



EU bibliographies: working time directives

Standard Note: SN/IA/4978

Last updated: 15 March 2011

Author: Emma Clark

Section International Affairs and Defence Section

The EC Working Time Directive (93/104/EC of 23 November 1993), was implemented in the UK by the Working Time Regulations 1998, SI No.1833 with effect from 1 October 1998. In 2009 proposals for further amendment to the Working Time Directive lapsed because the European Parliament and Council could not reach agreement on the draft directive, and no compromise could be reached in conciliation. The current directive remains in force. In 2010 the European Commission initiated a review of the Directive. The Commission may publish a new proposal to amend the Working Time Directive later in 2011. This Note brings together documents relevant to legislation and draft directives on the application of Working Time rules. It is not an attempt to define policy in this area. For information on policy developments contact Douglas Pyper on extn 3976. See also Library Research Papers and Standard Notes listed.

This information is provided to Members of Parliament in support of their parliamentary duties and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as being up to date; the law or policies may have changed since it was last updated; and it should not be relied upon as legal or professional advice or as a substitute for it. A suitably qualified professional should be consulted if specific advice or information is required.

This information is provided subject to [our general terms and conditions](#) which are available online or may be provided on request in hard copy. Authors are available to discuss the content of this briefing with Members and their staff, but not with the general public.

Contents

1	Current Commission review of the Working Time Directive	3
	Review documents	3
	UK scrutiny	3
2	Attempt to amend the Working Time Directive	3
	Draft legislation and selected documents.	3
	UK scrutiny	5
3	Previous review of the Working Time Directive	5
	Review documents	5
	UK scrutiny and documents	5
4	Working Time Directives – legislation, proposals and UK scrutiny	6
	4.1 Directive 93/104/EC (original legislation on organisation of working time)	6
	4.2 Directive 2003/88/EC (aspects of the organisation of working time)	6
	Relating to specific sectors	6
	4.3 Directive 2009/13/EC (seafarers)	6
	4.4 Draft legislation (transport sector)	7
	4.5 Directive 2005/47/EC (cross border services in the railway sector)	7
	4.6 Directive 2000/79/EC (mobile workers in civil aviation)	7
	4.7 Directives 2000/34/EC (organisation of working time), 2002/15/EC (road transport), 99/63/EC (seafarers), and 99/95/EC (seafarers)	8
5	Selected European Commission documents	9
6	Working Time Directives – Implementation in the UK	10
	Selected UK Statutory Instruments	10
	Selected UK Statutory Instruments relating to specific sectors	10
7	Selected European Court of Justice case law	10
8	UK Parliament – recent activity	11
9	Related Library Research Papers and Standard Notes	13
10	Internet links	14

1 Current Commission review of the Working Time Directive

Review documents

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on reviewing the Working Time Directive. [5068/2011](#); COM(2010)801.

Commission Staff Working Paper "Detailed overview of the replies received from the social partners at European level to the first-phase consultation under Article 154 TFEU on Reviewing the Working Time Directive" Accompanying document to the - Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Reviewing the Working Time Directive. [5068/2011/ADD1](#), SEC(2010)1610.

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions reviewing the Working Time Directive. [8320/2010](#); COM(2010)106.

Fresh round of consultation on review of EU working time Directive begins as new implementation report published. [Press Release IP/10/1760](#). 21 December 2010.

European Commission launches first step towards review of working time rules. [Press Release IP/10/345](#). 24 March 2010.

Working Time Directive – first stage consultation of social partners. [MEMO/10/99](#). 24 March 2010.

UK scrutiny

House of Commons – European Scrutiny Committee

Nineteenth report, 2010-11, 16 February 2011, [HC 428-xvii 2010-11](#)

2 Attempt to amend the Working Time Directive

In 2009 proposals to amend the Working Time Directive lapsed as agreement could not be reached on certain aspects including consideration of the 'opt out' from the 48 hour limit on the working week.

