



2024/0068(COD)

7.1.2025

DRAFT OPINION

of the Committee on Culture and Education

for the Committee on Employment and Social Affairs

on the proposal for a directive of the European Parliament and of the Council on improving and enforcing working conditions of trainees and combating regular employment relationships disguised as traineeships ('Traineeships Directive')
(COM(2024)0132 – C10-0004/2024 – 2024/0068(COD))

Rapporteur for opinion: Nicola Zingaretti

PA_Legam

AMENDMENTS

The Committee on Culture and Education submits the following to the Committee on Employment and Social Affairs, as the committee responsible:

Amendment 1

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) In March 2014, the Council adopted the Recommendation for a Quality Framework on Traineeships ('2014 Recommendation') to provide Union-wide quality standards for traineeships. It recommends 21 principles for traineeships to improve the quality of traineeships, in particular to ensure high quality learning and training content and adequate working conditions to support education-to-work transitions and increase the employability of trainees. The 2014 Recommendation covers all traineeships except for those that are part of curricula of formal education and training and those regulated under national law and completion of which is a mandatory requirement to access a specific profession.

Amendment

(1) In March 2014, the Council adopted the Recommendation for a Quality Framework on Traineeships ('2014 Recommendation') to provide Union-wide quality standards for traineeships. It recommends 21 principles for traineeships to improve the quality, ***accessibility and inclusiveness*** of traineeships, in particular to ensure high quality learning and training content and adequate working conditions to support education-to-work transitions and increase the employability of trainees. The 2014 Recommendation covers all traineeships except for those that are part of curricula of formal education and training and those regulated under national law and completion of which is a mandatory requirement to access a specific profession.

Or. en

Amendment 2

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) Traineeships ***can help*** young people gain practical and professional experience, ***improve*** their employability, and ***facilitate*** their transition into stable employment. As such, traineeships constitute an important pathway to the labour market. For employers, traineeships provide opportunities to attract, train ***and***

Amendment

(5) Traineeships ***have the purpose of helping*** young people gain practical and professional experience, ***improving*** their employability, and ***facilitating*** their transition into stable employment. As such, traineeships constitute an important pathway to the labour market. For employers, traineeships provide

retain young people. They can reduce the cost of searching for and recruiting skilled staff, when trainees are offered a regular position after their traineeship. However, this can only be achieved if traineeships are of good quality and offer decent working conditions.

opportunities to attract **and** train young people. They can reduce the cost of searching for and recruiting skilled staff, when trainees are offered a regular position after their traineeship. However, this can only be achieved if traineeships are of good quality and offer decent working conditions.

Or. en

Amendment 3

Proposal for a directive Recital 8

Text proposed by the Commission

(8) Evidence shows that a significant proportion of trainees are subject to less favourable working conditions compared to regular employees, including regarding working hours, leave entitlements, and access to equipment as well as pay.

Amendment

(8) Evidence shows that a significant proportion of trainees are subject to less favourable working conditions compared to regular employees, including regarding working hours, leave entitlements, and access to equipment as well as pay, ***exacerbating inequalities among Union citizens from different socio-economic backgrounds.***

Or. en

Amendment 4

Proposal for a directive Recital 15

Text proposed by the Commission

(15) Considering the persisting challenges regarding the problematic use of traineeships in the Union, further action is needed to combat regular employment relationships disguised as traineeships and to ensure that the relevant Union and national law applicable to workers is fully implemented and enforced in relation to trainees. This Directive addresses these challenges by laying down minimum requirements to improve and enforce the working conditions of trainees in the Union

Amendment

(15) Considering the persisting challenges regarding the problematic use of traineeships in the Union, further action is needed to combat regular employment relationships disguised as ***traineeships, to guarantee high-quality and fair*** traineeships and to ensure that the relevant Union and national law applicable to workers is fully implemented and enforced in relation to trainees. This Directive addresses these challenges by laying down minimum requirements to improve and

and to combat employment relationships disguised as traineeships, by establishing a common framework of principles and measures necessary to ensure equal treatment and to implement and enforce Union and national law applicable to workers more effectively.

enforce the working conditions of trainees in the Union and to combat employment relationships disguised as traineeships, by establishing a common framework of principles and measures necessary to ensure equal treatment and to implement and enforce Union and national law applicable to workers more effectively.

Or. en

Amendment 5

Proposal for a directive Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) Member States should ensure that trainees are covered by a written and paid employment contract of a limited duration, establishing an open-market traineeship, a traineeship in the context of active labour market policies, a traineeship that is a mandatory part of professional training, or a traineeship that is part of curricula of formal education and training.

