



European Communities

EUROPEAN PARLIAMENT

# SESSION DOCUMENTS

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A3-0141/91/ANNEX

## OPINION

of the Committee on Women's Rights

for the Committee on Social Affairs, Employment and the Working Environment

on the proposal from the Commission to the Council for a directive on a form of proof of an employment relationship (COM(90) 0563 final - C3-0044/91)

Draftsman: Mrs An HERMANS

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PE 146.352/fin./Ann.  
Or. FR

A Series: Reports - B Series: Motions for Resolutions, Oral Questions - C Series: Documents received from other Institutions (e.g. Consultations)

*	= Consultation procedure requiring a single reading	**II	= Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment
**I	= Cooperation procedure (first reading)	***	= Parliamentary assent which requires the votes of a majority of the current Members of Parliament

**OPINION**  
**(Rule 120 of the Rules of Procedure)**

**of the Committee on Women's Rights  
for the Committee on Social Affairs, Employment  
and the Working Environment**

**Draftsman: Mrs An HERMANS**

At its meeting of 27 and 28 February 1991 the Committee on Women's Rights appointed Mrs Hermans draftsman.

At its meetings of 19 - 20 March, 29 - 30 April and 29 - 30 May 1991 it considered the draft opinion.

At the last meeting it adopted the conclusions as a whole by 13 votes to 2, with 3 abstentions.

The following took part in the vote: Crawley, chairman; Hermans, draftsman; Breyer (for van Dijk), Dührkop, Ernst de la Graete, Gröner, Grund, van Hemeldonck (for Pollack), Kostopoulos, Lenz, Lulling, Nordmann (for Larive), Ribeiro (for Elmalan), Saléma, Sandback, Schmidbauer (for Maibaum), Simons and Vayssade.

## I. Introduction

1. As the process of European integration accelerates, it is important to ensure optimum distribution of human, financial and technological resources to guarantee the further development and flexibility of the Single Market. There would be no point in having this large market unless all the citizens of the Community were able to benefit by its establishment; social policy is an indispensable driving element behind economic progress.
2. In the interests of economic and social cohesion, the Committee on Women's Rights stresses that the principle of equal treatment for men and women must be implemented to a greater extent in the form of social measures enabling women to integrate into existing economic and social structures.
3. The drawing up of regulations on a form of proof of an employment relationship corresponds to the aims of the Community Charter of Workers' Social Rights and the action programme for its implementation.
4. This legislation is needed all the more because the flexibility of the labour market has enabled a range of different forms of employment to develop. The Committee on Women's Rights has emphasized on numerous occasions that atypical employment relationships are particularly prevalent in sectors with a female workforce. The drawing up of a directive such as the one at issue here should therefore provide a degree of protection and a minimum guarantee for all persons subject to the new forms of flexible work, and make it possible to avoid distortions in competition which all too often penalize women, despite achievements in the social field.
5. Given that there is a need for minimum standards to protect all workers subject to a particularly atypical employment relationship, the form of proof of an employment relationship must have the legal force of a contract. All employers must provide their employees - in accordance with the regulations or collective agreements currently in force - with a written document containing essential details proving their employment relationship. There is no need for such a declaration if one of the following already exists: a written employment contract, a letter of appointment or any other document referring to a collective agreement or a valid set of regulations governing the employment relationship.

## II. Conclusions

- To ensure greater transparency, non-deregulatory flexibility on the labour market and a stronger guarantee that the principle of equal opportunities will be applied, the Committee on Women's Rights proposes that the following amendments be made to the report by the Committee on Social Affairs, Employment and the Working Environment<sup>1</sup>,

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<sup>1</sup> PE 146.352 - rapporteur Mrs Salisch

- Whereas one of the aims being pursued in the completion of the internal market is to guarantee both flexibility in undertakings and better integration between employers and employees, manifested in a growing range of new and atypical forms of employment (part-time work, working from home, 'part-time vertical work', job-sharing, job-splitting, on-call work, work-training contracts, training schemes, etc),
- Whereas these new forms of employment affect women now and will affect more of them in future,
  1. Articles 118a and 119 of the Treaty should be added to the legal basis of the proposal for a directive.
  2. Where workers provided by third parties are concerned, the declaration must be signed not only by the employer and the party providing services, but also by the worker employed by the latter.
  3. Finally, reference must be made to legislation on the protection of pregnant women or those who have recently given birth.