



Brussels, 10 September 2004

JM/PC/dm

Fax No. :02 295 63 36

Mr. Romano Prodi
President
European Commission
Avenue d'Auderghem, 45
B-1040 Brussels

Re: Working Time Directive

Dear Mr. Prodi,

I am writing to express the ETUC's grave concern about the proposals to modify the working time directive now being considered by the Commission's services, and which are due to go before the College on 22 September.

More than a decade after the Directive was first introduced, these proposals provide, not for the establishment of a level playing field on working time across Europe - for health and safety reasons, but for a continuation, indeed an extension, of what was always meant to be a temporary opt out (for one country) - and, even worse, provide that this opt-out can be exercised in ways that undermine social partnership and collective agreements.

The key point here is that although opt-outs can only be maintained by collective agreements in member states, this does **not** apply if there is no collective agreement in force (!), and if there is not worker representation that can conclude an agreement. This would actually discourage collective bargaining and could stimulate non-recognition of unions.

Add to this, the fact that an extension of reference periods from 4 to 12 months would no longer have to be the subject of collective agreement - a further undercutting of social partnership.

The issue here is not flexibility - the existing directive is already very flexible, nor indeed whether Europe's social dimension should be strengthened. No, if implemented, these proposals would represent a real step backwards. They would emasculate the directive, and would reduce health and safety protection and social rights. They would give the opponents of Social Europe, and indeed the opponents of the whole European project, a victory. They would give a signal that the Commission is relaxed about longer working hours.

The ETUC's concerns have been ignored while those of the employers have been fully met.

In the popular debate now getting underway on the Constitution and on what kind of Europe we want, the adoption of these proposals as they stand would send the worse possible signal to Europe's workers, and I urge you and your colleagues to withdraw them.

Yours sincerely

John Monks
General Secretary