Or. en

Amendment 6

Proposal for a directive Recital 18

Text proposed by the Commission

Amendment

(18) Chapter III of the Directive applies to regular employees who are falsely labelled as trainees, i.e. when employers label a regular employment relationship either as a traineeship which is not an employment relationship, or as a traineeship which does constitute an employment relationship, however with a lower level of pay or other working conditions than those which regular employees would be entitled to under

(18) Chapter III of the Directive applies to regular employees who are falsely labelled as trainees, i.e. when employers label a regular employment relationship either as a traineeship which is not an employment relationship, or as a traineeship which does constitute an employment relationship, however with a lower level of pay, ***no remuneration*** or other working conditions than those which regular employees would be entitled to

Union or national law, collective agreements or practice.

under Union or national law, collective agreements or practice.

Or. en

Amendment 7

Proposal for a directive Recital 19

Text proposed by the Commission

(19) Traineeships which are employment relationships can be distinguished from ‘regular’ employment relationships in that they are limited in time, they include a significant learning and training component and that they are undertaken in order to gain practical and professional experience with a view to improving employability and facilitating transition to employment or accessing a profession.

Amendment

(19) Traineeships which are employment relationships can be distinguished from ‘regular’ employment relationships in that, ***even if paid***, they are limited in time, they include a significant learning and training component and that they are undertaken in order to gain practical and professional experience with a view to improving employability and facilitating transition to employment or accessing a profession. ***‘Learning and training component’ refers to the learning outcomes that will be acquired by the end of the traineeship, supervision and mentoring arrangements, and a process by which the employer assesses and attests how the learning outcomes were acquired, to ensure their recognition and validation. ‘Learning outcomes’ refer to the knowledge, intellectual and practical skills and competences, such as academic, analytical, communication, decision-making, ICT, innovative and creative, strategic-organisational, and foreign language skills, teamwork, initiative or adaptability, to be acquired by the end of the traineeship. Those learning outcomes should be agreed between the trainee and the employer and indicated in the traineeship agreement.***

Or. en

Amendment 8

Proposal for a directive Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) The learning outcomes acquired during the traineeship should be recognised by means of a traineeship certificate, Europass or micro-credentials where relevant, developing a common Union framework.

Or. en

Amendment 9

Proposal for a directive Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) Member States should ensure economic, social and educational measures to improve access to traineeships, particularly to people who face higher obstacles, such as people in vulnerable situations, including persons with disabilities, people living in rural, remote or the outermost regions, people from disadvantaged socio-economic and/or migrant backgrounds, members of the Roma community, and people with a lower educational attainment.

Or. en

Amendment 10

Proposal for a directive Recital 22

Text proposed by the Commission

Amendment

(22) Member States should therefore ensure that, in respect of working conditions including pay, trainees are not treated in a less favourable manner than

(22) Member States should therefore ensure that, in respect of working conditions including pay, ***access to social protection, health and accident insurance,***

comparable regular employees in the same establishment, unless different treatment is justified on objective grounds. The sole fact of being a trainee cannot constitute grounds for less favourable treatment compared to regular employees in the same establishment. At the same time, different tasks, lower responsibilities or work intensity in relation to comparable regular employees may constitute objective grounds for different treatment, where relevant, with regard to the employment condition at issue. The extent of different treatment should, however, be proportionate to those grounds.

trainees are not treated in a less favourable manner than comparable regular employees in the same establishment, unless different treatment is justified on objective grounds. The sole fact of being a trainee cannot constitute grounds for less favourable treatment compared to regular employees in the same establishment. At the same time, different tasks, lower responsibilities or work intensity in relation to comparable regular employees may constitute objective grounds for different treatment, where relevant, with regard to the employment condition at issue. The extent of different treatment should, however, be proportionate to those grounds ***and a minimum wage for trainees should be established and ensured.***

Or. en

Amendment 11

Proposal for a directive Recital 24

Text proposed by the Commission

(24) Member States should have appropriate measures in place to combat regular employment relationships disguised as traineeships with the effect of granting lower levels of protection, including working conditions and pay, than the worker concerned would be entitled to under Union or national law, collective agreements or practice.

Amendment

(24) Member States should have appropriate measures in place to combat regular employment relationships disguised as traineeships with the effect of granting lower levels of protection, including ***learning and training components***, working conditions and pay, than the worker concerned would be entitled to under Union or national law, collective agreements or practice.

