

Working Time Directive - Second stage consultation

BRIEF OUTLINE

The ETUC task force on working time met on 8 September. The briefing included a preliminary outline of the Commission response to the second stage consultation on working time. It is to be noted by EPSU Executive Committee members that this outline is in advance of publication, and may be subject to change.

The ETUC chair stated that there are 5 main areas to be proposed by the Commission:

Individual Opt-Out Clause

The opt-out will be retained. There is a formulation, which states that where possible collective agreements are to be used, or failing that workforce agreements. However there is no provision to compel employers to negotiate collectively.

Reference period

The reference period for the directive will be extended from 4 to 12 months, with no added provision for collective agreements.

On-Call

There will be no third category of working time. Instead the application of the existing working time definition will be applied so that on-call duty in the workplace will be strictly categorised. In practice this will allow for the majority of on-call to be considered as inactive time. This is in direct opposition to the SIMAP and Jaeger judgements.

Work-life balance

Social partners are referenced as the preferred route to improve life-work balance. No addressing of the contradiction between this statement and the previous provisions is made.

Compensatory rest-time for on-call duty has been extended from the following 24 period to 72 hours.

The debate in the ETUC addressed the campaigning elements. It was recognised that the trade union movement needed to move to a more aggressive footing. The issue of health and safety, increasing employment, productivity statistics, and holiday entitlements were seen as campaigning platforms.

For EPSU there was a request to engage with the member state doctor organisations, to build an alliance on the issue. EPSU noted that this would be undertaken through existing networks, so as not to compromise the EPSU role within the social dialogue.

ACTION

- ETUC will organise a hearing in the European Parliament in advance of the commencement of the debate. EPSU has signalled its willingness to be part of this hearing.

- Member affiliates are requested to advise the EPSU secretariat on whether there are any national initiatives or co-ordinated actions.

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