

## Organisation of working time

2004/0209(COD) - 11/05/2005 - Text adopted by Parliament, 1st reading/single reading

The European Parliament requests the right of individual workers to opt out of the maximum 48-hour working week to be scrapped 3 years after the new working hours directive enters into force (Amendment 20 adopted with 378 votes in favour, 262 against with 15 abstentions). They also want hours "on-call" to count as working time in most cases. Parliament took these decisions when it adopted a legislative report by Alejandro CERCAS (PES, ES) by 355 votes to 272 against, with 31 abstentions. (Please refer to the summary dated 20/04/2005).

Members thus disagree with the proposal put forward by the European Commission, which would keep the individual opt-out while tightening up the conditions for its application. Again in contrast to the Commission, MEPs want the entire period of any time spent on-call, including the "inactive part", to be regarded as working time. But it was decided that Member States could allow inactive parts of on-call time to be calculated in special ways in order to comply with the maximum weekly average working time. MEPs also clarify the definitions of "on-call time" and "inactive part of on-call time."

MEPs agree in general with the Commission's proposal to extend the reference period over which the average working week is calculated from 4 to 12 months, but Members want to strengthen the conditions. According to the rapporteur, extending the reference period meets reasonable concerns regarding the flexibility of regulations, but it has to be guaranteed that it's implemented reasonably with checks and a guarantee of protection of health and safety. That's why Members demand that either a collective agreement is necessary, or, in cases where workers are not covered by collective agreements, workers have to be consulted in an appropriate way and measures have to be taken to prevent any health and safety risks.

In further amendments to the Commission's text, MEPs decided that working hours should be organised in such a way as to give employees the opportunity for life-long learning. They also want to achieve the right balance between reconciling work and family life and the need for more flexible organisation of working time. And they want to make it clear that workers who have more than one employment contract are covered by the directive, so another amendment spells out that an individual's working time must be calculated as the sum of the periods under each of the contracts.

An amendment proposed by the GUE/NGL aiming to reject the Commission proposal was rejected by 531 votes against, 82 for and 29 abstentions.

It should be noted that the British labour MEPs voted in favour of the amendments, against the position taken by their government within the Council. For its part, the Commission reaffirms its position which remains unchanged on the issue of 'opt out' as well as on 'on call'. It did suggest that it would study the European Parliament's vote before examining the common position.