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ETUC alarmed by the European Commission draft proposal for revision of the Working Time Directive

"The European Trade Union Confederation ETUC is very concerned that the first action of the Commission after enlargement in the area of social policy is to put forward a proposal on working time that may place in question fundamental social rights . However, the proposal leaves room for improvement. Thanks to a lot of pressure from trade unionists and members of the European Parliament, the phasing out of the opt-out is still on the table, and the key-role of social partners in shaping working time arrangements at all levels is recognized", says ETUC General Secretary John Monks

The ETUC is alarmed by the Commission's draft document, drawn up as the basis for the second round of consultation on the revision of the Working Time Directive and regards it as an ambiguous text, on the one hand opening up possibilities for even longer working hours, on the other hand calling on the social partners to negotiate steps to improve compatibility between work and family life.

In the ETUC's view, some parts of the proposal may undermine agreed limits on average weekly working hours, and thereby not only contravene Article 2 of the EU Treaty, which commits the Community to promoting a high level of employment and social protection, but also runs counter to fundamental principles contained in various EU treaties and charters obliging the EU to a progressive reduction of working time.

In its response to the first round of consultation with the European social partners (trade unions and employers), launched in January, the ETUC called for

- An end to the 'opt-out' (introduced in the 1993 Directive to satisfy the UK), which allows employers to disregard the average 48-hour maximum working week if employees sign an individual opt-out agreement;
- Recognition of 'on-call' hours as working time, in line with rulings from the European Court of Justice, while allowing social partners to negotiate balanced and adequate solutions to problems faced in certain sectors or professions;
- Keeping in place the limit on extending reference periods for calculating the average working week, except via collective agreement;
- Providing workers with real options to better reconcile work and family life.

The Commission apparently in this stage does not know in which direction to go. Not only does it still see the retaining of the opt-out as a legitimate possibility, it also considers to further increase the scope for companies to opt out from regulations on maximum working time through collective bargaining.

Although the ETUC is in favour of providing for flexibility in the application of working time regulations by collective bargaining, plain opt-outs are unacceptable to the ETUC, which has European Parliament support in urging the phasing out of the existing provision, as they contradict the fundamental right enshrined in European law that each and every worker has a right to limitation of his working hours.

“The next stage in this process will be crucial, to prevent that the Working Time Directive, which is an essential part of the social architecture of Europe, will be watered down for pure economic reasons, against the interests of health and safety and work-life balance of male and female workers in an enlarged Europe”, concluded John Monks.

Useful links:

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