

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

1998/0319(COD) - 14/04/1999 - Text adopted by Parliament, 1st reading/single reading

At first reading under cooperation procedure, the European Parliament adopted the report by Hugh R. McMahon (PSE,UK), which approves the Commission proposal for a Council directive concerning the organisation of working time for mobile workers performing road transport activities and for self-employed drivers, subject to amendments, notably in the following areas: - excepting from the proposed directive mobile workers performing passenger transport activities on scheduled routes not exceeding a distance of 50 km; - excepting mobile workers in the emergency services from the provision that the provisions of the proposed directive should take precedence over the relevant provisions of Council directive 93/104/EC and providing that the derogations provided for with regard to activities involving the need for continuity of service or production in Council directive 93/104/EC should continue to apply in this area; - adding to the definition of "working time" within the meaning of the proposed directive, standby duty, checking (as well as supervising) passengers, monitoring of loading and unloading, and administrative formalities and cooperation for checks required by law with police, customs, immigration officers etc; - specifying that standby periods must be known by the mobile worker at least one day in advance and prior to the completion of the previous shift; - defining "night workers" as workers who perform 48 days (rather than a certain proportion to be defined by the Member States' legislation in consultation with the social partners) of their annual working time during night time; - adding a definition of "self-employed drivers" within the meaning of the proposed directive; - providing that a reference period will be determined after consultation with the social partners over which an average maximum daily working time of 8 hours must not be exceeded by night workers (as opposed to a specified reference period of 2 months, proposed by the Commission); - providing that derogations from the provisions with regard to maximum weekly working time and rest periods may only be adopted by means of collective agreements; - deleting other conditions for derogations from maximum weekly working time; - deleting the provision that, for regular passenger transport services over distances of less than 50 kilometres, breaks or layover time may be split into periods of less than 15 minutes duration; - extending the provision that employers record workers' working time to all mobile workers; - providing that, if so requested, the employer shall provide workers with a copy of the records of hours worked; - extending the provision that Member States take measures to ensure that self-employed drivers maintain a record of their working time to cover all self-employed drivers in general; - requiring Member States to carry out controls on working and driving times equivalent to at least 2% of all the working days in this sector, the most important instrument for such controls being the tachograph; - providing that implementation of the proposed directive shall not constitute valid grounds for reducing the general level of protection afforded to workers; - providing that there should be a common range of penalties for infringement of the directive; - requiring Member States to take the necessary steps to ensure that the relationships between shippers, freight forwarders, prime contractors and sub-contractors are regulated through the adoption of obligatory contracts allowing the verification of compliance with the proposed directive.