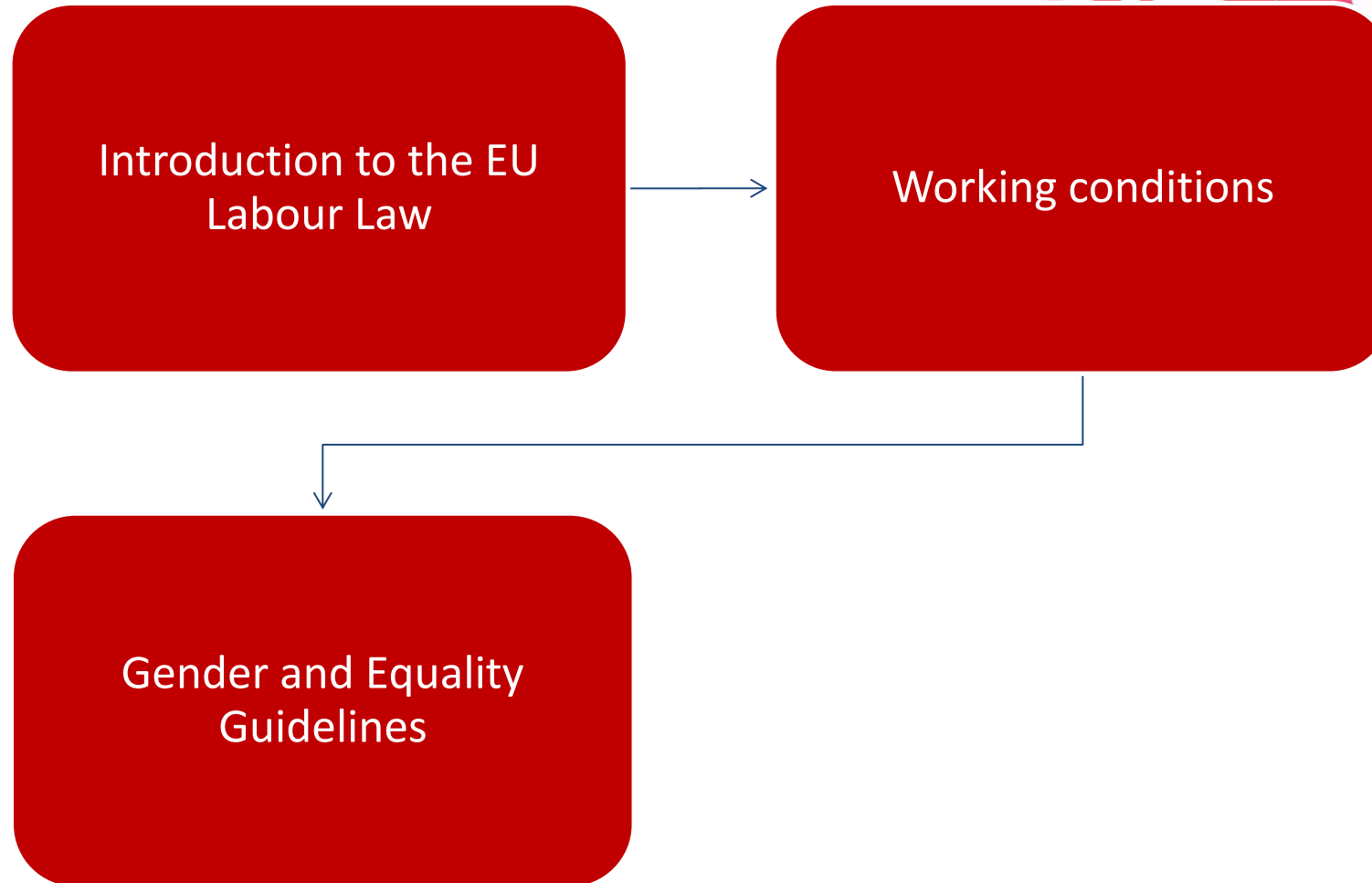
## WA13: General legislation

### 5.4 HR Legislation

LO5.26 Demonstrate a comprehensive knowledge of Human Resources Employment Law in a broad context to assist the company, or organisation, to predict situations and develop solutions to complex problems



# Route Map



## What is a EU Labour law

EU Labour law defines rights and obligations of workers and employers.

