

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Directive on voluntary part-time work*(Submitted by the Commission to the Council on 4 January 1982)*

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the
European Economic Community, and in particular
Article 100 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European
Parliament,

Having regard to the opinion of the Economic and
Social Committee,

Whereas the Council, in its resolution adopted on
18 December 1979 on the adaptation of working
time ⁽¹⁾, stated in relation to part-time working that it
'must be voluntary, open to both men and women
and must not be imposed on persons who wish to
work full time';

Whereas the Parliament, in its resolution adopted on
17 September 1981 on employment and the adap-
tation of working time ⁽²⁾, stated in relation to part-
time working that 'this form of work must be the
result of a voluntary choice' and 'steps must be taken
to prevent discrimination';

Whereas although part-time work has become a
feature of the labour market, measures have yet to be
taken to guarantee part-time workers the same rights
as full-time employees while taking into account the
special features of part-time work;

Whereas this measure is designed to complement in
the field of part-time work existing legislation on the
realization of equal treatment for men and women;

Whereas there are still significant differences between
the Member States concerning the implementation of
the principle of non-discrimination between part-time
and full-time workers, and these differences can
distort competition between undertakings and affect
the functioning of the common market;

Whereas it is therefore necessary to remedy this
situation by approximating the laws of the Member
States while maintaining the improvement referred to
in Article 117 of the Treaty.

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive covers part-time work.

For the purpose of this Directive, the following
definitions shall apply:

- *normal hours of work*: the normal working hours
for any particular category of worker established
by legislation, by collective agreement or by
agreement concluded at the level of the individual
establishment or undertaking;
- *full-time work*: work performed on a regular basis
for the normal hours of work;
- *part-time work*: work performed on a regular basis
in respect of which an employer and a worker
agree to shorter working hours than the normal
hours of work;
- *full-time (part-time) worker*: a worker who agrees
with his or her employer to carry out full-time
(part-time) work.

⁽¹⁾ OJ No C 2, 4. 1. 1980, p. 1.

⁽²⁾ OJ No C 260, 12. 10. 1981.

Article 2

Part-time workers shall not be discriminated against as compared with full-time workers in respect of working conditions, rules governing dismissal, entitlement to participate actively or passively in bodies representing employees and access to vocational training, promotion, social facilities and medical care. This is hereinafter referred to as the 'principle of non-discrimination'.

Article 3

1 Part-time workers shall not be excluded from statutory or occupational social security schemes. Their contributions to and benefits from such schemes shall be made on the same basis as for full-time workers, taking account of the hours worked by the part-time workers and/or the remuneration received.

2 Member States shall be exempt from applying the provisions of paragraph 1 to part-time workers whose working hours and/or remuneration are below the threshold of eligibility for statutory or occupational social security schemes.

Article 4

1 The remuneration, holiday pay, redundancy pay and retirement benefits of part-time workers shall, taking account of the hours of work, be in proportion to those of full-time workers doing an equivalent job.

2 Paragraph 1 shall be without prejudice to the ability of the Member States to allow more favourable treatment to be given to part-time workers by means of laws, regulations and administrative provisions, collective agreements or other agreements.

Article 5

The nature of the part-time work, the hours of work and the arrangements for the distribution of these hours shall be specified in a written agreement between the employer and the worker.

Article 6

Part-time workers wishing to occupy or return to a full-time job or full-time workers wishing to occupy or return to a part-time job in the same establishment or undertaking shall have priority over candidates outside the undertaking where a vacancy occurs in a

situation corresponding to their skills or occupational experience.

Article 7

Part-time workers shall be taken into account, at least in proportion to their working hours, in the total count of employees in an establishment or undertaking, particularly for the purposes of determining the social obligations which are linked to the number of workers employed.

Article 8

Recourse to part-time work shall come within the scope of the procedures for the information and consultation of workers' representatives as are in force for full-time workers in the Member States.

Article 9

1 Any laws, regulations and administrative provisions in breach of the preceding Articles shall be abolished.

2 Any provisions in breach of the preceding Articles which are included in collective agreements or individual contracts of employment shall be, or may be declared, null and void.

Article 10

1 Member States shall implement the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 January 1984 and shall notify them to the Commission without delay.

2 Member States shall communicate to the Commission the texts of the laws, regulations and administrative provisions which they adopt in the field covered by this Directive.

Article 11

Within two years of the expiry of the period referred to in Article 10, Member States shall forward to the Commission all necessary information to enable it to draw up a report on the application of this Directive for submission to the Council.

Article 12

This Directive is addressed to the Member States.