



THE SENATE  
OF THE PARLIAMENT OF THE CZECH REPUBLIC  
11<sup>TH</sup> TERM

389<sup>th</sup>

**RESOLUTION OF THE SENATE**

Delivered on the 13<sup>th</sup> session held on 5<sup>th</sup> April 2018

**on the Proposal for a Directive of the European Parliament and of the Council on transparent and predictable working conditions in the European Union**

**(Senate Print no. N 095/11, COM(2017) 797)**

**The Senate**

- I.**
- 1. Appreciates**  
the effort of the European Commission to deal with problems on the labour market;
  - 2. Is of opinion**  
that the Proposal for a Directive could have a positive impact on those categories of employees in precarious working relationships who would, in case of adoption of the proposal, gain legal protection which they currently do not have;
  - 3. Emphasizes at the same time**  
that only a balanced, legally consistent and duly justified proposal with unequivocal meaning is able to ensure, on the European labour market, the required convergence and uniform applicability of obligations following from the part of labour law at issue;
  - 4. Expresses reservations**  
about the ability of the current wording of the Proposal for a Directive to meet the declared goals, namely for the reasons mentioned below;
- II.**
- 1. Supports**  
in general the employer's duty to provide the employee with relevant information before the start of work in the employment relationship;
  - 2. Points out**  
that the personal scope is not sufficiently specified in the Proposal for a Directive; this could bring in more legal uncertainty to the European labour market and could lead to divergent application of the Directive across Member States;

**3. Points out**

to overly general definitions of terms such as "worker", "employer" and "employment relationship" which do not provide legal certainty and might lead to interpretation difficulties; it is also not clear enough whether the Directive will apply to domestic workers, self-employed persons or persons employed on the basis of an agreement to complete a job or an agreement to perform work;

**4. Considers**

the term "reference hours and days" to be unclear, particularly regarding the right of an employer to schedule the employee's working time and order an overtime;

**5. Requires**

a more thorough explanation of the term "entirely or mostly variable work schedule" used in the Proposal for a Directive;

**6. Requires**

a clarification and, eventually, modification of Article 1(3) for it is not evident whether the Directive is applicable to cases when the working time is unevenly scheduled within a certain compensatory period;

**7. Expresses reservations**

about Article 8 on employment in parallel for it is not clear how the compliance with safety standards following from the Directive 2003/88/EC would be monitored;

**III.**

**1. Requests**

the Government to inform the Senate about the way this resolution was taken into account and about further development of negotiations once the political agreement of the required number of Member States on the main elements of the proposals is reached, or at an earlier time, should the results of negotiations in the Council begin to depart considerably from the position of the Czech Republic expressed in the General Position of the Government;

**2. Authorises**

the President of the Senate to forward this Resolution to the European Commission.

Milan Štěch  
sign manual  
President of the Senate

Luděk Jeništa  
sign manual  
Senate Verifier