



European Federation of Public Service Unions (EPSU)

Press Communication, 22 December 2010

EPSU argues that end of individual opt-out has to be part of working time review

Around 12% of the EU workforce - over 28 million people - still work more than 48 hours a week, according to the fifth European Working Conditions Survey*. This is down from 15% in 2000 but marks very slow progress and reflects the fundamental weakness at the heart of the Working Time Directive - the individual opt-out.

Yesterday the European Commission launched a second phase review of the Working Time Directive. The consultation suggests one way forward is to concentrate on the issues of on-call time at work and compensatory rest. EPSU believes these are vital issues and that on-call time at work should be treated as working time in line with the European Court Judgements (SIMAP, Jaeger). However, these two issues cannot be resolved in isolation from the opt-out.

EPSU has argued that the Commission should have taken much firmer action to ensure full compliance with the Working Time Directive and the European Court judgements and it certainly should have done more to investigate and reinforce the failure to implement guidelines around the opt-out. The Communication admits that: "the current provisions in Article 22(1) [the individual opt out] have remained largely ineffective."

While EPSU will provide evidence for a broad review of working time issues it is not yet convinced that cross-industry or sectoral negotiations would be an appropriate way to resolve the problems of the Working Time Directive. However, the Federation will be consulting closely with its member organisations over the next weeks in preparing its response to the consultation.

The deadline for responses to the consultation is 28 February 2011.

The Communication and other relevant documents are available on the DG Employment website:

http://ec.europa.eu/commission_2010-2014/andor/index_en.htm

EPSU's response to the first phase consultation is available here: <http://www.epsu.org/a/6584>

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* This contradicts the figure in the Communication that only 9% of the EU workforce work over 48 hours a week.

EPSU is the European Federation of Public Service Unions. It is the largest federation of the ETUC and comprises 8 million public service workers from over 250 trade unions; EPSU organises workers in the energy, water and waste sectors, health and social services and local and national administration, in all European countries including in the EU's Eastern Neighborhood. EPSU is the recognized regional organization of Public Services International (PSI).