Draft legislation and selected documents.

European Parliament and Council: Conciliation Committee results, 29 April 2009.

The Conciliation Committee decided that it was not possible to reach an agreement on the proposed directive on working time. This decision, which was adopted by an overwhelming majority within the EP delegation on the Committee (15 votes to 0, with five abstentions), brought to an end nearly five years of negotiations.

Parliament and Council could not find a compromise on three crucial points: the opt-out, on-call time and multiple contracts.

The main stumbling block was the opt-out clause, which Parliament had wanted to become exceptional and temporary. However, the Council had been unwilling to put an end to the opt-out.

Parliament had also sought to defend the position upheld in rulings by the European Court of Justice, whereby on-call time should be regarded as working time. It felt that the proposals from the Commission and the Council on this issue represented a step backwards compared with ECJ rulings.

Finally, no substantive agreement could be reached on the issue of multiple contracts. For workers covered by more than one employment contract, Parliament considered that working time should be calculated per worker and not per contract.

As no compromise could be found in conciliation, the proposal now lapses and the current directive remains in force. The Commission may, if it so chooses, draft a new proposal from scratch which would again have to be submitted to Parliament for scrutiny. It should be noted that this was the first time that no agreement had been reached at the conciliation stage since the entry into force of the Amsterdam Treaty which significantly extended the scope of the codecision procedure.

Opinion of the Commission on the European Parliament's amendments to the Council's common position regarding the proposal 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. [COM\(2009\)57](#)

[European Parliament legislative resolution of 17 December 2008](#) on the Council common position for adopting a directive of the European Parliament and of the Council amending Directive 2003/88/EC concerning certain aspects of the organisation of working time.

Working Time Directive: No exceptions to the 48-hours maximum working week and opt-out scrapped after three years say MEPs, [Press Release](#), 17 December 2008.

Communication from the Commission to the European Parliament pursuant to the second subparagraph of Article 251 (2) of the EC Treaty concerning the common position of the Council on the adoption of a proposed Directive of the European Parliament and of the Council amending Directive 2003/88/EC concerning certain aspects of the organisation of working time. [COM\(2008\)568](#)

Common Position (EC) No 23/2008 of 15 September 2008 adopted by the Council, acting in accordance with the procedure referred to in Article 251 of the Treaty establishing the European Community, with a view to the adoption of a Directive of the European Parliament and of the Council amending Directive 2003/88/EC concerning certain aspects of the organisation of working time. [OJ C 254E](#) , 7.10.2008, pp 26–35.

Amended proposal 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. [9554/2005](#); COM(2005)246

Opinion of the European Economic and Social Committee on the Proposal 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. [OJC 267](#), 27.10.2005, pp16-21

Proposal 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. [12683/2004](#); COM(2004)607.

Commission proposes revision of Working Time Directive. [Press Release IP/04/1129](#). 22 September 2004.

Frequently Asked Questions about working time. [Background Note: MEMO/04/219](#). 22 September 2004

For additional relevant documents;
European Parliament [Legislative Observatory](#)
European Commission [PreLex](#)

UK scrutiny

House of Commons – European Scrutiny Committee
Twenty-eighth report, 2007-08, 25 June 2008, [HC 16-xxv 2007-08](#)

First report, 2005-06, 4 July 2005, [HC 34-i 2005-06](#)

Thirty-fourth report, 2003-04, 27 October 2004, [HC 42-xxxiv 2003-04](#)

House of Lords - European Union Select Committee
“Working time and temporary agency workers: towards EU agreement”, twenty-sixth report, 2007-08, 21 October 2008, [HL 170 2007-08](#)

“Modernising European Union labour law: has the UK anything to gain?”, Twenty-second report, 2006-07, 27 June 2007, [HL 120 2006-07](#)

3 Previous review of the Working Time Directive

Review documents

Communication from the Commission to the Council, The European Parliament, the European Economic and Social Committee and the Committee of the Regions concerning the re-examination of Directive 93/104/EC concerning certain aspects of the organization of working time. [COM\(2003\)843](#); 5188/04

Frequently Asked Questions about working time. [Background Note: MEMO/04/1](#). 5 January 2004.

