

# **Decent working conditions and the Revision of the Written Statement Directive Brussels, April 11, 2018**

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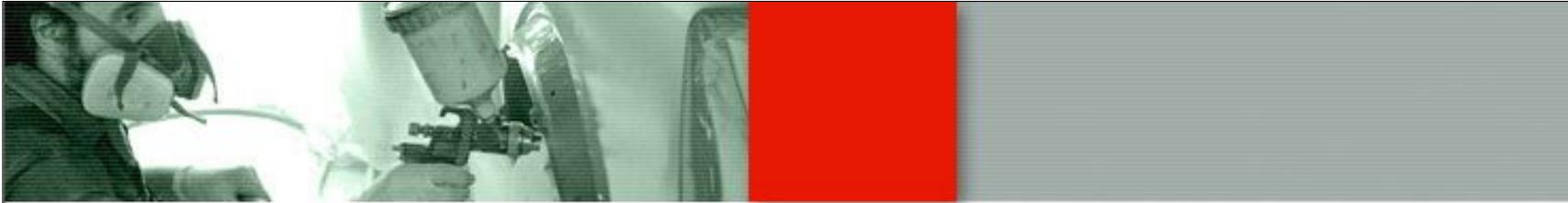
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**Group of the Progressive Alliance of Socialists  
& Democrats in the European Parliament**



## Overview

1. Current situation in precarious work
2. Most vulnerable groups
3. Different approaches
4. The right balance
5. Addressing the challenges



## Current situation in precarious work (Germany)

**2016: 33,296 employees**

**23% = 7,655 atypical**

**8% = 2,655 temp.empl.**

**4,807 part-time**

**2,169 small-scale**

**2000: 29,862 employees**

**20.1% = 6,012 atypical**

**35%m / 65%f**

**50%m / 50%f**

**15%m / 85%f**

**24%m / 76%f**

(Statistisches Bundesamt Germany, 2016)

### Temporarily employment

**7.6 % of the female and 6.6 % of the male workforce**

**20+% of workers 15-24 years old**

**13.1 % of workers 25-34 years old**

**13 % of workers with foreign passport**

(German government, Bundestags-Drucksache 18/11981 of April 18, 2017)



## **Current situation in precarious work (Germany)**

**Dramatic increase in temporary work**

**2016 towards 2015 + 4.4 %**

**2016 towards 2013 +16.4 %**

**54% lasting less than 3 months (equal pay is guaranteed after 9 months!)**

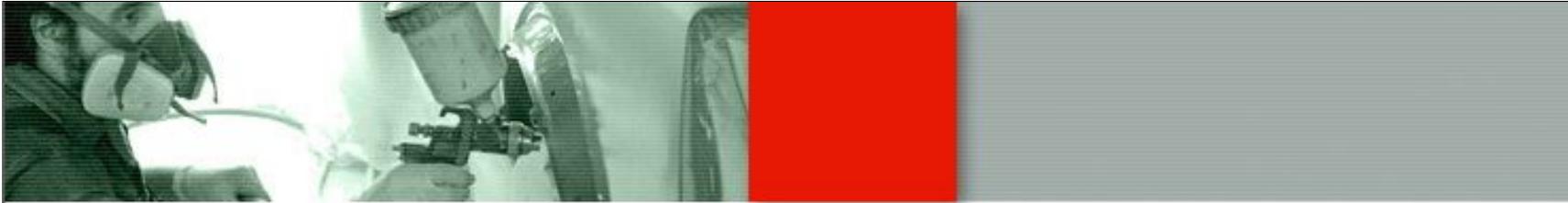
**Average wage 58% of normal wage**

(German government, Bundestags-Drucksache 18/13245 of August 3, 2017)

**In general, a written employment contract is not required by law, except for temporary employment contracts and in diverse collective agreements.**

**Decline of collective agreements (without collective agreements:**

West: 66% enterprises, 49 % employees, East: 79 % enterprises, 51 % employees,  
(Institute for employment research 2013)



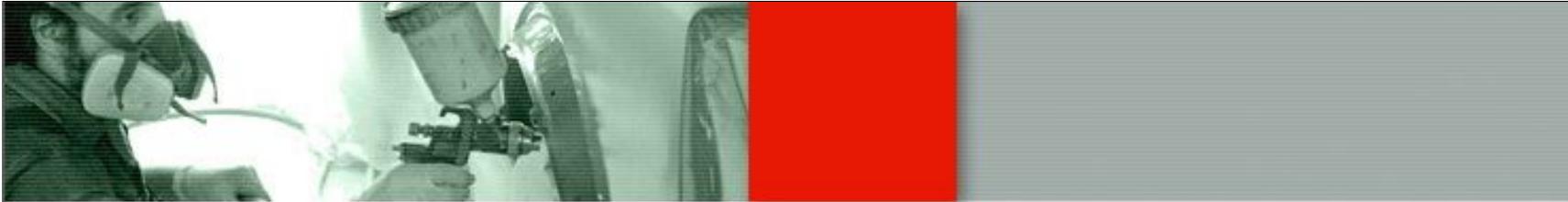
## Most vulnerable groups – current situation

- **Female employees**
- **Young employees**
  
- **Employees in enterprises without collective agreements**
- **Temporary work**
- **Temporarily employed persons (esp. 0-hours contracts)**
- **Small-scale employment**
  
