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### CONFERENCE ON “WORKING FOR BETTER TIMES” 9 FEBRUARY 2011

#### ROUNDTABLE ON PERSPECTIVES FOR A MODERN WORKING TIME POLICY AND REVISION OF THE WORKING TIME DIRECTIVE

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1. A modern working time policy: what does it mean for business?
  - Working time is a core issue for companies. It is critical for the organisation of production and provision of goods and services.
  - It affects the competitiveness of companies and their ability to respond to clients' and consumers' demands.
  - It is an important element of collective bargaining in many countries and companies in Europe.
  - Working time flexibility is crucial for companies to enhance their productivity to deal with increased competitive pressure.
  - It allows them to be more adaptable to changes in the market.
  - It allows them to organize working time to adapt to fluctuations in demand.
  
  - We share the Commission's view that the world of work has changed considerably. These changes have had a profound impact on the organisation of working time and working patterns at national and company level and for individual workers.
    - Globalization has led to increased competitive pressure and changes to the way services are provided
    - More jobs in services sector and knowledge-intensive sectors which means different types of work
    - More use of ICT so that an increasing number of jobs are done in a mobile way and more autonomously
    - An increased need to reconcile work and family life leading to a preference for more working time flexibility
    - A growing individualization of working time due to increased diversity of the labour force, including a growing number of employees which have the possibility to organize their work schedules themselves
    - An increasing variety of working patterns, in addition to traditional working patterns, which makes it difficult to speak about a standard way of working or category of worker.
  
  - Companies have responded to these changes by developing new approaches to workforce management; by developing a variety of working time practices and arrangements which can benefit workers.



- A modern working time policy must allow companies to continue to find working time arrangements which are practical and tailor-made. It is at company level that the best solutions can be found.
- A modern working time policy must allow for effective implementation by companies in member states. This is the best way to ensure protection of health and safety at work, as the objective of the directive.
- It should also be recognized that increased working time flexibility is also desired by many employees.
- In sum, the needs of employers and employees are diverse. The main objective of working time regulation should remain protection of workers' health and safety, whilst allowing for working time flexibility to fit these diverse needs.

## 2. The review of the working time directive

- The working time directive is complex, with overly prescriptive and detailed rules. Many of these are difficult to apply.
- Since adoption of the directive, social partners at national, sectoral and company level have devised suitable working time arrangements. Existing arrangements must be safeguarded.
- It is important to avoid a revision of the directive which would reduce the scope of companies to organize working time and social partners to come up with win-win solutions.
- The key issue to deal with at EU level is on-call time due to ECJ rulings on Simap and Jaeger. These led to new constraints for member states to implement the directive, legal uncertainty and financial pressure.
- Regarding this issue, the present situation is not satisfactory.
- This is not only an issue for the public sector/health sector – the private sector is also affected.
- Issues arising from the ECJ ruling on accrual of paid annual leave while on long-term sick leave (Schultz-Hoff) also need to be addressed.
- For companies, the possibility to opt-out from the maximum weekly working hours should be retained.
- It is often necessary to work over the 48-hour limit, for example to deal with seasonal fluctuations or respond to changes in demand.
- We welcome that the Commission has acknowledged that it is not realistic to ask all those member states that use the opt-out to refrain from doing so and that it does not want to reopen a debate on its abolition.
- With changes in working patterns, a flexible approach to daily and weekly rests is also important.