

Organisation of working time

2004/0209(COD) - 20/04/2005

The committee adopted the report by Alejandro CERCAS (PES, ES) amending the proposal under the 1st reading of the codecision procedure:

- the definitions of "on-call time" and "inactive part of on-call time" in Article 2 were clarified;
- in contrast to the Commission, MEPs said that the entire period of any time spent on-call, including the inactive part, should be regarded as working time. However, they added that Member States could allow inactive parts of on-call time to be calculated in special ways in order to comply with the maximum weekly average working time;
- it should be made clear that workers who have more than one employment contract are covered by the directive. An individual's working time must therefore be calculated as the sum of the periods worked under each of the contracts;
- working hours must be organised in such a way as to enable employees to reconcile work with family life: workers must be informed well in advance of any change in the working time pattern and have the right to request a more flexible organisation of working time;
- although MEPs agreed with the Commission's proposal that the reference period over which the average working week is calculated could be extended from 4 to 12 months, they imposed more stringent conditions for this option: either the workers concerned should be covered by collective agreements or the employer must inform and consult with the workers and/or their representatives and take measures to prevent any health and safety risks;
- whereas the Commission was proposing to maintain the right of individual workers to opt out of the maximum 48-hour working week, while tightening up the conditions relating thereto, the committee said that the individual opt-out should be scrapped three years after the new directive enters into force;
- the Commission should report to Parliament and the Council every five years on the implementation of the directive and put forward proposals to amend it where necessary "in order to take account of developments in health and safety at the workplace and the reconciliation of family and working life".