

DRIVING DOWN WORK HOURS

The freedom to be your own boss is under threat due to European rules to limit working time for self-employed lorry and bus drivers, **Tina Sommer** reports

For most people, the idea of being self-employed is synonymous with a sense of freedom: freedom to be your own boss, set your hours and be in control of your future. So the notion of regulating the working hours of the self-employed would seem completely at odds with this, correct? Not so for some MEPs who threaten to set a dangerous precedent.

COMMON SENSE

The European Commission is proposing to amend directive 2002/15/EC which covers 'the working time of persons performing mobile road and transport activities in the road transport sector'. This seeks to regulate the working hours of drivers of vehicles larger than 3.5 tonnes, for safety reasons, and includes loading and unloading, maintenance and administration.

The Commission went to great lengths to investigate whether to

“Freedom to manage your own time should not be tampered with”

include or exclude self-employed drivers and came to the conclusion that, for various reasons, their inclusion isn't necessary. Concerns about member states' commitment to enforcing the revised directive, its potential impact on competitiveness and the difficulty of quantifying effects on road safety were all cited as good reasons not to include them.

Common sense also prevailed in the European Parliament, where rapporteur, Slovakian MEP Edit Bauer, agreed that self-employed drivers should be excluded from this directive.



New rules target self-employed drivers

However, following the majority vote by the EU Employment and Social Affairs Committee against the exclusion of self-employed drivers from the directive on 28 April, Bauer also warned that we could see the Commission's proposal to exclude independent drivers defeated in full Parliament by the end of the summer, thereby setting a precedent of regulating working times for the self-employed in other sectors.

Advocates of the directive cite road safety as the main reason to give it a green light, despite the fact that, according to a report by the Commission, there is no proof that the revision would yield any potential improvements. And anyway, driving time, which obviously forms the bulk of a driver's workload, is already limited through regulation 2006/561 and monitored through tachographs installed in vehicles.

For me, however, the whole issue highlights a fundamental question:

should the work hours of self-employed people be regulated at all? Given the recent drive to promote entrepreneurship, economic growth and job creation, how can we possibly consider such restrictive rules that will result in a lot of completely unnecessary paperwork?

SETTING A PRECEDENT

Article 153 of the Lisbon Treaty sets out the EU's commitment to avoid passing social laws that hold back the development of small business. MEPs as well as member states have signed up to the 'Think Small First' principle, which aims to encourage policy-makers to take the interests of SMEs into account when drawing up new legislation. Time-keeping obligations go against that principle and it seems to me that a number of MEPs have forgotten what they signed up for.

As a self-employed person, the freedom to manage my time is sacrosanct and shouldn't be tampered with. Why would anyone take on risk to set up a business, when they ultimately have to follow the exact same rules as employees?

As this edition of *First Voice* goes to press, our aim is to persuade members of the European Parliament to refrain from regulating self-employed drivers and thus setting a precedent. I can only hope we succeed.

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