Organisation of working time: state of implementation of Directive 93/104/EC. Report

2001/2073(COS) - 07/02/2002 - Text adopted by Parliament, single reading

The European Parliament voted 88 votes to 5 with 3 abstentions in favour of the resolution drafted by Mr Ioannis KOUKIADIS (PES, GR). Overall, the House welcomes the fact that new directives cover the areas excluded from the scope of the original directive. However, it regrets the fact that some Member States Member States, in order to avoid reporting the measures missing from full transposition of the directive, resort to the tactic of claiming that their existing legislation covers the provisions of the directive. It also regrets the fact that, although the relevant provisions are worded in such a way as to leave room for manoeuvre, and lengthy transitional periods were provided, many Member States have displayed a reluctance to implement the directive in a correct and timely fashion. Therefore, it calls for an investigation into why the Member States refuse to comply with certain of the directive's provisions and calls on the Commission to examine and report on cases where the directive has supposedly been transposed and effectively applied but which actually make a mockery of the principles of the directive and fail to apply them, because of confusion created by exclusions and exceptions. The Commission is also asked to monitor the effects for the sea fishing and fish processing industries of being covered by different rules and to comment on these effects in its implementation reports. It calls on the Commission to ensure that the Member States which transpose the directive by means of collective labour agreements see to it that all workers are covered. The Commission is called upon to investigate the conditions of application of the directive to new working time patterns such as precarious work, part-time work and fixed-term work. It is suggested that the Commission should study the particular characteristics of the work of home workers, whose numbers are rising as teleworking becomes more widespread, in order to make use of the suggestions contained in the ILO's recommendation of 1996, to encourage the social partners in negotiating the directive on teleworking and to regulate the relevant working time issues. Parliament calls on the Commission to make special checks on the compatibility with the directive of working time regulations governing pregnant women, women in the post-natal period, the disabled, trainees and apprentices, and minors. Lastly, the Parliament stresses that the Commission must ensure that separate laws cover overtime night work and that the uncertainty regarding the method of calculating maximum working time is removed, and accordingly that an overall ceiling on permitted work is clearly set out. It also stresses that since the right to paid leave is a fundamental right, it must be guaranteed for all categories of workers, in proportion to the period of employment spent with an employer; special care should be taken to ensure that paid holidays are included in short term employment contracts. The Commission is called upon to coordinate the monitoring of the application of the Working Time Directive with the monitoring of compliance with the obligations imposed within the framework of the directive on the health and safety of workers, so that the level of protection of all workers regarding health and safety can be assessed as a whole.