UK scrutiny and documents

House of Commons - European Scrutiny Committee
Ninth report, 2003-04, 4 February 2004, [HC 42-ix 2003-04](#).

House of Commons – Standing Committee
European Standing Committee C, [24 March 2004](#).

House of Lords - European Union Select Committee
“Working time directive: a response to the European Commission's review”. Ninth report, 2003-04, 8 April 2004, [HL 67 2003-04](#)

Debates in Parliament
HL Deb 2 July 2004, [663 c481-506](#)

4 Working Time Directives – legislation, proposals and UK scrutiny

4.1 Directive 93/104/EC (original legislation on organisation of working time)

Council Directive 93/104/EC concerning certain aspects of the organisation of working time. [DIR93/104/EC](#), OJL 307 13.12.1993

Re-examined proposal for Council Directive concerning certain aspects of organisation of working time. 9934/93; COM(1993)578. [Internet link not available].

Amendment to proposal for Council Directive on the organisation of working time. 5950/91; COM(1991)130, OJ C 124, 14.5.1991. [Internet link not available].

Proposal for Council Directive concerning certain aspects of the organisation of working time. 8073/90; COM(1990)317, OJ C 254, 9.10.1990. [Internet link not available].

UK scrutiny

House of Commons - European Legislation Committee

Fourth report, 1993-94, 19 January 1994, [HC 48-iv 1993-94](#)

First report, 1991-92, 6 November 1991, [HC 24-i 1991-92](#)

Twenty second report, 1990-91, 5 June 1991, [HC 29-xxii 1990-91](#)

First report, 1990-91, 14 November 1990, [HC 29-i 1990-91](#)

House of Commons – Standing Committee

European Standing Committee B Deb, 20 March 1991. [Internet link not available].

4.2 Directive 2003/88/EC (aspects of the organisation of working time)

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. [DIR2003/88/EC](#), OJ L 299, 18.11.2003

Proposal for a Directive of the European Parliament and of the Council concerning certain aspects of the organisation of working time (codified version). [10656/2002](#); COM(2002)336.

For additional relevant documents:

European Parliament [Legislative Observatory](#)

European Commission [PreLex](#)

UK scrutiny

House of Commons - European Scrutiny Committee

Thirty-Eighth report, 2001-02, 16 October 2002, [HC 152- xxxviii 2001-02](#)

Relating to specific sectors

4.3 Directive 2009/13/EC (seafarers)

Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC. [DIR2009/13/EC](#), OJL 124, 20.5.2009.

Proposal for a Council Directive implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers'

Federation (ETF) on the Maritime Labour Convention, 2006 and amending Directive 1999/63/EC. [11588/2008](#); COM(2008)422

For additional relevant documents;
European Commission [PreLex](#)

UK scrutiny

House of Commons – European Scrutiny Committee

Thirty-Second report, 2007-08, 10 September 2008, [HC 16-xxix 2007-08](#)

4.4 Draft legislation (transport sector)

Proposal for a Council Directive of the European Parliament and of the Council amending Directive 2002/15/EC on the organisation of the working time of persons performing mobile road transport activities. [14461/2008](#); COM(2008)650

Proposal withdrawn by the European Commission.

For additional relevant documents;
European Parliament [Legislative Observatory](#)
European Commission [PreLex](#)

UK scrutiny

House of Commons – European Scrutiny Committee

Second report, 2008-09, 17 December 2008, [HC19-ii 2008-09](#)

4.5 Directive 2005/47/EC (cross border services in the railway sector)

Council Directive 2005/47/EC of 18 July 2005 on the Agreement between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector. [DIR2005/47/EC](#), OJL 195, 27.7.2005.

