

Revision of Directive 93/104/EEC on the organisation of working time

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The committee adopted the own-initiative report by Alejandro CERCAS (PES, E) on the revision of the 1993 directive laying down a maximum 48-hour working week. The report, adopted by only a narrow majority in the committee, sharply criticised abuses of the individual opt-out clause, especially in the United Kingdom, and called for opt-outs to be abolished as quickly as possible, by 1 January 2007 at the latest. MEPs also urged the Commission to institute an infringement procedure immediately against the UK government, arguing that it was guilty of "widespread and systematic abuse of the directive" and that the number of people working more than 55 hours a week in the UK had increased in the last decade. The report pointed out that a number of other countries were also starting to use opt-outs in some sectors (i.e. health workers in France, Germany, Spain and the Netherlands, and workers in the hotel and catering trades in Luxembourg), thereby undermining the purpose of the directive. With enlargement just round the corner, MEPs therefore wanted the Member States to make a serious effort to find alternatives and wait for a revised version of the directive. While they recognised the need for flexibility in the organisation of work, as currently allowed to employers under the directive, MEPs stressed that the health and safety of workers must not be subordinated to economic considerations. They also called for an EU-wide Member State comparison study on the familial and health repercussions of working long hours and the effect on both sexes. They added that women were more likely to suffer negative effects on their health and well-being if they had to take on the double burden of working life and family responsibilities. Moreover, the "long hours culture" in higher professions and managerial jobs was an obstacle to the upward mobility of women and sustained gender segregation at the workplace. Apart from the opt-out issue, the committee also turned its attention to the actual definition of working hours in the light of recent rulings by the EU Court of Justice that time spent on call by doctors must be regarded as working time. Given the urgency of this issue, MEPs regretted that the lack of comparative studies and concrete data meant that the economic and social impact on the health sector could not be assessed. They therefore called on the Commission to provide the Member States with a clear framework with a view to introducing structural solutions, including possible adjustments to the directive, to resolve the issue of how to define and calculate hours spent on call at the workplace. Lastly, MEPs noted that the Commission's assessment report did not set out clear options for dealing with the problems identified and they recommended that an amended draft directive be drawn up as soon as possible.