

THE EMPLOYER'S OBLIGATION TO INFORM WORKERS AND ENSURE TRANSPARENT AND PREDICTABLE WORKING CONDITIONS



[Council Directive 91/533/EEC](#) | [Directive \(EU\) 2019/1152](#)

► Purpose

To improve working conditions, create transparent and predictable employment relationships and ensure labour market adaptability

► Scope of application

All workers and employers who have an employment relationship. Some provisions do not apply to seafarers or sea fishermen

► Obligation to inform

Employers shall inform workers of the essential aspects of the employment relationship

Informing procedure

Each worker shall be informed individually in written document(s)

Essential information for all employees

- **1.1. Identity of the parties**
- **1.2. Place of work**
- **1.3. Category of the worker** or description of work
- **1.4. Start date of the employment relationship** and, for fixed-term work, its duration or end date
- **1.5. Duration** and conditions of the **probationary period**, if any
- **1.6. Entitlement to training**, if any
- **1.7. Amount of paid leave**
- **1.8. Procedure for termination** of the employment relationship
- **1.9. Remuneration:** amount, components, frequency and method of payment
- **1.10. If work pattern is predictable: weekly work schedule, overtime and shift arrangements**
- **1.11. If work pattern is mostly unpredictable:**
 - number of guaranteed paid hours and the remuneration for additional hours
 - reference hours and days when the work may be required
 - minimum period of notice before the start of work and the deadline for cancellation
- **1.12. Applicable collective agreements**
- **1.13. Social security institutions receiving contributions**

Additional information for workers sent to another country (for over 4 consecutive weeks)

- **Destination country(s)** and duration
- **Currency of remuneration**
- **Benefits in cash** or kind, if any
- **Repatriation conditions**

Additional information for posted workers (for over 4 consecutive weeks)

- **Remuneration** to receive according to the host country law
- Specific allowances and **reimbursement of expenses**
- **Link to the official national website** of the host country

Timing for provision of information and its updates

- Points **1.1–1.5** and **1.9–1.11**: **no later than 7 calendar days** from the start of employment
- The rest (points **1.6–1.8** and **1.12–1.13**): **within 1 month** from the start of employment
- **Any changes**: **no later than the day** of their taking effect
- **Additional information** for workers sent or posted to another country: **before their departure**

Working conditions' minimum requirements

► Maximum duration of probationary period

6 months

► Transition to another form of employment

An employee with at least 6 months' service with an employer, who completed probationary period (if any) may request more predictable employment conditions and receive a reply

► Parallel employment

Unless there are objective grounds, employer cannot prohibit a worker from working for another employer outside the work schedule

► Measures to prevent abuse of on-demand contracts

- Limitations to their use and to their duration
- Presumption of the existence of an employment relationship with a minimum amount of paid hours based on the average hours worked during a given period

► Minimum predictability of work

Worker can refuse assignment when employer does not observe the agreed reference work hours and days and prior notice period

The worker is entitled to a compensation if a previously agreed work assignment is cancelled after a specified reasonable deadline

► Mandatory training

Where providing training is obligatory, it shall be for free, during working time and counted as such



Protection of workers' rights

► Legal presumptions and early settlement mechanism

If the worker has not received in due time all or part of the information, notified the employer about this, but the request wasn't satisfied, the worker:

- has the right to favourable presumptions, which employers can rebut
- shall have the possibility to submit a complaint to a competent authority or body and to receive adequate redress in a timely manner

► Right to redress

Workers shall have access to dispute resolution and right to redress, in case of violation of their rights

► Protection against adverse treatment and dismissal

Legislation shall foresee measures to:

- protect workers from any adverse treatment by the employer, in case of complaint or proceedings to enforce compliance with the law
- prohibit the dismissal of workers (or its equivalent) on the grounds that they exercise their rights, including the transfer of the burden of the proof to employers

► Additional resources

- [Background paper](#)
- [Power Point Presentation](#)