



2024/2829(RSP)

23.01.2025

COMPROMISE AMENDMENTS 1-5 A

Motion for a resolution
Estelle Ceulemans
(PE765.150v01-00)

Social and employment aspects of restructuring processes: the need to protect jobs and workers' rights
(2024/2829(RSP))

Compromise amendment 1

Compromise amendment replacing Amendments: 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 108, 109, 110, 111, 112, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125

Motion for a resolution

Paragraph 1

Motion for a resolution

1. Highlights that employment security, fair wages and decent working conditions are fundamental rights that must be upheld in all restructuring processes to protect workers from corporate profit-seeking strategies; stresses the urgent need for an ambitious European industrial policy with significant investment that will support common goods and innovation and deliver quality jobs and social progress; underlines that this policy should be based on strong public services, social protection, housing, transport and childcare; supports a robust European industrial policy based on resilient and well-resourced public services and public administration, covering not just manufacturing, but all sectors and all transitions;

2. Reiterates its call for a permanent investment tool at EU level to ensure that

Amendment

1. ***Underlines the principles of the European Pillar of Social Rights and in particular principle 5 on secure and adaptable employment, including the right to fair and equal treatment regarding working conditions, principle 7 on information about employment conditions and protection in case of dismissals and principle 8 on social dialogue and involvement of workers;*** stresses the urgent need for an ambitious ***competitive*** European industrial policy with significant investment that will support the services of general interest¹ and innovation, while ***reducing administrative burden in Member States*** and deliver quality jobs ***in every region and sector***, social progress ***and meet climate targets***; underlines that this policy should be ***combined with resilient and strong national*** public services, ***such as access to*** social protection, ***decent and affordable*** housing, ***affordable, efficient and climate neutral*** transport; ***affordable and available*** childcare, ***elderly care, and support for people with disabilities***;

2. ***Recognises that the EU needs to reform its economy in order to maintain***

Or. en

the necessary resources are available in all sectors for developing an industrial policy and for policies that help reach the social and green targets, based on the positive experiences of NextGenerationEU and the strong labour focus of the support to mitigate unemployment risks in an emergency instrument (SURE);

*its competitiveness and achieve the green and digital transitions, including through a European industrial policy; welcomes the establishment of a European Competitiveness Fund, as foreseen by the President of the European Commission Ursula von der Leyen; reiterates its call that the economic governance framework could be strengthened by a common investment instrument¹ at EU level in order to achieve the Union's current and future priorities, including the implementation of the EPSR; believes that such an instrument **should** ensure that the necessary resources are available in all relevant sectors for developing an industrial policy and for policies that **support the protection and creation of quality jobs and contribute to upward social convergence**; reiterates its **previous** call on the **Commission and the Council to reinforce the European instrument for temporary** support to mitigate unemployment risks in an emergency instrument (SURE) **to support short-time work schemes, workers' income and workers who would be temporarily laid off in the context of the green transition, also taking into account the outcome of the final evaluation report and considering that SURE saved 40 million jobs²**;*

Or. en

¹ https://www.europarl.europa.eu/doceo/document/A-9-2023-0439_EN.html

² Commission report of 2 June 2023 entitled 'Report on the Temporary Support to mitigate Unemployment Risks in an Emergency (SURE) following the COVID-19 outbreak pursuant to Article 14 of Council Regulation (EU) 2020/672 – SURE after its sunset: final bi-annual report' (COM(2023)0291).

State of the Union Address 2023, available at: https://neighbourhoodenlargement.ec.europa.eu/news/2023-state-union-address-president-von-der-leyen-2023-09-13_en.

