

To:
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European Commission
Unit EMPL D2
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Re: Contribution of the European Sunday Alliance to the European Commission's consultation on the implementation of the European Pillar of Social Rights (EPSR)

The [European Sunday Alliance](#) is a broad network of more than 100 national Sunday Alliances, trade unions, employers' organisations, civil society organisations, churches and religious communities committed to raise awareness of the unique value of synchronised free time for our European societies.

As an alliance, we believe that an important –and indeed cherished– deliverable of the EPSR for citizens across Europe would be a re-instatement of a right to a 24-hour uninterrupted rest period for all employees including de facto dependent workers, synchronised as a common day of professional rest.

Reflecting different legal backgrounds and historical, cultural and religious traditions in economic and societal life across Europe, the day of common rest could be chosen by each Member States at its convenience. In most cases, it would probably be the Sunday, but the choice should be left to the Member States, also in order to duly respect the principle of subsidiarity.

Sunday as a common day of rest was already enshrined in Article 5 of the [EU working time directive 93/104/EC](#), the predecessor of the current working time directive 2003/88/EC, with Article 118a(2) of the EC Treaty (today Article 153 TFEU) as a legal basis, which gives the EU the competence to adopt measures aimed at contributing to the protection of the health and safety of workers.

Sunday as a common day of rest was annulled by the Court of Justice in 1996 in case [C-84/94 \(United Kingdom v Council\)](#). However the judgment did challenge neither the legality nor the practical benefits of a synchronised day of rest. The judgment ordered to annul Sunday as weekly day of rest merely because the legislator (Council) had *"failed to explain why Sunday, as a weekly rest day, is more closely connected with the health and safety of workers than any other day of the week."*

Arguments in favour of a day on synchronised free time include the following:

- 1. Both from the point of view of the European Treaties and in the light of the case law of the European Court of Justice, it would be appropriate to (re-)introduce a common synchronised weekly day of rest, provided that the choice of the day is left to the individual Member States.**
- 2. A common, synchronised weekly day of rest would also translate the spirit of the Council of Europe's European Social Charter (ESC) which states in Article 2(5) that "[w]ith a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake [...] to provide for reasonable daily and weekly working hours [and] to ensure a weekly rest period which shall, as far as possible, coincide with the day recognised by tradition or custom in the country or region concerned as a day of rest."**
- 3. Most importantly, a weekly day of synchronised day of rest would bring tangible, visible and cherished improvements to the lives of citizens across Europe, increase their health and well-being, and also contribute to environmental protection and sustainable economic growth for business and firms.** While globalisation, digitalisation and labour market de-regulation have been leading to working times which increasingly fragmentise and reach out to weekends:
 - o much of the time has been lost during which, in the past, citizens and families used to pursue volunteer work, civic engagement, joint social, sports or faith-related activities, care and domestic responsibilities and, generally, to spend time together. The negative impact that this development has been having on social cohesion and social inclusion should not be underestimated.

- work-life balance was compromised for many workers¹ and psychological stress increased due to increasing pressure to be permanently available and deliver for the job, yielding burn-out, cardiovascular disease or musculoskeletal disorders and thus illness and absenteeism from work. According to the EU's Agency for Safety and Health at Work (EU-OSHA), in Europe stress contributes to around 50% of all lost working days, translating into "cost[s] to businesses and society [which] are significant and run into billions of euros at a national level."² Healthy workplaces are indispensable for the workers and for the employers alike. A synchronised day to switch off would do good in this respect.
- also beyond the direct advantage of increased presenteeism at work, a better work-life balance and manageable stress levels for workers would bring further benefits to the global competitiveness of Europe's firms and business in the longer run: only in healthy working conditions and work environments, which also give space to recreation, can workers be creative, involved and performing to help drive innovation in their industries and sectors. Competitiveness needs innovation, innovation needs creativity, and creativity needs recreation.
- a day of synchronised free time would also contribute significantly to environmental protection and the achievement of climate neutrality. Already since 2008, scientific evidence has established the large extent to which greenhouse gas emissions can be reduced on bank holidays for instance through reduced traffic.³

The European Sunday alliance calls on the European Commission to help implement principles 9 (work-life balance) and 10 (healthy, safe and well-adapted work environments) of the European Pillar of Social Rights by tabling a proposal for a directive on a right to be disconnected which includes a right to a 24-hour uninterrupted rest period for all employees including de facto dependent workers, synchronised as a common day of professional rest.

This would not only contribute to sustainable economic growth and benefits for companies, but would, above all, also show to many citizens that the EU can bring tangible improvements to their lives and wellbeing.

The Steering Group of the European Sunday Alliance



¹ 1.) *Working anytime, anywhere: The effects on the world of work*, Eurofound (2017), page 24: "According to CBS and TNO (2014), half of the teleworkers in the Netherlands work on Sundays, either sometimes or regularly, compared to 38% of non-T/ICTM workers. The typical nature of weekend work among home-based T/ICTM workers is confirmed by survey results from Belgium (Glorieux and Minnen, 2008), Spain (INSHT,2011) and Finland (Anttila et al, 2009). In the latter case, respondents reported that such work is usually supplemental work rather than a substitute for traditional office work." https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef1658en.pdf

2.) *Further exploring the working conditions of ICT-based mobile workers and home-based teleworkers*, Eurofound, page 5: "TICTM can lead to longer working hours and to work in the evenings and weekends, resulting in blurring boundaries and increased interference between work and private life. Negative impacts on work-life balance are largely due to remote work which supplements office-based work. This work pattern implies working at home beyond contractual working hours, usually as informal and unpaid overtime." <https://www.eurofound.europa.eu/sites/default/files/wpef18007.pdf>

3.) *Further exploring the working conditions of ICT-based mobile workers and home-based teleworkers*, Eurofound, page 34: "TICTM workers are also more likely to work in the evenings and on weekends than workers who work always at the employer's premises" <https://www.eurofound.europa.eu/sites/default/files/wpef18007.pdf>

4.) *The right to disconnect*, European Parliamentary Research Service (2020), page 1: "Twenty years ago, it was exceptional (unless in the case of emergency) to contact an employee outside working hours, and even more so during weekends or holidays. Today, many managers routinely contact employees/colleagues by e-mail or by phone after work, at the weekend and during holidays. In some companies/countries, 'on call' is becoming the new norm. Not infrequently, contracts oblige employees to be available after work, at the weekend and during holidays." [https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/642847/EPRS_BRI\(2020\)642847_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/642847/EPRS_BRI(2020)642847_EN.pdf)

²The European Agency for Safety and Health at Work (EU-OSHA) on psychosocial risks and stress at work: <https://osha.europa.eu/en/themes/psychosocial-risks-and-stress>

³ Study of the city of Vienna on temporal developments of air quality (2008): <https://www.freiersonntag.at/studie-luftqualitaet/>