



**Local & Regional
Europe**

On a possible revision of the Written Statement Directive

**First phase consultation of Social Partners on
a possible revision of the Written Statement
Directive (Directive 91/533/EEC) in the
framework of the European Pillar of Social
Rights**

CEMR response

June 2017

1) Do you consider that the Commission has correctly and sufficiently identified the issues and the possible areas for further EU action?

CEMR deems that the Commission identified key areas. However, depending on the broadening of the scope of the Written Statements Directive, further work should be done to assess the economic implications of the new proposed legislation on those who engage atypical workers. Usually, in the public sector all the employees are covered by the written statement directive, with only very few exceptions permitted by the directive. Nevertheless, for Local and Regional Government the focus should be on non-standard employment rather than the self-employed. CEMR sees that further action might include at national level essential contractual elements which would enable transparency, clear rights and employment protection.

In the consultation document the Commission refers to very different categories of services and/or work, not only the common concept of a worker or an employee. References are made to internships, traineeships, apprenticeships, work intermediated by digital platforms, self-employed (genuine or not), new business models and new forms of work in the digital collaborative economy etc. There must be a flexibility, for both employers/operations and workers/service providers to handle these different situations/relations in different ways.

2) Do you think that the Commission should engage into legislative work in one or several of the identified possible areas for further EU action?

In CEMR's view the Commission should not engage into legislative work in one or several of the identified possible areas for the moment.

From a local perspective, there are administrative costs for any worker engaged on supply or casual contracts, although these are less than the proposal to provide a full written contract of employment and associated documentation to all. The introduction of written statements for employees working less than one month and under 8 hours will place a burden on employers that is not proportionate to the benefits for employees. The assessment needs to be more robust, e.g. municipalities and regions do not always have enough time and capacity to gather the relevant information to make the written statement.

In terms of volume the vast majority of staff are engaged on short-term contracts which are longer than one month so the eventual impact would not be great. Assuming that removing the exemptions means that anyone engaged has full employment rights, this will affect staff on very short-term supply contracts – for example, in some authorities, teaching staff employed up to 5 days are considered supply, anything beyond this is considered a short term temporary contract.

We are mostly concerned about the Commission's discussion on broadening the scope of the Written Statement Directive as described in chapter 4.2 in the Consultation document. The content of the employment contract should not be regulated at EU level.

3) Would you consider initiating a dialogue under Article 155 TFEU on any of the issues identified in this consultation?

If the cross-sectoral European social partners enter into negotiations, CEMR will support them.

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About CEMR

The Council of European Municipalities and Regions (CEMR) is the broadest organisation of local and regional authorities in Europe. Its members are over 50 national associations of municipalities and regions from 41 European countries. Together these associations represent some 150 000 local and regional authorities.

CEMR's objectives are twofold: to influence European legislation on behalf of local and regional authorities and to provide a platform for exchange between its member associations and their elected officials and experts.

Moreover, CEMR is the European section of United Cities and Local Governments (UCLG), the worldwide organisation of local government.

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