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European Commission  
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**EUROCADRES reply to the second stage consultation  
concerning the revision of the working time directive**

Brussels, 2 July 2004

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Dear Commissioner,

EUROCADRES has taken note of the Commission's document for the second phase of the consultation of the social partners at Community level on the revision of Directive 93/104/EC concerning certain aspects of the organisation of working time. We share the ETUC's point of view that the protection of workers' health and safety must be the guiding principle of this revision.

We are very concerned by the fact that no clear process is suggested by the Commission to put an end to the opt-out concerning maximum weekly working time (article 6). We are surprised that the Commission fails to recognise this abuse of law that has led, mainly in the United Kingdom, to a generalised use of the opt-out provision, which was originally intended to be exercised on an individual basis (article 18.1. of the directive).

We are also very concerned by the fact that the Commission's document ignores the problems posed by article 17.1.a, the wording of which is far too vague and permits the exclusion of most of the provisions in the case of managing executives and also of other persons with autonomous decision-taking powers. The related problems have been underlined by a number of European organisations and institutions including the European Parliament. The resolution adopted by the European Parliament emphasises that this situation is "an obstacle to the upward mobility of women and sustains gender segregation in the work place".

This issue (article 17.1.a) has a direct link to the debate about the opt-out (article 18,1) and therefore cannot be left aside in the current revision of the Working Time Directive.

Work nowadays calls increasingly on the intellectual capacities and sense of responsibility of a growing number of professional and managerial staff and other employees. For these their workload is a determining factor. Excluding them from the majority of the provisions of the directive has the effect of increasing work overload, with inevitable consequences for health and safety. This is detrimental both to social well-being and economic effectiveness.

For these reasons a reformulation of article 17-1a, whilst specifying the necessary exceptions, should have the effect of putting an end to an indirect discrimination and gender segregation, and of avoiding a situation in which a growing portion of the working world is excluded from the protection of the directive.

Representing European professionals and managers, EUROCADRES was ready and willing to take part in discussions between the social partners in order to define the arrangements best adapted to the real working world. Because this appears not possible now, we call upon the European Commission to exercise its responsibilities and to ensure that new proposals are put forward, which remedy the situation and reflect the evolution of work in the modern world.

Yours sincerely,

Michel Rousselot  
President