Organisation of working time to cover sectors and activities excluded from Directive 93/104/EC

1998/0318(COD) - 24/11/1998 - Legislative proposal

OBJECTIVE: to amend the Directive 93/104/EC concerning the organisation of working time to cover sectors and activities excluded from that Directive. CONTENT: it is planned to amend the working time directive in order to cover non-mobile workers, including doctors undergoing training. The amended directive will also apply to all workers in the rail transport sector (mobile and non-mobile) and so-called "offshore" workers, with specific derogations for these workers. In addition, mobile workers in road, air and inland waterway transport and workers in the sea fishing sector will be guaranteed adequate protection and a limit on their annual working hours. They will also be covered by the provisions of the directive relating to 4 weeks' paid annual leave and by a number of basic provisions for night workers and shift workers, including health assessments. In addition to extending the scope of Directive 93/104/EC, the proposal makes provision for: 1) a number of new definitions: "mobile worker"(i.e. workers in sea fisheries and road and rail transport, travelling personnel and workers in the inland waterway sector). However, this definition does not include seafarers covered by another proposal; "adequate rest" (the definition does not set a figure but proposes an approach which takes account of the damage to the health of the worker or another person); 2) a number of derogations: certain amendments have been proposed in order to clarify that the derogations apply to certain activities excluded in the past from the scope of the directive on working hours. The examples cited refer to "railway staff on board trains", the activities of doctors undergoing training, other workers directly affected by transport services and personnel working in oil production. A new provisional derogation has been introduced with regard to the maximum working week for doctors undergoing training, who may work up to 54 hours per week over a four month reference period. It should be noted that the proposed amendment takes account of the case law of the European Court of Justice on Sunday rest (the provisions of the working time directive on Sunday rest have therefore been deleted).