



**ANSWER TO THE CONSULTATION OF  
THE EUROPEAN COMMISSION OF THE REVIEW OF THE  
WORKING TIME DIRECTIVE**

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**Position by CEC European Managers**

**MAY 2010**

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**CEC EUROPEAN MANAGERS ASKS FOR  
A CLEARER DEFINITION OF THE SCOPE OF APPLICATION OF THE DIRECTIVE  
AS REGARDS MANAGERS**

The CEC has long followed the progress of the debates on the Working Time Directive. We are particularly concerned by the issue of permitted derogations to Article 17 I 1a, which includes managers. We have always maintained - first in 2000 and then in 2004 - the necessity to revisit and clarify this point. So we are totally in favour of revising the Directive.

The CEC wishes to put forward two requests to the Commission with regard to the exclusion of managers from the scope of the Directive and the flexibility of working time for managers.

**More specifically defining the exclusion of managers from the scope of the Directive**

Concerning the revision of "Article 17 I 1a, the permitted derogations, especially for managers, are not clearly stated and lead to uncertainty. They also do not conform to the revised Social Charter signed by all EU member countries.

The CEC fully supports the proposals of the European Parliament made in 2005 and 2009 and demands a more precise wording of this article, as it had been adopted by the European Parliament: *are not subject to the directive "CEOs (or person occupying a similar position), executives who are their direct subordinates and those directly appointed by the board".*

The directive would thus be consistent with the Article 2 of the Revised Social Charter (international text of the Council of Europe that all EU member countries have already signed), which requires the states to enforce a reasonable daily and weekly working time.

**Ensuring flexible working time for managers**

Managers have the specificity that their work is objective-driven and can hardly be measured in units of time. Therefore CEC asks that managers are not subject to the strict rules of physical presence at the workplace.



To this extent, the CEC defends:

- The enforcement of EU binding rules on daily and weekly rest periods;
- A definition of rest period which excludes on call period;
- Flexibility of business organization through the readjustment of working hours to the activity life cycle whilst preserving the working conditions of employees;
- Taking into account individual aspirations for a flexible organization must not exclude people from the labour market (cases of involuntary part-time, or the exclusion of women from the labour market because there is no existing childcare);
- Not only reconciling work with family life but also with representation activities such as involvement in a union or a managers' association;
- Removing the "opt out" on the long run.