Proposal for a Council Directive on the agreement between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers assigned to interoperable cross-border services. [6364/2005](#); COM(2005)32.

For additional relevant documents:
European Parliament [Legislative Observatory](#)
European Commission [PreLex](#)

UK scrutiny

House of Commons - European Scrutiny Committee

Twelfth report, 2004-05, 23 March 2005, [HC 38-xii 2004-05](#)

First report, 2005-06, 4 July 2005, [HC 34-i 2005-06](#)

House of Commons – Standing Committee
European Standing Committee, [17 July 2005](#)

4.6 Directive 2000/79/EC (mobile workers in civil aviation)

Council Directive 2000/79/EC concerning the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation concluded by the Association of European Airlines (AEA), European Transport Workers Federation (ETF), European Cockpit

Association (ECA), European Regions Airline Association (ERA) and International Air Carrier Association (IACA). [DIR2000/79/EC](#), OJL 302, 1.12.2000.

Proposal for a Council Directive concerning the European Agreement on the Organising of Working Time of Mobile Workers in Civil Aviation concluded by the Association of European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carriers Association (IACA). [EC DRAFT 9844/2000](#); COM(2000)382. OJC 337E, 28.11.2000.

UK scrutiny

House of Commons - European Scrutiny Committee

Twenty-Sixth Report, 1999-2000, 26 July 200, [HC 23-xxvi 1999-2000](#)

4.7 Directives 2000/34/EC (organisation of working time), 2002/15/EC (road transport), 99/63/EC (seafarers), and 99/95/EC (seafarers)

Directive 2000/34/EC of the European Parliament and Council amending DIR93/104/EC concerning certain aspects of organisation of working time to cover sectors and activities excluded from that Directive. [DIR2000/34/EC](#), OJL 195 01.08.2000

Amended proposal for European Parliament and Council Directive amending DIR93/104/EC of 23.11.93 concerning certain aspects of organisation of working time to cover sectors and activities excluded from that Directive together with the Commission's opinion on the European Parliament's amendments [EC DRAFT 5595/2000](#); COM(1999)699 - 26.01.2000.

Proposal for Council Directive amending DIR93/104/EC of 23.11.93 concerning certain aspects of organisation of working time to cover sectors and activities excluded from that Directive. (Contained in EC CONS DOC 13526/98) [EC DRAFT 13526/98/1](#); COM(1998)662, OJC 43 17.02.1999.

Directive 2002/15/EC of the European Parliament and Council on the organisation of the working time of persons performing mobile road transport activities. [DIR2002/15/EC](#), OJL 80, 23.03.2002.

Amended proposal for a Directive of the European Parliament and the Council concerning the organisation of working time for mobile workers performing road transport activities and for self employed drivers. [EC DRAFT 13972/2000](#); COM(2000)754, OJ C 120E, 24.4.2001.

Proposal for Council Directive concerning the organisation of working time for mobile workers performing road transport activities and for self-employed drivers. (Contained in EC CONS DOC 13526/98). [EC DRAFT 13526/98/2](#); COM(1998)662, OJC 43 17.02.1999

Council Directive 99/63/EC concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST) - Annex: European Agreement on the organisation of working time of seafarers. [DIR99/63/EC](#), OJL 167, 2.07.1999. ([Corrigendum](#) to DIR99/63EC)

Proposal for Council Directive concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers Unions in the European Union. (Contained in EC CONS DOC 13526/98). [EC DRAFT 13526/98/3](#); COM(1998)662, OJC 43 17.02.1999

Directive 99/95/EC of the European Parliament and Council Directive concerning the enforcement of seafarers hours of working on board ships using community ports. [DIR99/95/EC](#), OJL14, 20.01.2000.

