

Social Affairs

FIXED-TERM WORK

Council Directive [1999/70/EC](#) of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP

Objective

To set the general principles and minimum requirements relating to fixed-term work, including seasonal work, with a view to establish a general framework for ensuring equal treatment for fixed-term workers and for using fixed-term employment on a basis acceptable to both employers and workers.

Relevance for the hospitality industry

Given the specificity of the activities and services provided by the hotel, restaurant and café sector, fixed-term employment contracts are widely used.

State of progress

The Council Directive was adopted on 28 June 1999. The Directive puts into effect the framework agreement on fixed-term contracts concluded in March 1999 by the cross-industry social partners organisations (ETUC, UNICE and CEEP). Member States had until 10 July 2001 (+ 1 more year in case of special difficulties or implementation by a collective agreement) to comply with this Directive.

Content

The Directive applies to fixed-term workers who have an employment contract or employment relationship as defined by law, collective agreement or practice in each Member State. Member States after consulting social partners, and/or the social partners may provide that the Directive does not apply to certain type of vocational-training workers.

To improve the quality of fixed-term work, the Directive sets as a principle that fixed-term workers shall not be treated in a less favourable manner than comparable permanent workers, unless different treatment is justified on objective grounds. The principle of *pro rata temporis* shall apply where appropriate.

To prevent abuses arising from the use of successive fixed-term contracts, the Directive requires from Member States, in consultation with the national social partners, and/or from social partners to introduce one or more of the following measures:

- The objective reasons justifying the renewal of such contracts or relationships;
- The maximum total duration of successive fixed-term employment contracts or relationships;
- The number of renewals of such contracts or relationships.

The Directive also requires from Member States, in consultation with the social partners, and/or from social partners to determine under what conditions fixed-term employment contracts or relationships:

- Shall be regarded as successive;
- Shall be deemed to be contracts or relationships of indefinite duration.

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

HOTREC position

HOTREC participated in the negotiations as an “expert” in the employers negotiating team. HOTREC welcomed the framework agreement which was further put into effect by Council Directive 1999/20/EC.

Official reference

Council Directive [1999/70/EC](#) of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, O.J. L 175, 10.7.1999.