Compromise amendment 2

Compromise amendment replacing Amendments: 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 166, 167, 168, 169, 170, 171, 172

Motion for a resolution

Paragraph 3

Motion for a resolution

3. Highlights that the delivery of a European industrial policy for quality jobs requires the full involvement of social partners and needs to be implemented through social dialogue and collective bargaining; calls on the Commission to include the overall objective of raising work quality at the EU level;

4. Calls for the EU to adopt trade policies that protect European jobs while promoting fair and ethical trade; calls for countervailing tariffs to be applied to imports from countries where unfair labour practices, low environmental standards, or heavy state subsidies distort competition; stresses that future trade agreements must include strong labour clauses to ensure that global trade benefits workers, rather than undermining their rights;

Amendment

3. Highlights that the delivery of a European industrial policy for quality jobs requires the full involvement of social partners and needs to be implemented through social dialogue and collective bargaining; calls on the Commission to ***present an ambitious Quality Jobs Roadmap and to implement the principles of the European Pillar of Social rights; calls on the Commission to ensure full involvement and consultation of social partners in the design and implementation of the upcoming European Clean Industrial Deal; calls on the Commission to include the overall objective of ensuring job quality and stability at EU level;***

4. Calls for the EU to adopt trade policies that ***promote and*** protect **quality** jobs; stresses that future trade agreements must include labour clauses ***in line with ILO standards to ensure that global trade protects workers and SMEs;***

Or. en

6. ~~Reiterates its call for EU funding, including State aid, to be conditional on public policy objectives, especially in strategic sectors, and on social requirements, in order to offer high-quality jobs, promote collective bargaining, respect EU labour rights and standards, and ensure improved working conditions;~~

deleted

Compromise amendment 2 A

Compromise amendment replacing Amendments: 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 166, 167, 168, 169, 170, 171, 172

Motion for a resolution Paragraph 5

Motion for a resolution

5. Urges the Commission to revise the European Public Procurement Directive³ in order to establish preferential treatment for companies complying with collective

Amendment

5. Urges the Commission *in the context of the forthcoming revision of the European Public Procurement Directive to further promote collective bargaining and*

³ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC, OJ L 94, 28.3.2014, p. 65, ELI: <http://data.europa.eu/eli/dir/2014/24/oj>.

bargaining agreements; calls on the Commission to strengthen the social clause and exclude from tenders companies that have engaged in criminal activities or union busting or that have refused to participate in collective bargaining; highlights the importance of ensuring that public money is used to invest in those engaged in just transitions with the aim of promoting collective agreements and increasing trade union densities; considers, furthermore, that all EU financial support to undertakings should be made conditional on their compliance with the applicable working and employment conditions and/or employer obligations resulting from the relevant collective agreements; believes that this support should also be conditional on their commitment to investing in European industries and maintaining jobs in the EU;

*the use of the social clause, and preferential treatment for companies whose workers are covered by collective agreements; calls on the Commission to strengthen the social clause and **underlines that contracting authorities shall exclude from public tenders economic operators that have engaged in criminal activities or activities to disrupt or weaken collective bargaining or trade union organisations, such as union busting ; urges that public procurement strategically strengthens Corporate Social Responsibility;** highlights the importance of ensuring that **European and national funds are used to facilitate the transition to a climate-neutral economy including promoting social dialogue and collective bargaining;** considers, furthermore, that **no** EU financial support **should go** to undertakings **that do not comply** with the applicable working and employment conditions and/or employer obligations resulting from **EU or national labour law or** the relevant collective agreements; believes that this support should also be **used to promote** European **industrial competitiveness and the creation of quality jobs in the EU and promote collective bargaining, compliance with Union and national labour rights and laws, including decent working conditions;** calls for EU funding and State aid by Member States to be **aligned with a European industrial (171 Renew) policy**, in order to offer high-quality jobs, promote collective bargaining, respect of EU labour rights and standards, , **improve the competitiveness of European businesses** and ensure improved working conditions;*

Or. en

Compromise amendment 3

Compromise amendment replacing Amendments: 173, 175, 176, 177, 178, 179, 180, 181,

182, 183, 184, 185, 186, 187, 188, 189, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205

Motion for a resolution

Paragraph 7

Motion for a resolution

7. Supports investments in sectors such as electric vehicle battery production, charging infrastructure, renewable energy and digital technologies; insists that these investments must prioritise workers' rights and community development;

8. Invites the Commission to monitor the trends in restructuring and their impact on employment, using data from tools, such as the European Restructuring Monitor, to track the number of jobs created or abolished and the companies concerned;

