



*"The voice of crafts and SMEs in Europe"*

## **New working conditions puts too much red tape on SMEs**

*Despite exemptions of self-employed, the new proposal will make employment relationships more complex*

Brussels, 27<sup>th</sup> February 2018 – In its newly adopted position<sup>(1)</sup> on the proposal for a directive on transparent and predictable working conditions<sup>(2)</sup>, UEAPME expressed serious concerns about the red tape and complexity of the new directive. The aim of the directive is not only to inform workers of the conditions applicable to an employment relationship but also to ensure new rights (such as the predictability of work). For UEAPME, if the modernisation is justified, the Commission's approach to it goes too far. The new obligation for employers to deliver far more information to all types of workers at the start of an employment contract does not take into account the necessary need for simplification of legislation, in particular for SMEs. The self-employed remain out of the scope of the directive, which is fully justified as they are their own employers, but the new definition of workers might challenge this.

*"SMEs need well-conceived legislation, especially concerning labour laws giving them sufficient flexibility without undermining the workers' protection. The current proposal goes too far and is too detailed to be efficient at company level without sufficiently respecting the role of social partners and employers regarding the organisation of working conditions at national, sectoral or even company level"* stated **UEAPME Secretary General Véronique Willems**.

*"The proposal introduced a lot of new obligations for the employer that will create more paper work and costs",* said Ms Willems regarding the additional burdens for small and micro-enterprises when hiring workers. Furthermore, *"the information of workers' working conditions is key for establishing a good relation between employers and workers without legal uncertainty. And small businesses are ready to improve the transparency and predictability of working conditions where needed. But introducing new rights which will impose new rules, such as on probationary periods, employment in parallel or predictability of work, on top of what already exists in the Member States is too heavy. Social partners would have been in the best position to define such detailed rules and conditions."*

Ms Willems pointed out that *"It is regrettable that the Commission changed the nature of the information directive into a directive creating new rights for workers, such as the possibility to request a new form of employment and the employers' obligation to reply in writing if it is not possible. This type of obligation will not ensure a better protection of workers, but will add administrative burdens for small and micro-enterprises."*

UEAPME welcomes the fact that self-employed are kept out the directive, this is fully justified since they do not have an employer. However, the current Commission's proposal – which refers to the European Court of Justice's definition of workers – bears the risk of having the opposite effect. The European definition is too broad and not fit for labour laws. The definition of workers, which is rapidly evolving, has to remain the competence of Member States or of national social partners, otherwise many genuine self-employed could be considered as workers. This was and still is one of UEAP-ME's major concerns during the consultations on the revision of the "Written Statement Directive".

UEAPME now calls on the European Parliament and Council to apply simplification and the 'Think Small First' principle in order to find a better balance between simplification required by small businesses and protection of workers without creating more burdens.

(1) [http://www.ueapme.com/IMG/pdf/UEAPME\\_position\\_on\\_transparent\\_and\\_predictable\\_working\\_conditions.pdf](http://www.ueapme.com/IMG/pdf/UEAPME_position_on_transparent_and_predictable_working_conditions.pdf)

(2) replacing the Written Statement Directive

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**EDITORS' NOTES:** UEAPME is the employers' organisation representing Crafts and SMEs from the EU and accession countries at European level. UEAPME has 64 member organisations covering about 12 million enterprises with 55 million employees. UEAPME is a European Social Partner. For further information please visit <http://www.ueapme.com/> or follow [@UEAPME](https://twitter.com/UEAPME) on Twitter.

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