Or. en

Amendment 12

Proposal for a directive Recital 25

Text proposed by the Commission

(25) It is necessary to ensure effective

Amendment

(25) It is necessary to ensure ***data***

controls and inspections conducted by competent authorities as they are essential to protect the rights of trainees and to combat regular employment relationships disguised as traineeships. They should be targeted to avoid the substitution of regular employment by disguised traineeships and to protect workers' rights.

collection, effective controls and inspections conducted by competent authorities as they are essential to protect the rights of trainees and to combat regular employment relationships disguised as traineeships. They should be targeted to avoid the substitution of regular employment by disguised traineeships and to protect workers' rights.

Or. en

Amendment 13

Proposal for a directive Recital 27

Text proposed by the Commission

(27) Requiring previous work experience for a traineeship in the same or similar field of activity may not indicate a regular employment relationship disguised as a traineeship if the employer provides justification such as an equivalent period of previous work experiences being an alternative to having a degree in a certain field of activity or expertise.

Amendment

(27) Requiring previous work experience for a traineeship in the same or similar field of activity may not indicate a regular employment relationship disguised as a traineeship if the employer provides justification such as an equivalent period of previous work experiences being an alternative to having a degree in a certain field of activity or expertise. ***However, in order to ensure that traineeships effectively facilitate the transition to regular employment and prevent repeated or consecutive traineeships with the same or different employers, Member States should guarantee that traineeships are recognised as valid work experience in private and public recruitment processes.***

Or. en

Amendment 14

Proposal for a directive Recital 29

Text proposed by the Commission

(29) Member States should have appropriate measures in place to facilitate the assessment of whether a purported

Amendment

(29) Member States should have appropriate measures in place to facilitate the assessment of whether a purported

traineeship genuinely constitutes a traineeship. This should include a time limit indicating excessive duration of a traineeship and of repeated, including consecutive, traineeships with the same employer. A reasonable maximum duration of traineeships should, in principle, not exceed six months, as stipulated in the 2014 Recommendation. However, Member States may provide that a longer duration can be justified if it is based on objective grounds. Examples of such exceptions could be traineeships whose completion is a mandatory requirement to access a specific profession, the trajectory of which to acquire the necessary knowledge, competences and experience warrants a longer traineeship experience. ***Certain traineeships that are part of active labour market policies aimed at the integration of persons in a vulnerable situation could also benefit from a longer duration.*** Some traineeships that are part of curricula of formal education or vocational education and training may have a longer duration for reasons linked to the curricula.

traineeship genuinely constitutes a traineeship. This should include a ***maximum employee to trainee ratio***, time limit indicating excessive duration of a traineeship and of repeated, including consecutive, traineeships with the same employer. A reasonable maximum duration of traineeships should, in principle, not exceed six months, as stipulated in the 2014 Recommendation. However, Member States may provide that a longer duration can be justified if it is based on objective grounds. Examples of such exceptions could be traineeships whose completion is a mandatory requirement to access a specific profession, the trajectory of which to acquire the necessary knowledge, competences and experience warrants a longer traineeship experience. Some traineeships that are part of curricula of formal education or vocational education and training may have a longer duration for reasons linked to the curricula. ***Moreover, in order to facilitate the transition from traineeships to regular employment, Member States should promote incentives for training programmes that offer potential employment with the same employer.***

Or. en

Amendment 15

Proposal for a directive Recital 30

Text proposed by the Commission

(30) The obligation for employers to include information ***on the expected tasks, working conditions, including pay, social protection, learning and training elements*** in the vacancy notices and advertisements for traineeships could be fulfilled by including a link to ***a*** website containing this information.

Amendment

(30) The obligation for employers to include ***gender neutral and inclusive*** information in the vacancy notices and advertisements for traineeships ***on the expected tasks and responsibilities, working conditions, including pay, social protection, health and accident insurance, learning and training components*** could be fulfilled by including a link to ***an accessible*** website containing this

information. *Nevertheless, learning outcomes should be discussed and agreed between the trainee and the employer and the employer should designate a mentor for each trainee.*

Or. en

Amendment 16

Proposal for a directive Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

This Directive applies to the following traineeships:

- (a) open-market traineeships;*
- (b) traineeships in the context of active labour market policies;*
- (c) traineeships that are a mandatory part of professional training;*
- (d) traineeships that are part of curricula of formal education and training.*

