

Road transport, organisation of working time: mobile workers and self-employed drivers

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The committee adopted the report by Stephen HUGHES (PES, UK) amending the Council's common position under the codecision procedure (2nd reading). The committee essentially retabled a number of amendments from Parliament's first reading which had not been taken up by the Council and introduced new amendments deleting or tightening up certain provisions of the common position. The reinstated first reading amendments dealt with the following key issues: - while accepting that self-employed drivers should be temporarily excluded from the directive, the committee reiterated its belief that they should be automatically included after a specified period (3 years after the deadline for transposition of the directive). Moreover, the transposition period itself should be 2 rather than 3 years; - there should be a clearer and more precise definition of self-employed drivers. Member States should also ensure that self-employed drivers maintained a record of their working time and that records were kept for at least 2 years. Member States should carry out controls on working times equivalent to at least 2% of all the working days in this sector; - there should be a clearer definition of working time for both self-employed drivers and mobile workers, so as to include stand-by duty and time during which certain activities were undertaken; - there should be more specific definitions of night time and night workers. Night work should not exceed 8 hours (as opposed to 10 hours) per 24-hour period. This could be extended to 10 hours if an average of 8 hours a day was not exceeded within a reference period to be determined after consultation of both sides of industry; - derogations should be allowed only as regards maximum weekly working time and only as a result of collective agreements. Derogations on night work should not be allowed; - "periods of availability" and their foreseeable duration should be known by the worker at least one day in advance and prior to completion of the previous shift, rather than just before departure. One amendment sought to delete the new provision in the common position whereby mobile workers driving in a team were considered as benefiting from a "period of availability" when they were not actually driving but were sitting next to the driver or on the couchette while the vehicle was in motion. As they could often be called upon to navigate or do administrative work while the vehicle was moving, the committee argued that this period should count as working time. Another amendment aimed to ensure that, within one year of the directive coming into force, the Commission presented a proposal revising Regulation 3820/85 on driving time, to include a definition of working time compatible with this directive.