

3 June 2005

WORKING TIME DIRECTIVE
COMMISSION AMENDED PROPOSAL BRINGS BAD NEWS

Reacting to the 2 June Social Affairs Council discussions on the Commission's amended proposal for revision of the working time directive, UNICE is deeply concerned with the amendments concerning the opt-out and the reference period to calculate maximum weekly working time.

UNICE's main concerns are the following:

- Opt-out: the Commission radically changes its position by proposing the removal of the opt-out after a period of three years from the date of implementation of the revised directive. For UNICE such a solution is unacceptable. The flexibility of the opt-out is essential for companies. The opt-out should be retained and should be available by two independent means: either by collective agreement or by individual consent as opposed to a combination of both.
- Reference period to calculate maximum weekly working time: the amended proposal seems to abolish a standard reference period set at EU level and to give Member States the possibility to set a reference period of up to 12 months by way of derogation and under tight conditions (such as information and consultation of workers and/or their representatives, and an obligation for employers to make a health and safety risk assessment). In UNICE's view, the EU text should either establish a 12-month reference period as a general rule with a possibility to extend it by collective agreement or simply leave the social partners in Member States or the national legislator free to decide on the reference period.

UNICE noted that the proposals regarding the inactive part of the on-call time and the compensatory rest provide a good basis for discussions.

"We fully agree that solutions must be found to deal with the ECJ rulings on Simap/Jaeger. However this cannot be done at the expense of overall working time flexibility" stressed Philippe de Buck, Secretary General of UNICE.

Note to the editor:

UNICE is the voice of more than 20 million small, medium and large companies. Active in European affairs since 1958, UNICE's members are 38 central industrial and employers federations from 32 countries, working together to achieve growth and competitiveness in Europe.

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