Or. en

Amendment 17

Proposal for a directive Article 2 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) ‘learning and training component’ means the learning outcomes that will be acquired by the end of the traineeship, agreed between the trainee and the employer and indicated in the traineeship agreement, supervision and mentoring arrangements, and a process by which the employer assesses and attests how the learning outcomes are acquired during the traineeship, to ensure their recognition and validation;

Amendment 18

Proposal for a directive

Article 2 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(db) “open-market traineeship” means a non-mandatory, bilateral, private agreement between a trainee and a traineeship provider, without the involvement of a third party and without a formal connection to an educational or a training establishment;

Or. en

Amendment 19

Proposal for a directive

Article 2 – paragraph 1 – point d c (new)

Text proposed by the Commission

Amendment

(dc) “traineeship in the context of active labour market policies” means a traineeship organised by a public employment service in cooperation with a traineeship provider, based on an agreement between the three parties with the aim of helping unemployed or inactive young people into employment;

Or. en

Amendment 20

Proposal for a directive

Article 2 – paragraph 1 – point d d (new)

Text proposed by the Commission

Amendment

(dd) “traineeship that is a mandatory part of professional training” means a traineeship that is a mandatory introduction into the professional practice

of a specific field of work;

Or. en

Amendment 21

Proposal for a directive

Article 2 – paragraph 1 – point d e (new)

Text proposed by the Commission

Amendment

(de) “traineeship that is part of curricula of formal education and training” means a traineeship that is included in study plans required by an educational institution.

Or. en

Amendment 22

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall ensure that, in respect of working conditions including pay, trainees are not treated in a less favourable manner than comparable regular employees in the same establishment, unless different treatment is justified on objective grounds, such as different tasks, lower responsibilities, work intensity or the weight of the learning and training component.

Member States shall ensure that, in respect of working conditions including pay, **social protection, health and accident insurance**, trainees are not treated in a less favourable manner than comparable regular employees in the same establishment, unless different treatment is justified on objective grounds, such as different tasks, lower responsibilities, work intensity or the weight of the learning and training component.

Or. en

Amendment 23

Proposal for a directive

Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure measures to improve access to traineeships,

particularly to people in vulnerable situations, including persons with disabilities, people living in rural, remote or the outermost regions, people from disadvantaged socio-economic and/or migrant backgrounds, members of the Roma community and people with a lower educational attainment.

Or. en

Amendment 24

Proposal for a directive

Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) the absence of a significant learning *or* training component in the purported traineeship;

Amendment

(a) the absence of a significant learning ***and*** training component in the purported traineeship;

Or. en

Amendment 25

Proposal for a directive

Article 5 – paragraph 1 – point b

Text proposed by the Commission

(b) the excessive duration of the purported traineeship or multiple and/or consecutive purported traineeships with the same employer by the same person;

Amendment

(b) the excessive duration of the purported traineeship or multiple and/or consecutive purported traineeships with the same ***or a different*** employer by the same person;

Or. en

Amendment 26

Proposal for a directive

Article 5 – paragraph 2 – point c

Text proposed by the Commission

(c) the working conditions, including pay, tasks and responsibilities of purported trainees and of regular employees at

Amendment

(c) the working conditions, including pay, ***social protection, health and accident insurance***, tasks and responsibilities of

comparable positions;

purported trainees and of regular employees at comparable positions;

Or. en

Amendment 27

Proposal for a directive

Article 5 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) define a time limit indicating excessive duration of a traineeship and of repeated, including consecutive, traineeships with the same employer;

(a) define a time limit ***of six to twelve months*** indicating excessive duration of a traineeship and of repeated, including consecutive, traineeships with the same employer;

Or. en

Amendment 28

Proposal for a directive

Article 5 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) require employers to include information ***on the expected tasks, working conditions, including pay, social protection, learning and training elements*** in the vacancy notices and advertisements for traineeships.

(b) require employers to include ***gender neutral and inclusive*** information in the vacancy notices and advertisements for traineeships ***on the expected tasks, responsibilities and intensity of work, working conditions, including pay, social protection, health and accident insurance, and the descriptions of the learning and training components.***

Or. en

Amendment 29

Proposal for a directive

Article 6 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) develop guidance for employers of trainees regarding the legal framework ***for traineeships***, including relevant labour law

(b) develop ***a common quality framework and*** guidance for employers of trainees regarding the legal framework,

and social protection aspects;

including relevant labour law and social protection aspects, *as well as quality and accessibility practices for traineeships*;

Or. en