

Social Affairs

WORKING TIME

Directive [2003/88/EC](#) of the European Parliament and of the Council of 4 November 2000 concerning certain aspects of the organisation of working time

Objective

To harmonise certain aspects of the organisation of working time in the Member States and provide for minimum rules regarding working hours, resting periods and night work with a view to protect workers health and safety.

Relevance for the hospitality industry

The Directive on working time is of major importance for our sector as it is a large employer. Flexible working time arrangements are crucial for the maintenance of the services provided by hotel, restaurant and cafés.

State of progress

Directive [93/104/EC](#) on the organisation of working time was adopted on 23 November 1993.

On 22 June 2000, Directive [2000/34/EC](#) concerning certain aspects of the organisation of working time was adopted. This Directive amended the previous Directive ([93/104/EC](#)) to cover sectors excluded from the original legal framework.

A new consolidated version of the working time Directive [2003/88/EC](#) was adopted in November 2003 and entered into force on 2 August 2004. It repealed the previous Directives [93/104/EC](#) and [2000/34/EC](#).

On 22 September 2004, the European Commission presented a new proposal for a Directive amending Directive [2003/88/EC](#) on the organisation of working time. After 5 years of discussions, no agreement could be reached between the Council and the Parliament. The main points of divergence between the two institutions were the opt-out clause and the qualification of “on-call time”. As a result Directive [2003/88/EC](#) remains in place.

The European Commission could, however, issue a new proposal and initiate again the legislative process. A consultation of the European social partners is announced for 28 October 2009.

Content

The current Directive lays down minimum safety and health requirements for the organisation of working time. Its aim is to ensure that workers have minimum breaks and minimum daily, weekly and annual rest periods. The Directive includes provisions for the protection of night workers.

The maximum working week is fixed at 48 hours calculated as an average over four months as a general rule. Derogations are possible for certain sectors and activities, including the tourism sector. The reference period for weekly working time can be extended to six months by national law and to twelve months by collective agreement.

Opt-out clause: Member States are allowed to opt-out from the general principle of 48 hours working week with a maximum limit of 78 hours. At present 15 Member States allow total or sectoral opt-outs from the maximum 48 hours working week.

For a summary of this Directive you can visit the [SCADplus](#) website (European Commission).

HOTREC position

HOTREC is of the opinion that the opt-out clause should be maintained, as flexible working-time arrangements are crucial for the hospitality industry.

Official references

Directive [2003/88/EC](#) of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time, O.J. L 299, 18.11.2003.

See also

Proposal ([COM \(2004\) 0607 final](#)) for a Directive of the European Parliament and of the Council amending Directive 2003/88/EC concerning certain aspects of the organisation of working time. (Not supported by the Parliament and the Council)

Council Directive [2000/34/EC](#) of the European Parliament and of the Council of 22 June 2000 amending Council Directive 93/104/EC concerning certain aspects of the organisation of working time to cover sectors and activities excluded from that Directive, O.J. L 195, 1.8.2000

Council Directive [93/104/EC](#) of 23 November 1993 concerning certain aspects of the organisation of working time, O.J. L 307, 13.12.1993