Proposal for Council Directive concerning the enforcement of seafarers hours of working on board ships using community ports. (Contained in EC CONS DOC 13526/98). [EC DRAFT 13526/98/4](#); COM(1998)662, OJC 43 17.02.1999

For additional relevant documents:

European Commission [PreLex](#)

European Parliament Legislative Observatory

[Organisation of working time](#), [Road transport](#) and [Seafarers](#)

UK scrutiny

House of Commons - European Scrutiny Committee

Sixth report, 1998-99, 20 January 1999, [HC 34-vi 1998-99](#).

Twenty-fourth report, 1998-99, 30 June 1999, [HC 34-xxiv 1998-99](#).

House of Commons – Standing Committee

European Standing Committee C, [19 July 1999](#)

5 Selected European Commission documents

Report on the implementation in 2007-2008 of Regulation (EC) No 561/2006 on the harmonisation of certain social legislation relating to road transport and of Directive 2002/15/EC on the organisation of the working time of persons performing mobile road transport activities. [5304/2011](#); SEC(2011)52

Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on implementation by member states of Directive 2003/88/EC ('The Working Time Directive'). [5064/2010](#); COM(2010) 802

Commission staff working paper detailed report on the implementation by Member States of Directive 2003/88/EC concerning certain aspects of the organisation of working time ('The Working Time Directive'). Accompanying document to the report from the Commission to the European Parliament, the Council, the European Economic and Social Committee on the implementation by Member States of Directive 2003/88/EC concerning certain aspects of the organisation of working time ('The Working Time Directive'). [5064/2010/ADD1](#), SEC(2010)1611.

State of implementation of Council Directive 93/104/EC concerning certain aspects of the organisation of working time: report from the Commission. [EC CONS DOC 14351/2000](#), 6.12.2000, COM(2000)787.

Communication from Commission on organisation of working time in sectors and activities excluded from DIR93/104/EC of 23.11.98. (Contains proposals for legislation - see EC DRAFTS 13526/98/1-4). EC CONS DOC 13526/98; COM(1998)662. [Internet link not available].

Commission White Paper on Sectors and Activities excluded from the working time directive. EC CONS DOC 10046/97; COM(1997)334. [Internet link not available].

6 Working Time Directives – Implementation in the UK

Selected UK Statutory Instruments

Working Time (Amendment) (No.2) Regulations 2009, [SI 2009/2766](#)

Working Time (Amendment) Regulations 2009, [SI 2009/1567](#)

Working Time (Amendment) Regulations 2007, [SI 2007/2079](#)

Working Time (Amendment) (No.2) Regulations 2006, [SI 2006/2389](#)

Working Time (Amendment) Regulations 2006, [SI 2006/99](#)

Working Time (Amendment) Regulations 2003, [SI 2003/1684](#)

Working Time (Amendment) Regulations 2002, [SI 2002/3128](#)

Working Time (Amendment) Regulations 2001, [SI 2001/3256](#)

Working Time Regulations 1999, [SI 1999/3372](#)

Working Time Regulations 1998, [SI 1998/1833](#)

Selected UK Statutory Instruments relating to specific sectors

Civil Aviation (Working Time) (Amendment) Regulations 2010, [SI 2010/1266](#)

Cross-border Railway Services (Working Time) Regulations 2008, [SI 2008/1660](#)

Road Transport (Working Time) (Amendment) Regulations 2007, [SI 2007/853](#)

Road Transport (Working Time) Regulations 2005, [SI 2005/639](#)

Fishing Vessels (Working Time: Sea-Fishermen) Regulations 2004, [SI 2004/1713](#)

Civil Aviation (Working Time) Regulations 2004, [SI 2004/756](#)

Merchant Shipping (Working time: Inland Waterways) Regulations 2003, [SI 2003/3049](#)

7 Selected European Court of Justice case law

Gerhard Schultz-Hoff v Deutsche Rentenversicherung Bund (C-350/06), and *Mrs C. Stringer and Others v Her Majesty's Revenue and Customs*, [2009], (C-520/06) [Case C-350/06 and Case C-520/06](#), 20 January 2009.

