"The voice of SMEs in Europe"

Press Release

SMEs give non-satisfactory verdict to Commission's revision of Working Time Directive

Brussels, 22 September 2004 European micro, small and medium- sized enterprises said that the new proposal on the Working Time Directive adopted by the European Commission today is unsatisfactory.

"Working time is one of the few variables of adjustment that allow SMEs to improve productivity and adapt rapidly to new threats and opportunities. By placing this variable in a more rigid framework, the Commission missed an opportunity to show enterprises in Europe that it supports their need for increased flexibility" **Hans-Werner Müller**, Secretary General of UEAPME, the European SME employers association, commented.

The proposal stipulates that the opt out must be authorised by collective agreements or by agreement between social partners at the adequate level prior to the individual consent. This tightening of conditions risks creating two categories of access to the opt out for SMEs whereby those SMEs covered by collective agreement risk not having the possibility to opt out.
UEAPME thinks that the derogation should have been made possible through either individual consent or collective agreement. Such a situation would better reflect the different industrial relation realities in Europe.

UEAPME regrets that the decision to prolong the reference period from 4 to 12 months has not been included as a general rule in the directive. A general 12-month reference period would better suit the current practice of the majority of small businesses concerning the annualisation of working time.

Finally, UEAPME states that the concept of "inactive part of on call time" is far too complex and unfeasible for SMEs.

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