

Social Affairs

PART TIME WORK

Council Directive [97/81/EC](#) of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC

Objective

To provide for the removal of discrimination against part-time workers and to improve the quality of part-time work, to facilitate the development of part-time work on a voluntary basis and to contribute to the flexible organisation of working time in a manner which takes into account the needs of the employers and workers.

Relevance for the hospitality industry

As part-time work and other flexible working arrangements are widely used in the hotel, restaurant and café sector, the Directive has a great impact on the hospitality industry.

State of progress

The Council Directive was adopted on 15 December 1997. It gives legal effect to the Framework Agreement on part-time work concluded on 6 June 1997 by the European cross-industry social partners (UNICE, CEEP and ETUC), according to the procedure provided for by Article 139 of the Treaty.

Member States had until 20 January 2000 (+ 1 more year in case of special difficulties or implementation by a collective agreement) to comply with the Directive. The Directive was extended to the UK in April 1998. In 2003, the Commission published a report on the Member States' implementation of the Directive. Its conclusion was that, in general, the Directive had been correctly transposed.

Content

The Directive applies to part-time workers, who have an employment contract or employment relationship as defined by law, collective agreement or practice in force in each Member State.

Member States, after consultation with social partners, and/or the social partners may for objective reasons, exclude part-time workers who work on a casual basis from the scope of this Directive.

The Directive defines precisely what is meant by the principle of non-discrimination i.e.:

- part-time workers shall not be treated in a less favourable way than comparable full-time workers unless justified on objective ground;
- the principle of pro rata temporis shall apply.

The Directive also calls upon Member States and social partners to identify and eliminate obstacles for and facilitate access to part-time work.

For a summary of this Directive you can visit the [SCADplus](#) website (European Commission).

HOTREC position

As a-typical form of work, part-time work is widely used in the hotel and restaurant sector. It was therefore vital that HOTREC took part in the UNICE delegation to the negotiations. Even

if not all of HOTREC's suggestions were taken up, HOTREC did manage to secure certain gains for the enterprises in the sector, namely exclusion of casual workers.

Official references

Council Directive [97/81/EC](#) of 15 December 1997 concerning the Framework Agreement on part-time work conclude by UNICE, CEEP and the ETUC, O.J. L 14, 20.1.1998.

Council Directive [98/23/EC](#) of 7 April 1998 on the extension of Council Directive [97/81/EC](#) of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC, to the United Kingdom of Great Britain and Northern Ireland, O.J. L 131, 5.5.1998.