- **Foreign employees**  
(no statutory right to employment conditions in mother language)



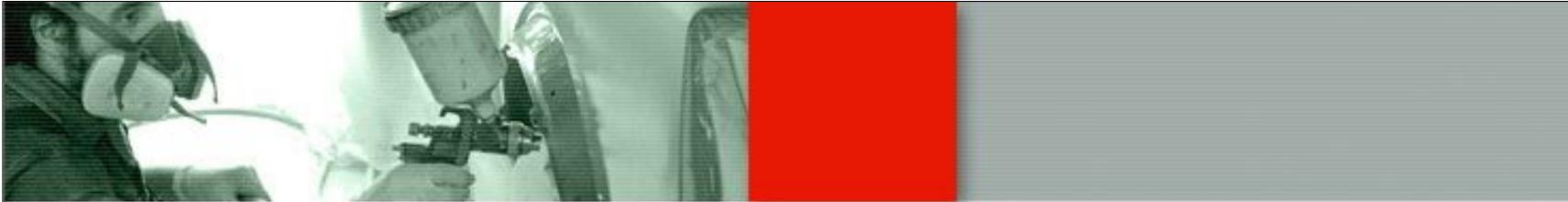
## Most vulnerable groups – future situation

- **Employees without or only a minimum education**
- **Bogus self employment (digitalism)**
- **Elderly employees**



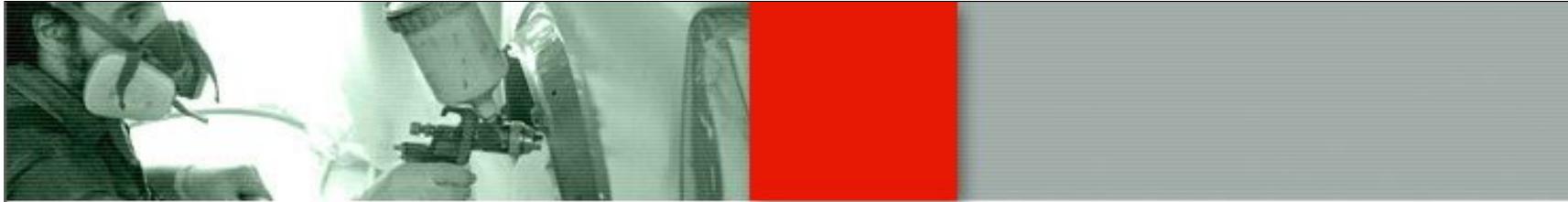
## Different approaches

- It should be obvious to know the essential rights and obligations in a written form, at least at the same time you start your employment. This also includes the listing of the valid collective agreements.
- The present German approach relies very much on contractual freedom. Therefore, only contractual damage is foreseen in case of breach of statutory obligations.  
From a practical and an EU law perspective, that is inadequate.



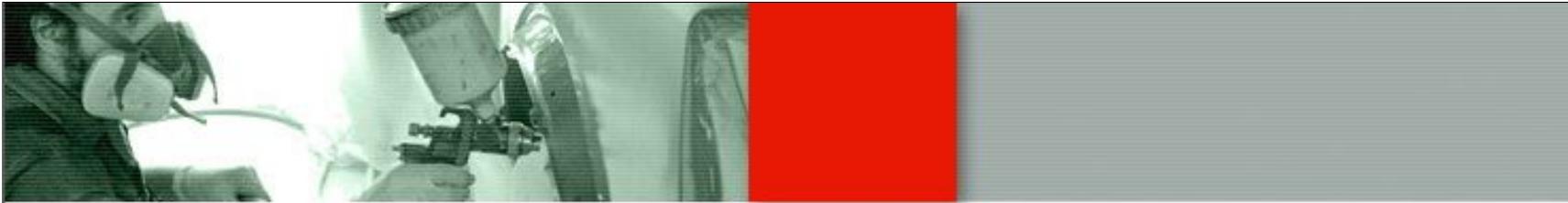
## Different approaches

- Facing a decline in binding collective agreements, mandatory standards have to be guaranteed by law without the possibility to undermine them on a contractual level, even if it is collective.
- Enforcement of existing legal obligations is crucial. Therefore, institutions have to be equipped with the necessary power and personnel.  
Labour inspectorates might be a possible choice.



## The right balance

- Regarding the decline of typical labour arrangements and the increase of cross-border labour relationships (maybe even on a virtual level = crowdworking), the definition of an employment contract on an EU level makes sense.
- It is useful to broaden the concept of employment towards the traditional understanding of dependent work and to assign fundamental contractual rights as transparency to those working in a grey-area arrangement.
- Also, the EU legislation has to reflect the different systems of collective labour law, mostly anchored in the social history of the member states.



## Addressing the challenges

- Extension of the right of transparency to all forms of employment incl. bogus self employment
- In order to prevent abuse, exemptions should be narrow (SME, small-scale employment)
- It needs to be discussed if minimum requirements concerning contracts of employment will be regulated on a rather limited level within a revised Written Statement Directive or if a separate instrument with a more intense regulation is more appropriate. On the other hand, the charm to combine these approaches is obvious



**Many thanks for your attention!**

**If you have any further queries:**

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