




Regulation of working time

WIBAR PROJECT
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Working Time Regulation


- Fundamental element of the employment contract
- Limitation of daily working time is a longstanding union demand
- 1919 ILO convention on working conditions
- EU- limitation of maximum working hours – fundamental social right


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Working Time Directive


- First version Directive 104/93/EC – repealed by Council Directive 2003/88/EC:
 - Health & safety basis
 - Sets maximum working week at 48 hours
 - Allows extensive derogations & specific reference periods
 - Derogations through collective bargaining + individual opt-out
- Commission proposals for a new Directive - Currently under review and deadlocked in the Council


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Special provisions apply to certain sectors:


- mobile workers and offshore work
- workers on board fishing vessels
- doctors in training


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WTD – Main discussion points:


- Length of the working week
- The annualisation of hours
- Individual opt-out
- On-call workers

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WTD – Length of Working Week

- 48 hours – weekly basis
- Exceptions and derogations:
 - Non-predetermined duration of the working time
 - Doctors in training (transitional period)
 - Individual opt-out

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Annualised working hours

- **Reference periods:**
 - For the application of the maximum weekly working time – 4 months
 - For the duration of night work – 24 hours (can be extended by collective agreement)
- Wide range of derogations admitted (by means of collective agreements)
- Commission proposes that Member States can extend the reference period for calculating the average working week of 48 hours from 4 months to up to 12 months.
- ETUC opposes Commission proposal – only derogations by means of collective bargaining.

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Individual opt-out

- UK position – Long working hours culture – low productivity – non effective reorganisation of working patterns
- Commission proposal: maintaining individual opt-out with stricter conditions to prevent abuse
- ETUC & EP: phase out opt-out

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On-call workers

- ECJ's cases SIMAP & JAEGER
- On-call duty when physical presence is required must be regarded as working time.
- Commission Proposal: introducing the terminology "inactive periods of working time"
- ETUC & EP: on-call time = working time

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employees with agreed hours

- **Opt-out:** UK 4.4%
- **On call:** Spain 1.8%
- **Annualised hours**
 - Spain 3.6%
 - Germany 2.7%
 - Finland 2.1%
- **Full-/part-time hours:**
 - Part-time Netherlands 22.3%
 - Full-time Poland 91.4%
- **Flexible hours:** Denmark 12.6%