

UEAPME reply to the second-phase consultation of the social partners on the revision of the Working Time Directive

On 21 December 2010, the European Commission issued its second consultation of the European Social Partners on the next steps to reviewing the Working Time Directive.

UEAPME appreciates the Commission's efforts to propose several options in order to overcome the current deadlock on this issue. It also welcomes the publication of the two accompanying documents, i.e. the Impact assessment and the Staff Working paper.

The Working Time Directive is an important piece of legislation and a genuine issue for social partners at all levels.

However, since a substantial *acquis* already exists in the Member States on the regulation of working time, the new revision should aim to avoid adding further complexity while solving the legal uncertainty and problems created by the European Court of Justice's judgements to employers and workers.

Solutions to be found should also serve as an example of better regulation based on simplified rules applying the "Think Small First" principle with the aim to avoid unnecessary burdens for small enterprises.

Commission questions:

1. Should changes to EU working time rules be limited to the issues of on-call time and compensatory rest, or should they address a wider range of issues, such as some or all of those listed in section 5.2?
2. bearing in mind the requirements of Article 153 TFEU do you consider that :
 - a) The options set out in section 5.1 regarding on call time and compensatory rest,
 - b) Some or all of the options set out in section 5.2 regarding other issues raised by social partners and the current review,
 - c) Could provide an acceptable overall framework for addressing the concerns set out in your replies to the first phase consultation?
3. Are the EU social partners , at cross-industry or sectoral level, willing to enter into negotiations on all or part of the issues raised in this communication with a view to concluding an agreement that would make it possible to amend the Directive by using the possibilities provided under Article 155 TGEU?

UEAPME reply:

Taking into account our reply to the first phase consultation and the new proposals made by the European Commission in the second consultation, UEAPME considers it necessary to combine parts of the two options proposed and tackling the following issues:

- On call time and compensatory rest,
- Paid annual leave,
- Greater flexibility through further extension of the reference period.

Bearing in mind that the previous attempts to find a solution between the Council and the European Parliament failed and due to the fact that working time is clearly of social partners' competence, UEAPME's General Assembly decided for opening negotiations with ETUC, along with the other European Employers organisations, on the issues mentioned above.

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