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EUROPEAN FEDERATION OF SALARIED DOCTORS**

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According to its mission the European Commission must also ensure the implementation of European Laws and regulations (see here attached communication).



## EUROPEAN COMMISSION - PRESS RELEASE

### **Working time: Commission requests Ireland and Greece to comply with the EU rules on limits to working time in public health services**

Brussels, 29 September 2011 – The European Commission has requested Ireland and Greece to ensure full compliance with the EU rules on limits to working time for doctors in public health services. The request takes the form of a 'reasoned opinion' under EU infringement procedures. Ireland and Greece now have two months to inform the Commission of measures they have taken to bring their legislation into line with EU law. Otherwise, the Commission may decide to refer Ireland and Greece to the EU's Court of Justice.

In Ireland's case, national law provides for limits to doctors' working time, but in practice public hospitals often do not apply the rules to doctors in training or other non-consultant hospital doctors. There are still numerous cases where junior doctors are regularly obliged to work continuous 36-hour shifts, to work over 100 hours in a single week and 70-75 hours per week on average, and to continue working without adequate breaks for rest or sleep.

For Greece, doctors working in public hospitals and health centres often have to work a *minimum* average of 64 hours per week and over 90 hours in some cases, with no legal maximum limit. There is no legal ceiling to how many continuous hours they can be required to work at the workplace, and they often have to work without adequate intervals for rest or sleep.

The Commission considers this situation a serious infringement of the EU's Working Time Directive. Excessive working hours, combined with lack of minimum rest, create well-established risks for workers' health and safety. Over-tired doctors also risk making mistakes which can have serious consequences for their patients.

A letter of formal notice was sent to Ireland in November 2009 and to Greece in October 2008. Despite some changes as a result, the Commission's assessment is that compliance with the EU rules has not improved substantially in practice. Therefore, the Commission has taken the step of addressing a reasoned opinion to Ireland and Greece.

## Background

Under the [Working Time Directive](#), workers are entitled on health and safety grounds to a maximum limit to their working time. This may not exceed 48 hours per week on average, including any overtime. Workers are also entitled to a minimum 11 hours' uninterrupted rest per day, and a minimum additional uninterrupted weekly rest of 24 hours. There is some flexibility to postpone minimum rests for justified reasons, but only provided the worker can still take all the missed rest hours soon afterwards.

Employed doctors have at all times been covered by the Working Time Directive. However, for doctors in training, the limit to working time was phased in gradually, under special rules, over the period 2000-2009. Since 1 August 2009, the 48-hour limit applies to doctors in training (in a small number of Member States, not including Ireland and Greece, a transitional limit of 52 hours continued to apply till 31 July 2011). The Directive's rules on minimum rest periods have applied in full to doctors in training in all EU Member States since 1 August 2004.

Consultant doctors may be exempt from the Directive's main provisions under an exception for workers who are sufficiently senior to exercise real autonomy over the amount and timing of their working hours. Self-employed persons fall outside the scope of the Directive.

The so-called 'opt-out', which allows working longer than 48 hours on average if the worker freely consents, is not relevant here, as Ireland and Greece do not use this provision. Moreover, the Directive does not allow any 'opt-out' from the minimum rest requirements.

## Further information

Working Time Directive

<http://ec.europa.eu/social/main.jsp?catId=706&langId=en&intPageId=205>

For more information on infringement procedures:

[http://ec.europa.eu/eu\\_law/infringements/infringements\\_en.htm](http://ec.europa.eu/eu_law/infringements/infringements_en.htm)

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