

Commission strongly welcomes today's political agreement on Working Time and Working conditions for Temporary Agency Workers

The Commission strongly welcomes the agreement that Member States reached in the early hours of this morning (10 June) on the longstanding issues of the Working Time Directive and the Temporary Agency Work Directive at the Employment and Social Affairs Council in Luxembourg.

Vladimír ŠPIDLA, EU Commissioner for Employment, Social Affairs and Equal Opportunities said: "This is a major step forward for European workers and it strengthens social dialogue. It shows once again that flexicurity can be put into practice: We have created more security and better conditions for workers and temporary agency workers while maintaining the flexibility that industry needs and workers want when reconciling family life and working life. I congratulate the Slovenian Presidency on its success and thank them for all the hard work that led to it. The ball is now in the court of the European Parliament and I sincerely hope that this solid agreement will find a majority in the plenary."

The main points of agreement in the Working Time Directive are:

- on-call time to be split into active and inactive on-call time. Active on-call time to be counted as working time
- inactive on-call time may not be counted as rest time and can be counted as working time if national laws or social partners agree
- standard maximum limit remains at 48 working hours per week unless an individual worker chooses otherwise (opt-out)
- new protective limit (cap) for workers who opt out: maximum working week of 60 hours unless social partners agree otherwise
- new cap for workers who opt-out if inactive on-call time is counted as working time: maximum working week of 65 hours
- the cap protects all workers employed for longer than 10 weeks with one employer
- opt-out only under certain conditions, such as: no signature during first month of employment, no victimisation for not signing or withdrawing opt-out, employers must keep records on working hours of opted-out workers.

The main points of agreement in the Temporary Agency Workers Directive:

- equal treatment as of day one for temporary agency workers as well as regular workers in terms of pay, maternity leave and leave
- possibility to derogate from this through collective agreements and through agreements between social partners at national level
- temporary agency workers to be informed about permanent employment opportunities in the user enterprise
- equal access to collective facilities (canteen, child care facilities, transport service)

- Member States have to improve temporary agency workers access to training and child care facilities in periods BETWEEN their assignments so to increase their employability
- Member States have to ensure penalties for non-compliance by temporary agencies and enterprises.

Background:

The Directive amending the existing directive on **Working Time** (2003/88/EC) has been on the table since 2005. Many Member States are in breach of the legislation as interpreted by the European Court of Justice (Simap/Jäger ruling). According to these rulings, active and in-active on-call time must be counted as working time. Also, the new text significantly improves the protection for workers who sign an opt-out. Finally, it reintroduces a reference to conciliation between working life and family life.

8 million workers in the EU are **temporary agency workers** and numbers are increasing. In March 2002 the European Commission adopted a proposal to create a level playing field for temporary agency workers across the EU. Several presidencies have sought to find a solution. Following a recent agreement between social partners in the UK, the Slovenian Presidency decided to put forward a new compromise text which has achieved political agreement.

The Council Common Positions now have to be sent to the European Parliament for a second opinion, as foreseen by the co-decision procedure.