

UEAPME¹ reply to the first phase consultation of the Social Partners on a possible revision of the Written Statement Directive (91/533/EEC)

UEAPME takes note of the first stage social partners' consultation launched on 26 April 2017 by the European Commission and would like to make the following contribution.

Introduction:

The current consultation on the Written Statement Directive takes place in the framework of the European Pillar of Social Rights which addresses among others the challenges of new forms of work and working conditions including in atypical forms of work. It mainly refers to principle 5 and principle 7 of the Pillar.

The main objective of the Written Statement Directive is twofold, to improve employee protection by providing written information on the conditions of employment, and to improve the transparency on the labour market for national situations and free movement of workers.

As part of the overall evaluation conducted by the European Commission, the Directive has been considered relevant, effective and had a positive impact in four areas:

- Increased awareness and understanding of employees working conditions and rights
- Increased certainty and clarity for employers and employees
- Increased transparency in the labour market
- Facilitated undeclared work detection

Response to the EU Commission questions addressed in the consultation

Q 1 – Do you consider that the Commission has correctly and sufficiently identified the issues and the possible areas for further EU action?

UEAPME considers that the EU Commission correctly identified the issues and possible areas to a certain extent. Information obligations can impact SMEs and create additional burdens for smaller companies. Any type of new requirements should be carefully assessed.

UEAPME would also like to clarify that this Directive should not apply to self-employed. By definition, self-employed remain outside of the employment relationship between employers and workers.

¹ UEAPME subscribes to the European Commission's Register of Interest Representatives and to the related code of conduct as requested by the European Transparency Initiative. Our ID number is [55820581197-35](https://ec.europa.eu/transparency/rti/representatives/55820581197-35).

Q 2 – Do you think that the Commission should engage into legislative work in one or several of the identified possible areas for further EU action?

Before the EU Commission starts any possible legislative initiative on one of the areas or issues identified, it is the role of EU social partners to express their views in the framework of the two-stage consultation.

The directive mainly consists of providing a minimum standard package of information. According to the evaluation exercise, this has been done in a satisfactory manner in the Member States in the last 25 years. Ensuring information of workers on the conditions of employment is important. However social partners are better placed to assess if and how there is a need to act **and** adapt to the new labour market realities.

Q 3 – Would you consider initiating a dialogue under Article 155 on any of the issues identified in this consultation?

Since the Written Statement Directive is dealing with core issues concerning employers and workers, UEAPME is ready to open a dialogue among the EU cross-industry social partners on the Written Statement Directive.

The format, scope and content of such a dialogue should be further discussed among the EU cross-industry social partners.

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