

DEADLINE APPROACHING FOR EUROPEAN UNION EMPLOYERS TO ADOPT MODERNIZED WORKING CONDITIONS

Insights
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The European Union's Transparent and Predictable Working Conditions Directive (TPWC) released in 2019 is quickly approaching its August 2 transposition deadline, by which date each Member State will have to pass legislation implementing its terms. In essence, the Directive seeks to modernize certain workplace policies by requiring employers to be more transparent and flexible with employees in a rapidly evolving workforce. It applies to and benefits every worker in the Union who has an employment contract or employment relationship as defined by law. What does this Directive entail and what do you need to do about it?

What Does the TPWC Entail?

In detail, the TPWC sets various obligations on the part of affected employers:

- **6-Month Cap on Probationary Periods:** Six months is considered a "reasonable duration" that will prevent abuse of new workers and avoid atypical employment contracts
- **Protection of Right to Work Multiple Jobs:** Workers are allowed to have multiple jobs and will be protected from adverse actions for seeking and accepting outside work. However, certain reasonable restrictions on such secondary or part-time work – such as those based on health and safety, confidentiality, protection of trade secrets, and conflicts of interest – can remain in effect.

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- **Minimum Levels of Predictability Regarding Employment Terms:** Employees are entitled to complete information regarding their place of work, schedule/shifts, salary payments, and grounds for termination, within seven days of their start date.
- **Right to Request Safer Working Conditions:** In the interest of transparency, employees who have worked for six or more months are entitled to submit formal requests for more predictable and safer working conditions. Employers must respond to such requests in writing and include an explanation of their approval or denial.
- **On-The-Clock Training:** Employers who require their employees to undergo training must provide this training without cost to the employee, during paid working time, and during normal working hours to the extent possible.

What Does the TPWC Look Like Across Europe?

European Union Member States are using the TPWC to reevaluate and reform their existing employment policies. Certain of them have already established new workplace policies in line with the requirements of the TPWC, while others have gone beyond the minimum standards.

For example, the Swedish government and several political parties in Sweden have established a new remote working model to be implemented this month. It aims to simultaneously modernize employment laws and incorporate the Directive's updates.

Italy's Council of Ministers adopted the TPWC by implementing protective measures for employees with "occasional collaboration" and "coordinated continuous collaboration" contracts. In addition to codifying the standards on training, trial periods, and predictable scheduling, the measures provide protective actions such as fines for breaches by employers.

Poland addressed the issue of remote work by mandating that the rules of remote work be set out in an agreement between the employer and employee at the outset of the employment relationship. Further, employers are required to provide employees with the necessities to conduct remote work: work materials, tools, and technical equipment. Employees will be given the opportunity to work remotely up to 24 days per calendar year.

Conclusion

Workplaces across the globe look markedly different today compared to pre-COVID times, with more employees working remotely, working multiple jobs, and demanding more in terms of health and safety accommodations. At the same time, employers have had to adapt to hybrid work arrangements and to their employees' demands and requests for individualized treatment.

This Directive from the EU comes in conjunction with the Work-Life Balance Directive from 2019 and two more recent initiatives addressing collective bargaining and platform work. Many view this as a sign that the Commission is turning towards social and labor issues to protect workers in light of the recent market conditions. Similar legislation can and should be expected in the near future.

Companies based in the EU or who employ individuals located in the EU will need to reevaluate their policies and practices and ensure they are complying with local and regional laws as they change in light of the TPWC. We will monitor these developments and provide updates as warranted, so make sure you are subscribed to [Fisher Phillips' Insights](#) to get the most up-to-date information direct to your inbox.

If your organization does business in the EU, please contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in our [International Practice Group](#) to learn more about the implications of the TPWC and to assess what changes, if any, are needed to bring the organization into compliance.