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### **Opt-out and on-call time remain fundamental issues in working time debate**

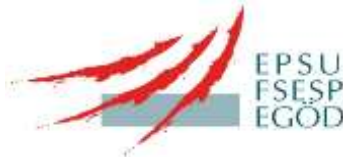
(Brussels 21 February ) Representatives 23 of the European Federation of Public Services Unions (EPSU) affiliates from 12 countries met on Friday 18 February to discuss the second phase of the European Commission's consultation over the Working Time Directive.

The meeting was organized to assist EPSU in preparing its response to the European Commission. The meeting was clear on a number of fundamental points. Firstly, the European Commission's proposals to amend the Directive came at a time of unprecedented pressure on the public services combined with calls from the European Union for more flexibility in labour markets. In this context EPSU thinks that it is all the more important to defend the minimum standards of the Directive.

The individual opt-out continue to undermine the effectiveness of the Directive as an essential piece of health and safety legislation and so abolition remained a central aim for public services unions. The European Court of Justice had delivered important rulings on on-call time at work that enhance workers' rights and codification of these in the Directive were also vital.

Overall, EPSU holds skepticism about the scope for any kind of negotiation on working time, as there was very little of a positive nature on offer from the European Commission. However, the approach could be one of negotiation on the basis of clear criteria, such as phasing out of the opt-out and implementation of the ECJ rulings.

The EPSU secretariat would take account of the discussion in drawing up its formal response to the Commission next week. For further information please contact Richard Pond [rpond@epsu.org](mailto:rpond@epsu.org) or Pablo Sanchez [psanchez@epsu.org](mailto:psanchez@epsu.org) , 00 32 (0) 4 74 62 66 33



*European Federation of Public Service Unions (EPSU)*

**EPSU Press Communication - 1st March 2011**  
**Commission urged to take account of latest research on working time**

EPSU, the European Federation of Public Service Unions, sent a clear message to the European Commission calling for the protection provided by the Working Time Directive to be upheld and urging the Commission to take more account of the research it specifically commissioned.

EPSU general secretary **Carola Fischbach-Pyttel** said: *"It is disappointing that the Commission's Communication seems to ignore many of the findings of the report by the Deloitte consultancy. The Communication continues to call for greater flexibility without providing the concrete evidence to support its case and fails to take account of some of Deloitte's key findings."*

EPSU's response to the second phase of consultation on the Directive restates the call to end the individual opt-out and to codify the important European Court of Justice (ECJ) rulings on on-call time (SIMAP, Jaeger and Dellas). The Federation also wants clearer rules to prevent any delay in taking compensatory rest and doesn't believe that there should be any changes to the reference periods without the protection of collective bargaining.

Despite the Commission's claims that the spread of the individual opt-out makes its abolition "unrealistic", EPSU joins with the rest of the European trade union movement in arguing for an end to a clause that makes a nonsense of this fundamental piece of health and safety legislation.

**Ms Fischbach-Pyttel** added: *"The Commission has asked if trade unions are willing to negotiate on some key working time issues but offers a one-sided bargaining agenda. We would consider negotiations but we need to set some minimum criteria. The Commission talks about maintaining the opt-out, watering down the ECJ rulings and allowing employers more flexibility in calculating the 48-hour maximum working week. All that seems to be on offer to compensate for this weakening of a central piece of social legislation are some vague promises about new information rights and individual rights to ask for flexible working."*

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*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).*

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