Sindicato de Médicos de Asistencia Pública (Simap) v Conselleria de Sanidad y Consumo de la Generalidad Valenciana, [2000], [Case C-303/98](#), 3 October 2000.

Landeshauptstadt Kiel v Norbert Jaeger, [2003], [Case C-151/02](#), 9 September 2003.

UK v Council of the EU. (DIR93/104/EC concerning certain aspects of working time – action for annulment). C-84/94, OJC 9, 11 January 1997. [Internet link not available].

8 UK Parliament – recent activity

Debates

NHS Acute Medical and Surgical Services (Working Time Directive), HC Deb 1 February 2011, [522 c738-40](#)

European Working Time Directive. HC Deb 10 March 2009, [489 c220-69](#)

Implications of the EU Working Time Directive for retained fire-fighters. HC Deb 11 February 2009, [487 c411-33WH](#)

Written statements

Time for Training (Medical Education England Report) 09.06.2010 [511 c12-4WS](#)

Employment and Social Policy Ministers Meeting, HC Deb 29 January 2009, [487 c29-30WS](#)

Deposited Papers

Time for training: a review of the impact of the European working time directive on the quality of training. By Prof. Sir John Temple. [DEP2010-1278](#)

Parliamentary Questions

Derek Twigg: To ask the Secretary of State for Health what steps he is taking to ensure that junior doctors receive adequate time for training. [38209]

Anne Milton: We are aware of the concerns that implementing the European working time directive (EWTD) might have adverse implications for postgraduate medical training. Medical Education England (the Government's independent advisory body on medical education and training) commissioned a report on the impact of EWTD on the quality of training. We welcomed the publication of 'Time for Training' by Professor Sir John Temple, available at: www.mee.nhs.uk and Medical Education England have been asked to take the lead in implementing the changes to improve training practices in line with the recommendations. We will also support colleagues from the Department for Business Innovation and Skills in taking a robust approach to future negotiations on the directive to achieve greater flexibility.

HC Deb 7 February 2011, [523 c104W](#)

Chris Ruane: To ask the Secretary of State for Business, Innovation and Skills if he will assess the effect of the operation of the European working time directive on levels of wellbeing. [38386]

Mr Davey: The working time regulations give all workers an entitlement to regular rest and annual leave and ensure that workers cannot be forced to work more than 48 hours a week on average but can agree to work beyond this limit. Many factors contribute to well-being of which one of the most important is that people have access to employment, so it is critical that European employment measures enhance and do not undermine prospects for employment and for growth. This will continue to be one of the key assessments of any consideration of the European working time directive.

HC Deb 7 February 2011, [523 c97-8W](#)

Stephen McPartland: To ask the Secretary of State for Business, Innovation and Skills what progress his Department has made in its negotiations on revisions to the European Working Time Directive; and what further negotiations he expects to take place in 2011. [33785]

Mr Davey: The coalition Government are committed to limiting the application of the working time directive in the UK, including maintaining the flexibility provided by the right of individuals to opt out of the maximum 48-hour working week. We have made, and continue to make clear to the Commission and to partners in Europe that we will engage positively and constructively with any further negotiations on the working time directive, and in particular that we would welcome changes to increase flexibility, for instance regarding the treatment of 'on-call' time. But we are stressing at every opportunity that the UK position on the opt-out will remain absolutely firm. The Commission is currently conducting a consultation on reviewing the directive, limited to European social partners. If the social partners do not decide to come to an agreement on working time, it is likely that the Commission will issue a proposal to amend the directive during 2011

.HC Deb 17 January 2011, [521 c693W](#)

Alex Cunningham: To ask the Secretary of State for Business, Innovation and Skills what provisions are in place to ensure observance by employers of the requirements of the Working Time Directive. [31613]

Mr Davey: Enforcement of entitlements under the Working Time Regulations is split between different authorities. For example, the working time limits and health assessment requirements (for night workers) are enforced by the Health and Safety Executive (HSE) in industrial premises, schools and hospitals. The entitlements to rest and leave are enforced through employment tribunals.

