



Putting an end to long hours at work

The 48-hour Average Working Week

New rules on working time represent one of the Socialist Group's biggest victories during the legislative period 2004-2009. In the crucial second-reading vote on the Working Time Directive, European law makers voted by a large majority to ban long working hours for millions of people throughout the EU, closing the loophole which has allowed some Governments to opt out of the rules.

Our Success

Negotiations led by Socialist Group rapporteur Alejandro CERCAS (Spain) managed to obtain the support of members of the right-wing EPP-ED & ALDE Groups and win a resounding victory in the Parliamentary votes. On every single amendment, the Socialists put together a majority well in excess of the "qualified majority" (393 votes) needed to overturn the Council of Ministers position, which would have continued to deny protection to millions of workers.

Instead, the European Parliament voted for a 48-hour average working week, with no opt-outs for individual Member States. The day before the crucial vote, some 15 000 workers from across Europe, joined by leading Socialist MEPs, demonstrated on the streets of Strasbourg, demanding working hours that respect health and safety. The Parliament amended the draft Working Time Directive to provide:

- protection of all workers against long working hours which threaten their health and safety;
- recognition of time spent on-call at the workplace as working time;
- new rights to information and consultation on the organisation of working time, with a role also for collective bargaining;
- new rights for workers to adapt their working hours to cope with family and other responsibilities.

Protection for all workers

The European Parliament's historic vote reflected the Socialist Group's insistence that limits on excessive working hours are a matter of health and safety, as recognised by the European Court of Justice. As such, they must be respected by all European governments in order to protect workers from the ill health and accidents proven to be linked to persistent long working hours - and to protect European business from unfair competition in the internal market. The new directive also aims at raising European competitiveness, in the light of massive evidence that workers are more productive when they have adequate resting time.

The Parliament's position, brokered by Alejandro CERCAS, is careful to allow for enough flexibility to accommodate peak periods in the organization of working time. For example, a worker who needs to work more than 48 hours for several weeks or months is accommodated

by the new rules, which allow working time to be averaged over 12 months, to meet the 48-hour average.

The battle's far from over

Following the comprehensive defeat of the Council's position in the European Parliament, negotiations between the two institutions began to find an agreement and finalise legislation on a 48-hour average working week.

After arduous and lengthy negotiations, the Parliament delegation unanimously rejected the last offer from the Council. This was the first time since the entry into force of the Amsterdam Treaty in 1999 that Parliament and Council had failed to reach agreement on legislation.

The main issues for not finding an agreement were:

Opt-out

The Socialists and the majority of the European Parliament delegation insisted on ending the "opt-out" after a transitional period. Due to a blocking minority in the Council no compromise proposal on this issue was acceptable to the Council. In addition, the Council could not consent to a toughening of the conditions for making use of the "opt-out".

On-call time

The Socialists and the majority of the European Parliament delegation considered on-call time as working time. The Council insisted on a distinction between *active* and *inactive* on-call time whereby the latter was not fully counted in the calculation of working time. This was totally unacceptable for the Socialist Group. The Parliament delegation submitted a compromise which was rejected by Council.

Multiple Contracts

The Council rejected the Socialist request to specify in the Directive that limits to working time are calculated "per worker" and not "per contract" (to avoid evasion through multiple employment contracts).

It's the Commission's turn

A new consultation of the social partners on the Working Time Directive started in 2010. After two years of intensive discussions and negotiations, trade unions and employers recognized that their differences were still too marked to move closer to legislation. In particular, the employers refused to introduce a 48-hour average working week with no opt-outs or derogations for individual Member States. Even if the battle proves hard and long, the Socialists and Democrats will continue to fight to protect all workers against long working hours, and for the time spent on-call at the workplace to be always recognized as working time. Despite calls from trade unions and the S&D Group in the European Parliament, the Commission is reluctant to present a new legislative proposal which could be dealt with before the end of the legislative period 2009-2014.