9. Stresses that restructuring processes are essential in achieving the green transition objectives and are an imperative for a net-zero economy that sustains its social and environmental standards; warns that restructuring processes must never come at the cost of workers' rights; calls

Amendment

7. ***Calls for European*** investments in ***vital*** sectors ***and products that are essential to strengthen the EU's strategic autonomy as well as the digital and green transitions***, such as zero-emission transport, renewable energy, clean tech and digital technologies including artificial intelligence, insists that these investments must ***fully respect existing legislation*** on workers' rights and strengthen community development;

8. Invites the Commission to monitor the trends in restructuring and their impact on employment, using data from tools, such as the European Restructuring Monitor ***and the EU Fair Transition Observatory, which is planned to launch n 2025***, to track the number of jobs created or lost and the companies concerned;

9. Acknowledges that achieving digital and green objectives will create opportunities while at the same time might require transformations or restructuring processes in many sectors; stresses that social dialogue in the anticipation and management of these processes is essential

Or. en

Or. en

on the Commission to take action to reinforce and promote collective bargaining, ensuring an increase in collective bargaining coverage to at least 80 % in all Member States, and guaranteeing full respect of the right to collective bargaining;

to safeguard and create quality jobs and manage unavoidable job losses with enough support and can contribute to achieving a *climate-neutral* economy that sustains its social, *economic* and environmental standards; highlights that restructuring processes must *respect fundamental* workers' rights *such as the right of information and consultation*); calls on the Commission *and the Member States* to take action to reinforce and promote collective bargaining, *work to increase the* collective bargaining coverage to at least 80 % in all Member States, *in full respect of the autonomy of the social partners, and of the right of* collective bargaining; *emphasises that workers should be beneficiaries of* restructuring, *including when they transfer to a new equivalent job within their current firm or sector, or as they reskill to transfer to a job in a future-proof sector, all while being adequately assisted and compensated*;

Or. en

Compromise amendment 4

Compromise amendment replacing Amendments: 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 244, 245, 246, 247, 248, 249, 250, 251

Motion for a resolution Paragraph 10

Motion for a resolution

10. Emphasises that restructuring processes should start as early as possible to prevent insolvency and mitigate job losses; calls on the Commission and the Member States to support companies working closely with trade unions and workers' representatives to identify warning signs early and develop

Amendment

10. Emphasises that *developments leading to* restructuring processes *should be anticipated by management, and plans for changes* should start as early as possible to prevent insolvency and job losses *while involving worker representatives and trade unions at an early stage to ensure meaningful social*

comprehensive plans to address employment needs;

dialogue, also in the case of preventive restructuring frameworks as foreseen in Directive 2019/1023; calls on the Commission and the Member States to work in close cooperation with social partners to identify risks early and develop comprehensive plans to address employment and economic stability needs; in that regard, supports investment in training and capacity building of trade unions and workers representatives engaged in restructuring processes;

Or. en

10 a. Stresses that restructuring processes also have an impact on the supply chain and can pose a considerable risk to indirect employment across the European Union; calls on the Commission and the Member States to support companies, including SMEs, undergoing restructuring processes in order to integrate into their plans the impacts on other European companies of their supply chain; further calls on the Commission and the Member States to support companies indirectly impacted by these restructuring processes to mitigate the consequences on employment;

Or. en

11. Warns that restructuring must not be used as a pretext to violate workers' and

11. *Underlines* that restructuring processes must not be used as a pretext to violate workers' *information and consultation rights as well as the right of collective bargaining* , nor trade union

trade union rights⁴; deplores the violation of the fundamental rights of collective bargaining and information and consultation before a decision is made; calls on the Commission to put in place safeguards to prevent the misuse of restructuring as a means to exploit workers or avoid obligations, particularly in cases of tactical insolvency;

rights⁵; deplores the violation of the fundamental rights of collective bargaining and of information and consultation before a decision is made; ***emphasises that trade unions must be empowered to evaluate any company's decision to restructure with the right to call on the support of an independent expert, paid by the employer***; calls on the Commission, the Member States and the social partners to put in place ***further*** safeguards to ***ensure collective bargaining and*** to prevent the misuse of restructuring processes as a mean to forego employers' obligations, particularly in cases of tactical insolvency; ***penalties should be imposed in instances of infringements and non-compliance***;

