

Employment

Commission admits failure over Working Time Directive

By Sophie Petitjean | Friday 17 May 2013

There will be no legislative proposals on working time under the current Commission. Following the failure of negotiations between social partners, the European Commission has said that it will launch a new impact assessment on the review of the directive after the summer, and that the conclusions of the study, which should last six months, will subsequently be passed on to the new Commission.

This decision is a real admission of failure for José Manuel Barroso's team, which has been trying to clarify existing legislation since the beginning of its mandate. Directive 2003/88/EC lays down a series of rules on maximum weekly working hours, daily and weekly rest times, break times, annual leave and the duration of night shifts. Nonetheless, a series of problems are left unresolved, and these have led to several judgements from the EU Court of Justice, such as the on-call time in certain sectors, the possibility of providing more flexibility in some sectors when calculating weekly working times, and derogations from the 48-hour limit (the 'opt-out' clause).

In 2003, the European Commission submitted a new proposal to its co-legislators – but this was dropped six years later. The main blockages between the two institutions concerned the opt-out clause (which Parliament wanted to remove) and on-call time (which MEPs wanted to assimilate into working time). Social partners subsequently tried to revive the dossier, but without success: on 14 December 2012, they recognised that the differences of opinion between unions and employers were still too marked. Therefore, the dossier is not ready to move ahead towards legislation.