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

1998/0319(COD) - 24/11/1998 - Legislative proposal

OBJECTIVE: to propose a directive on working time in the road transport sector. CONTENT: this Commission proposal follows from the breakdown in negotiations between the two sides of industry in the road transport sector within the framework of the social protocol procedure. Consequently, the Commission has presented a draft directive setting out provisions governing the minimum working times of mobile workers performing road transport activities, including self-employed workers and drivers. This proposal seeks both to protect the health and safety of workers and to prevent distortions in competition and improve road safety. The proposal also complements the provisions of Regulation 3820/85/EEC laying down common rules on driving and rest times for drivers. The proposal also sets out the following general provisions: 1) the definition of "standby duty" has been incorporated into the working time (e.g. monitoring the vehicle etc.), unlike "standby periods" which are not included in drivers' working time; 1) weekly working time: this has been set at 48 hours a week over a four month reference period, with an absolute maximum of 60 hours per week; 2) work breaks: 6 consecutive hours with at least 30 minute breaks where the working day totals between 6 and 9 hours; 3) rest periods: the provisions of Regulation 3820/85/EEC have been maintained, with an additional clause for mobile workers allowed 11 hour rest periods (this period may be reduced by one hour for workers granted compensatory rest periods); 4) night work: a maximum of 8 hours (possibly 10 hours, if no more than an average of 8 hours a day has been worked over a two month period). The proposal also makes provision: - by way of derogation: for a maximum driving time of 65 hours per week in international passenger transport other than on scheduled routes (this period must be recorded); - for derogations relating to average weekly working times, rest periods and night work, provided that equivalent compensatory rest periods have been granted. The reference period for weekly working times may only be extended to 6 months, rather than the 12 months proposed in the general working time directive. A further derogation has been included to allow a longer, two-part reference period of up to 12 months, provided that the average weekly working time is reduced to 35 hours. 1