It relates to the 2 main issues:

- working conditions (working hours, part-time & fixed-term work, posting of workers)
- informing & consulting workers about collective redundancies, transfers of companies, etc.

It complements policy initiatives taken by individual EU countries by setting minimum standards for working & employment conditions, informing & consulting workers.

EU labour law provides a clear framework of rights and obligations in the workplace, protects the health of the workforce, promotes sustainable economic growth.

EU labour law also matches with the single market.

# Working conditions

## Working conditions

- Work-life balance
- Transparent and predictable working conditions
- EU Working Time Directive
- Individual Employment Conditions
- Fixed-Term Work
- Part-Time Work
- Adequate minimum wages in the EU

## Work-life Balance Initiative

- It addresses the challenges faced by working parents and carers.
- It sets out a comprehensive package of complementary legal and policy measures:
- Legal measures:
  - “Introduction of paternity leave. At least 10 working days of paternity leave around the time of birth of the child, compensated at least at the level of sick pay for fathers/equivalent second parents
  - Strengthening of the existing right to 4 months of parental leave, by making 2 out of the 4 months non-transferable from a parent to another, and compensated at a level to be set by Member States. Parents will also have the right to request to take the leave in a flexible way.
  - Introduction of carers' leave for workers providing personal care or support to a relative or person living in the same household. Working carers will be able to take 5 days per year.
  - Extension of the existing right to request flexible working arrangements (reduced working hours, flexible working hours and flexibility in place of work) to all working parents of children up to at least 8 years old, and all carers.” (European Commission, Employment, Social Affairs & Inclusion)

## Work-life Balance Initiative

- Policy measures:
  - “ensuring protection against discrimination and dismissal for parents and carers
  - encouraging a gender-balanced use of family-related leaves and flexible working arrangements
  - making better use of European funds to improve provision of formal care services (childcare, out-of-school care and long-term care)
  - removing economic disincentives for second earners which prevent women from accessing the labour market or working full-time.” (European Commission, Employment, Social Affairs & Inclusion)

## Directive 2019/1152 on Transparent and Predictable Working Conditions

The directive shall ensure that all workers in the EU have the right to:

- more complete information on the essential aspects of their work, to be received early and in writing
- a limit to the length of probationary periods at the beginning of the job to six months,
- take up another job with another employer, any restrictions to this right need to be justified on objective grounds
- be informed within a reasonable period in advance when work will have to be done – especially for workers with unpredictable working schedules and on-demand work
- effective measures that prevent abuse of zero-hour contract work, meaning work contracts without a fixed amount of working hours
- receive a written reply to a request for transfer to another more secure job, and
- receive cost-free mandatory training related to the job where the employer has a duty to provide this <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019L1152>



The directive requires EU Member States to guarantee the following rights for all workers:

- **a limit to weekly working hours;** the average working time for each seven day period must not exceed 48 hours, including overtime; depending on national legislation and/or collective agreements, the 48 hour average is calculated over a reference period of up to 4, 6 or 12 months
- **a rest break during working hours** if the worker is on duty for longer than 6 hours
- **a minimum daily rest period in every 24 hours** a worker is entitled to a minimum of 11 consecutive hours of rest
- **a minimum weekly rest period** for each 7-day period a worker is entitled to a minimum of 24 uninterrupted hours in addition to the 11 hours' daily rest
- **paid annual leave of at least 4 weeks per year**
- **extra protection in case of night work,** average working hours must not exceed 8 hours per 24-hour period, night workers must not perform heavy or dangerous work for longer than 8 hours in any 24-hour period, night workers have the right to free health assessments and, under certain circumstances, to transfer to day work. (Source: European Employment Strategy)

\*Under certain circumstances, the Working Time Directive allows derogations from above rights for a specific category of workers or to a sector

<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32003L0088>

## Individual Employment Conditions

Directive 91/533/EEC -provision of greater transparency on the labour market, aiming to avoid uncertainty and insecurity about the terms of the employment relationship. The Directive states that every employee must be provided with a document containing information on the essential elements of his contract or employment relationship in writing.

