

The EU Working Time Directive 2003/88/EC

COST TO THE UK ECONOMY WITH FULL IMPLEMENTATION - £11.9BN [Source: [Open Europe](#)]

Talking points:

Incredible cost to the UK economy

Open Europe estimate that current costs of the EU Working Time Directive, taking into account the costs of including junior doctors and 'sectors of activity' exempted from the original Directive in 1993, amount to between £3.4 and £3.9billion.

Should the opt-out be completely removed, the annual cost to the UK could be as large as **£11.9bn** by 2011. ([Open Europe](#))

Affecting outcomes in public services

The Royal College of Surgeons released details to The Sunday Times on 11 October 2009 of a series of "avoidable deaths" that it claims were caused by the way in which the new limits on the working week have been implemented since August. ([The Sunday Times](#), 11 October 2009)

Sandy Trees, President of The Royal College of Veterinary Surgeons, has said that "the European working time directive is creating challenges for the veterinary profession. It is difficult to continue to provide excellent care that is consistent with the EU directive and UK regulations." ([ePolitix.com](#), 15 October 2009)

Inflexibility

Negative impact to the care industry when a Southport care home locked out a pensioner with dementia for six hours because the EU Working Time Directive prevented the warden letting her back in. ([Southport Visiter](#), 9 October 2009)

What is it?

Agreed in 1993, the European Working Time Directive limits the working week to 48 hours as well as providing other worker rights and benefits in relation to time at work. The Major Government negotiated a deal with the EU for British workers to agree with employers to opt out of the 48 hour working weekⁱ. In addition to this, 'sectors of activity' were also exempt from the Directiveⁱⁱ. The Blair government introduced Working Time Regulations in 1998 permitting British workers to:

- A limit of an average of 48 hours a week which a worker can be required to work (though workers can choose to work more if they want to).
- A limit of an average of 8 hours work in 24 which night workers can be required to work.
- A right for night workers to receive free health assessments.
- A right to 11 hours rest a day.
- A right to a day off each week.
- A right to an in-work rest break if the working day is longer than 6 hours.
- A right to 4 weeks paid leave per year

In 2003 the 'Horizontal Amending Directive' applied the 48 hour working week to those 'sectors of activity' previously under exemption agreed in the 1993 Directive.

From August 2004, the Directive reduces the working week for junior doctors, scaling back the working week in stages so that by August 2009 junior doctors could work no more than a 48 hour working week.

During 2009 the UK Government fought a pitched battle with the European Parliament to keep the opt-out. These talks broke down with the UK government refusing to abandon the opt-out.

Other countries, such as France, have gone further and gold-plated the Working Time Directive to limit the working week to 35 hours.

Immediate Costs – Health Sector:

In 2009 Open Europe and the Government estimated the costs of enforcing a 48 hour working week on junior doctors, alone, to be between £3.5 and £3.9 billion per yearⁱⁱⁱ.

Third Party Opinions:

A Royal College of Surgeons Survey found that two-thirds of surgeons believe that quality of care in the NHS has worsened since the introduction of the Working Time Directive. ([The Press Association](#), 11 October 2009)

"A survey of 470 junior doctors conducted by the British Medical Association (BMA) found that nearly two-thirds of respondents felt compliance with the new rules would have a "negative effect" on their training." ([Personnel Today](#), 10 April 2008)

"The British Medical Association has claimed junior doctors are being urged by NHS managers to lie about the time they work to comply [with the Directive]" ([The People](#), 6 September 2009)

In September 2009, the European Court of Justice ruled that employees taken ill on holiday can claim the time back as sick leave, potentially extending holiday time.

“The Chartered Institute of Personnel Development (CIPD) said the ruling ‘is not from the real world and risks forcing good employers to ditch relatively generous occupational sick pay schemes, and opt for less generous Statutory Sick Pay schemes instead.” ([The BBC News Website](#), 15 September 2009)

“Katja Hall, Director of HR Policy at the CBI, said the ruling was a ‘concern’. ‘Many firms already take a common sense and sympathetic approach. But allowing employees to re-classify their holiday as sick leave opens the door to abuse.” ([The Daily Telegraph](#), 14 September 2009)

ⁱ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+IM-PRESS+20081215IPR44549+0+DOC+XML+V0//EN>

ⁱⁱ The ‘sectors of activity’ negotiated for exemption include air, rail, road, sea, inland waterway and lake transport, sea fishing and offshore work. Also included were armed forces, police, other civil protection services and junior doctors.

ⁱⁱⁱ Open Europe , Time’s Up! The Case Against the EU’s 48 hour working week (p.19, March 2009)
<http://www.openeurope.org.uk/research/wtdoptout2.pdf>