Or. en

12. Calls on the Commission to present a proposal for a directive on just transition in the world of work, through anticipation and management of change, based on the principles of trade union involvement and collective bargaining; urges the Commission to ensure the right for all to training without cost to the worker and during working hours; believes that this proposal should include a right to job-to-job transition and a right to quality upskilling or reskilling training, employee training and career development support;

12. ***Emphasises that one of the most effective ways to prevent the need for restructuring is through proactive anticipation and management of change through collective bargaining and information and consultation***; calls on the Commission to present a proposal for a directive ***for a Just Transition in the world of work, to inter alia strengthen democracy at work with regards to measures concerning climate change, digital transformation and restructuring as well as the*** anticipation and

⁴ Study – ‘Study on monitoring the application of the EU Quality Framework for anticipation of change and restructuring’, European Commission, Directorate-General for Employment, Social Affairs and Inclusion, Publications Office of the European Union, 2018, <https://op.europa.eu/en/publication-detail/-/publication/1c22896d-4e10-11ea-aece-01aa75ed71a1/language-en>.

⁵ Study – ‘Study on monitoring the application of the EU Quality Framework for anticipation of change and restructuring’, European Commission, Directorate-General for Employment, Social Affairs and Inclusion, Publications Office of the European Union, 2018, <https://op.europa.eu/en/publication-detail/-/publication/1c22896d-4e10-11ea-aece-01aa75ed71a1/language-en>.

points out that when job changes are necessary, the priority should always be upskilling workers to keep them in the same company; notes that, when job-to-job transition is necessary, keeping workers in the same sector and region while allowing them sufficient time for reconversion without personal financial losses is essential; stresses that the principle of a fair and social just transition will apply to restructuring, especially in transforming industries in strategic sectors such as automotive and energy, and will put the workers first;

management of change; urges the *Member States* to ensure the *right* to training *for all workers free of cost* and during working hours, *to ensure* quality upskilling or reskilling, *life-long learning*, employee training and career development support; points out upskilling *and reskilling should be prioritised as far as possible before job cuts are considered*; notes that, when job-to-job transition is necessary, *transition to a strategic or growth sector should be promoted* while allowing workers sufficient time for *adjustment while providing necessary support to facilitate the transition* and avoiding workers' financial losses;

12a. Underlines that gender equality should be an integral part of transition strategies and mainstreamed across related policy and legislative measures to strengthen the fairness of our societies; believes it is essential to ensure equal treatment and equal access to economic opportunities for women, paying attention to the most vulnerable, such as women with disabilities, single mothers, women belonging to minorities and migrant women;

Or. en

Compromise amendment 4 A

Compromise amendment replacing Amendments: 252, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284

Motion for a resolution Paragraph 11 a

Motion for a resolution

Amendment

11 a. Is alarmed that European company law provisions as well as its interpretation in some legal cases are creating loopholes and are enabling the

circumvention of mandatory national board-level participation rules⁶ ; reiterates its call to introduce a new framework directive on workers' information, consultation and participation for European companies, in order to establish minimum standards for information, consultation and participation for those company forms, in particular at company level;

Or. en

Compromise amendment 4 B

Compromise amendment replacing Amendments: 252, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284

Motion for a resolution Paragraph 13

Motion for a resolution

13. Considers that in order to prevent the loss of jobs, and in the absence of an industrial plan agreed with the social partners, a moratorium on closures and forced redundancies should be possible; calls on the Commission and the Member States to urgently agree on a moratorium on forced redundancies with a temporary support programme to protect employment during transitions, creating space for the clean industrial deal and avoiding the loss of strategic industrial capacity; demands stronger protections against unfair dismissals and calls for workers affected by restructuring to be guaranteed adequate compensation, retraining opportunities and support in securing new employment; reaffirms that the dignity of workers must

