

12. Reports and updates

(i) Negotiations on the Working Time Directive

A	<p>HISTORY OF THE DOCUMENT & POINTS FOR DECISION</p> <p>At its meeting in November 2011 the Executive Committee agreed its position in relation to negotiations between the social partners on the Working Time Directive. The mandate drafted by the ETUC was approved by EC Members. The Executive Committee is invited to note this update on the negotiations so far and the meetings of EPSU's internal Working Time Advisory Group.</p>
B	<p>BRIEF OUTLINE</p> <p>Background to the negotiations</p> <p>The ETUC Executive Committee said that it would undertake negotiations on the basis of clear conditions which reflected also EPSU's position. The mandate circulated to EC members in October was endorsed by 36 titular members, with 10 not expressing a view and one substitute member expressing opposition. Among the key criteria for negotiations to take place were the need to:</p> <ul style="list-style-type: none"> • include the end or phasing-out of the individual opt-out in the near future; • keep the status quo concerning reference periods; and • ensure compliance of the ECJ judgments on on-call time and compensatory rest. <p>Confidentiality</p> <p>It was agreed within the ETUC negotiating team that because of the sensitive and difficult nature of the negotiations there should no public communications on the negotiations and that affiliates should be sensitive about the statements they make on working time issues. EPSU respects this and has also restricted the information it circulates about its Advisory Group meetings (see below).</p> <p>Negotiations</p> <p>The negotiations are between the European social partners at cross-sectoral level – ETUC and the Eurocadres management and professional organisation for the trade unions and BusinessEurope, UEAPME (small and medium employers) and CEEP (public enterprises) for the employers. The EPSU general secretary is a member of the ETUC negotiating team and also represents the European Trade Union Federations on the smaller drafting group.</p> <p>The first negotiations took place on 8 December with the main focus on the structure of the negotiations and the appointment of a chair. Both sides agreed to avoid public statements about the negotiations. The employers have said that they wish to move forward quickly and want to stick to the nine month schedule for the negotiations.</p> <p>The two sides met again on 10 February and 8 March. The employers have put annual leave and long-term sick leave at the top of their agenda. They are concerned about European Court of Justice rulings on the amount of annual leave that can be carried over from one year to the next when a worker is on long-term sick leave. It was expected that the employers would clarify their position at the negotiations due to take place on 20 April.</p> <p>The ETUC has emphasised the need for measures to improve the reconciliation of work and private life, although it has not been made clear whether this would involve negotiations on a separate instrument. Again it was expected that there would be</p>

	<p>further progress on this at the April meeting.</p> <p>The ETUC has also been emphasising the need for more fact-finding on key questions such as the use of the individual opt-out and implementation of the ECJ rulings on on-call time. The employers have agreed to seminar in May which will include contributions from social partners and experts on implementation of the Directive and the ECJ rulings. EPSU has proposed that examples from the UK health service and German fire service be used as examples of how work organisation, working time and staffing have been adapted in order to comply with the Directive and the rulings.</p> <p>EPSU's Working Time Advisory Group</p> <p>All affiliates in the EU and Candidate Countries were invited to nominate members to the group, the aim of which was to assist the General Secretary in her role as member of the ETUC negotiating team and to react to developments during the process of negotiation. There 32 members from 18 countries (see list attached).</p> <p>The group met on 31 January (15 participants from 12 affiliates in seven countries) and 15 March (17 participants from 15 affiliates in 11 countries) and will next meet on 8 June. The first meeting was attended by ETUC deputy general secretary Patrick Itschert who gave his impressions of the first round of negotiations. The group has discussed on-call time at work and the individual opt-out and provided clarification of the situation in each country. It also discussed the possible examples of good practice that could be put forward for the seminar for the negotiators in May.</p> <p>Just before the 15 March meeting the Advisory Group met with two representatives of the European organization for salaried doctors (FEMS) who presented their position on the Working Time Directive emphasizing the importance of full implementation of the European Court rulings on on-call time. It was felt that this was a useful exchange of views with an organization that, while outside of the ETUC, had a similar position on the Directive and represented a large group of workers in areas complementary to EPSU. A similar exchange was also foreseen with UNI-Europa but their representative was unable to attend the meeting.</p> <p>A specific issue being discussed by the Advisory Group and that EPSU hope to put forward in the negotiations is the development of a number of general principles that could be added to the Directive.</p>
	<p>GENDER EQUALITY ASPECTS</p> <p>The reconciliation of work and private and family life is of particular importance to women and that has been raised at an early stage in the negotiations by the ETUC. On-call time at work and long working hours are characteristic of the health and emergency services where women make up the majority of the workforce and an increasing proportion of hospital doctors.</p>
D	<p>BUDGET IMPLICATION(S)</p> <p>The costs of the Advisory Group meetings including room hire, interpretation and some sponsorship is being met out of the Other Projects and Meetings budget.</p>
E	<p>LIST OF RELATED DOCUMENTS</p> <ul style="list-style-type: none"> • ETUC Mandate and 8-9 November 2011 Executive Committee documents available @ http://www.epsu.org/a/8018
F	<p>RELEVANT FILE NUMBERS:</p> <p>Executive Committee</p>