## Fixed-Term Work

Forbidding of treating fixed-term workers less favourably than permanent workers.

EU Member States must put in place one or more of the following limits:

- the objective reasons for the renewal of fixed-term contracts or relationships
- the maximum total duration of successive fixed-term employment contracts and relationships
- the permitted number of renewals

## Part-Time Work

Directive 97/81/EC -Framework Agreement between Europe's employers and trade unions aims to eliminate unjustified discrimination against part-time workers.

It requires that part-time workers' employment conditions may not be less favourable than those of comparable full-time workers, unless there are objective reasons for different treatment. It aims to organise working time in a way which suits employers' and employees needs.

## **Directive on adequate minimum wages aims:**

- To establish a framework to improve the adequacy of minimum wages and to increase the access of workers to minimum wage protection
- To put in place the conditions for statutory minimum wages to be set at adequate levels
- To limit to a minimum the use of minimum wage variations and deductions
- To ensure the effective involvement of social partners in statutory minimum wage setting and updating

Directive on adequate minimum wages contributes to implementing the principles of the European Pillar of Social Rights:

- **Principle 6 (Wages):**

In line with this principle, workers in the Union have the right to fair wages that provide for a decent standard of living, in full respect of national traditions and social partners' autonomy.

- **Principle 8 (Social dialogue and involvement of workers):**

Provision of collective agreements, promotion of the involvement of social partners in setting, updating, and implementing statutory minimum wages.

- **Principle 2 (Gender equality):**

Supporting gender equality and contribute to the reduction of the gender pay gap.

- **Principle 3 (Equal Opportunities):**

Ensuring equal treatment and opportunities regarding employment regardless of gender, age, racial or ethnic origin, religion or belief, disability or sexual orientation.

Under link the full proposal of Directive is published <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020PC0682&from=EN>

# Gender and equality guidelines

The Amsterdam Treaty of the European Union covers the following areas to prevent discrimination:

- Gender
- Racial and ethnic origin
- Religion and belief
- Disability
- Sexual orientation
- Age

The EU countries are obliged to take equality rules on board. Countries joining the EU also have to comply with these rules.

EU equal treatment legislation sets out minimum levels of protection of living and working in the EU. Countries can go further and adopt even stronger legal measures.

## Directive Equal treatment in employment and occupation

- a framework to ensure equal treatment of individuals in the EU at the workplace regardless of their religion or belief, disability, age or sexual orientation.
- It covers following forms of discrimination:
  - direct discrimination (differential treatment based on a specific characteristic)
  - indirect discrimination (any provision, criterion or practice which is apparently neutral but puts the people in the above categories at a disadvantage compared to others)
  - harassment, which creates a hostile environment
- It applies in relation to:
  - conditions of access to employed or self-employed activities, including selection criteria and recruitment conditions and promotion
  - vocational training
  - employment and working conditions (including dismissals and pay)
  - membership of and involvement in an organisation of employers or workers or any other organisation whose members carry out a particular profession

To find out more about the directive, visit the website:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0078>



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Human Resources Employment  
Law – general principles

# Revision Questions

## Revision Question 1

Can you describe what the employment law is designed for?

## Revision Question 2

Can you give different examples of discrimination?



# Module Key Points

## Key Point 1

EU Labour law sets out minimum standards for working & employment conditions.

## Key Point 2

2 main issues of EU Labor Law:

- working conditions
- informing & consulting workers about collective redundancies, transfers of companies, etc.

## Key Point 3

Regulation of working conditions in the field of:

- Work life balance
- Transparent and predictable working conditions
- EU Working Time Directive
- Individual Employment Conditions
- Fixed-Term Work
- Part-Time Work
- Adequate minimum wages in the EU

## Key Point 4

EU equal treatment legislation sets out minimum levels of protection of living and working in the EU. The EU countries are obliged to take equality rules on board.

# WELL DONE



## You have completed Unit 5.4!



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