

European Commission
President Jean-Claude Juncker
Rue de la Loi 200
1049 Brussels

Prot N° 356 /LV
Brussels, 15 December 2017

Re: UEAPME position on the revision of the Written Statement Directive

Dear President,

Over the last months, the European Commission consulted the European Social Partners twice on the Written Statement Directive 91/533/EC, in view of its possible revision. UEAPME has always been constructive and willing to find an agreement between European Social Partners. We regret that this was not possible and ask the Commission to take into consideration the reality of European SMEs when finalising the proposal. "Think small first" must not only be used rhetorically, but needs to be reflected on also regarding concrete actions.

UEAPME would like to emphasise that the directive should not apply to self-employed, since they are not covered by an employment relationship with an employer, but have a B2B relationship with their contractors. Platform workers and others should be covered by the directive as long as this is in line with the national applicable definition of workers.

Moreover, the revised directive should fully take into account the right balance between the employee protection and the need for flexibility of employers, in particular small and micro-enterprises, by maintaining some exclusions for short-term employment relationships not exceeding one month.

We support the need to adapt the directive to the evolution of the labour market, but the revision should not change the nature and objectives of the directive by creating a list of new rights. Predictability of work is important for both, employers and workers, and could be integrated in the information package without creating a right. This is also valid for the request of another form of employment and the requirement for the employer to reply in writing with a justification of refusal of such a request.

Lastly, the impact of the new information requirements should be carefully assessed in order to avoid a high amount of new obligations, administrative burdens and costs for small and micro-enterprises.

We are confident that the new proposal will fully respect the 'Think Small First' principle and not discourage SMEs to hire extra employees, highly needed to ensure fair growth and jobs in Europe.

Yours sincerely,



Ulrike Rabmer-Koller
President

Cc: Vice-President Dombrovskis, Commissioner Thyssen