Amendment

13. Considers that an industrial plan agreed with the social partners *is essential to promote the economic viability of European industrial companies and, in the worst case, prevent* closures and forced redundancies; calls on the Commission and the Member States to *support companies, in particular SMEs, to prevent* forced redundancies; *calls on the Commission and the Member States to put in place mechanisms that help to avoid forced redundancies, such as temporary support programmes to protect employment during transitions, avoiding the loss of strategic industrial capacity and skilled workforce; calls on European enterprises and employers in the processes of restructuring to devise and implement*

⁶ <https://worker-participation.eu/european-court-justice-jurisprudence-transfer-de-facto-company-head-offices>

always take precedence over corporate profits;

plans at an early stage in order to as far as possible avoid job losses and maintain decent working conditions and high social standards; demands stronger protections against unfair dismissals and the necessary support for workers affected by restructuring to have access to retraining opportunities and support, including income support, also while searching new employment; reaffirms that the dignity and rights of workers as well as the economic and financial sustainability of the company **are important objectives to consider in the context of restructuring processes;**

Or. en

Compromise amendment 5

Compromise amendment replacing Amendments: 252, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284

Motion for a resolution Paragraph 14

Motion for a resolution

14. Calls on the Commission to develop a comprehensive plan, similar to the United States' Inflation Reduction Act, focused on boosting investment in green technologies, renewable energy and sustainable industries, with the objective of accelerating the EU's transition to a climate-neutral economy while strengthening the European social model and social justice;

Amendment

14. ***Welcomes the Commission's announcement to propose a Clean Industrial Deal that in addition to speeding up decarbonisation, maintains and creates quality jobs in the green and digital sectors in the;*** emphasizes that the Clean Industrial Deal should focus on ***strategic*** industries, avoiding delocalization of production and loss of jobs while strengthening the European social model and social justice;

Or. en

16. Calls for green collective bargaining in the form of negotiable clauses between the social partners of collective agreements that have a direct and indirect effect on the environment; highlights that green collective agreements can cover the impact of companies' activities on the environment, the protection of workers from the effects of climate change and the impact of the green transformation on employment and work organisation; notes that two main forms of green collective agreements can be identified; insists on the integration of green clauses and agreements to manage green restructuring;

16. Calls *on the Commission and the Member States to support the social partners in their efforts to include issues related to the green transition in collective bargaining at the appropriate levels*; highlights that collective agreements can cover the impact of *the undertaking's* activities on the environment, the protection of workers from the effects of climate change and the impact of the green *transition on working conditions*; calls on the EU and the Member States to further support actions and initiatives that will incentivise employers and workers to adapt to the green transition *and to make collective bargaining a key tool for ensuring balanced production models that protect the environment and create quality jobs*;

Or. en

Compromise amendment 5 A

Compromise amendment replacing Amendments: 252, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284

Motion for a resolution Paragraph 15

Motion for a resolution

15. Calls for the establishment of a comprehensive directive to address the challenges and complexities associated with subcontracting in Europe to ensure fair working conditions, adequate rights and protections for subcontracted workers;

Amendment

15. Calls *on the Commission in close collaboration with the social partners to consider* the establishment of a *framework* directive to address the challenges and complexities associated with *employers obligations in* subcontracting chains *and*

calls for the directive to include provisions for collective bargaining rights to enable subcontracted workers to negotiate their terms of employment effectively;

labour intermediaries in Europe to ensure decent working conditions, **and the respect of worker's rights**; calls for the directive to include *measures regulating the role of labour intermediaries, other than temporary work agencies, and introducing an EU general legal framework limiting subcontracting and ensuring joint and several liability through the subcontracting chain, in order to end abusive subcontracting and protect workers' rights and their claims over issues such as wage arrears, non-payment of social contributions, bankruptcy, disappearances and 'letterbox subcontractors' who do not pay as agreed*; calls for this directive to include provisions ensuring *the respect of information and consultation rights and the right to collective bargaining also for subcontracted workers*;

Or. en