HC Deb 20 December 2010, [520 c1053W](#)

Alex Cunningham: To ask the Secretary of State for Business, Innovation and Skills what requirements there are on employers to maintain a register of employees who opt out of the provisions of the Working Time Directive. [31614]

Mr Davey: Regulation 4(2) of the Working Time Regulations requires an employer to keep up-to-date records of all workers who have signed an opt-out agreement to work beyond the 48 hour average weekly limit.

HC Deb 20 December 2010, [520 c1053W](#)

Mark Reckless: May I ask for a statement, or for a clarification from the Leader of the House, on a clause in the coalition agreement, which states: "We will...work to limit the application of the Working Time Directive in the United Kingdom"? Is that merely an aspiration, or will the Government insist that the directive is disapplied in the UK in return for our agreement to an EU treaty revision?

Sir George Young: My hon. Friend is right to remind the House that we are committed in the coalition agreement to limit the application of the working time directive in the UK. That means that we would like to find a solution to the problems caused by the

SiMAP and Jaeger judgments. It also means that our position on the retention of the opt-out will be absolutely firm. Any attempt to trade off between a solution to those cases and the opt-out will lead to the same stand-off as in the last negotiations.

HC Deb 9 December 2010, [520 c525-6](#)

Richard Fuller: To ask the Secretary of State for Communities and Local Government if he will maintain the exemption for full-time and retained duty system firefighters from the European Union Working Time Directive; and if he will make a statement. [26538]

Robert Neill: This Government committed in the coalition agreement to limit the application of the Working Time Directive in the United Kingdom. Whole-time and retained duty system firefighters do not have an exemption from the Directive apart from in specified circumstances, but like other UK workers have the flexibility to opt out of the 48-hour limit to the working week set by the Directive. The Government recognises that losing the opt-out could have a major impact on fire and rescue services and will continue to stand firm on its retention.

HC Deb 24 November 2010, [519 c306W](#)

Dr Sarah Wollaston: One year on from the implementation of the European working time directive, there is evidence that patient care is suffering. Handovers have been inadequate in some cases, and junior doctors' training time has been reduced. Will my right hon. Friend reassure me that he will take action to allow some acute specialities to opt out of the European working time directive?

Mr Lansley: Yes. I am very clear that, together with my right hon. Friend the Secretary of State for Business, Innovation and Skills, we need to take the European working time directive back to the European Union. We need to discuss it again. We need to go to the European Union with the intention of maintaining the opt-out and of giving ourselves, not least in the health context, the flexibility that we lack, so that junior doctors, in particular, have the capacity to undertake the training that they need. It is not that we want to go back to the past, when there were excessive hours-100-hour weeks and so on-but we want junior doctors to be confident that they will get the training that they require in the period allocated for training.

HC Deb 7 September 2010, [515 c178](#)

9 Related Library Research Papers and Standard Notes

Research Papers

Working time regulations (SI 1998/1833), [Research Paper 98/82](#).

Working time directive, [Research Paper 96/106](#)

Standard Notes

[SN/BT/1377](#) Working time directive: the excluded sectors

[SN/BT/4960](#) Working time opt out: retained firefighters

[SN/BT/2073](#) Working time directive: opt out from 48 hour limit on working week

[SN/BT/1758](#) Working time directive and road transport

[SN/BT/386](#) Bank Holidays and the Working Time Regulations

[SN/BT/1001](#) Working time directive: offshore sector

[SN/BT/03687](#) Legislation arising from the EU Social Chapter

[SN/BT/584](#) Employment rights derived from European law

[SN/BT/1188](#) EC Employment Directives

10 Internet links

Department for Business, Innovation and Skills – Working Time

<http://www.bis.gov.uk/policies/employment-matters/rights/working-time>

European Commission, Employment, Social Affairs and Equal Opportunities, Working conditions – [Working Time Directive](#)