

Employment E-Brief No 87

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PROPOSED CHANGES TO THE WORKING TIME DIRECTIVE - 48 HOUR OPT OUT

The European Commission has issued proposals to update aspects of the Working Time Directive. The whole purpose of the Directive is the health and safety of workers. In the UK it is possible for a worker to opt out of the 48 hour working week and although the UK will still be able to apply the opt out, further restrictions will be imposed on its use; in particular:

- Opt outs will need to be expressly covered in any Collective Agreements where the unions are recognised.
- Individual consent will be required and that consent will only last for a year, after which it will need renewing.
- Consent will no longer be obtainable via a term in the Employment Contract. It must be contained expressly and separately in a separate opt out agreement.
- Consent will be invalid if given during a probationary period.
- No worker will be allowed to work more than 65 hours in any one week, unless a Collective Agreement provides for longer.

The proposals will go forward to the European Parliament and Council for agreement and will not come into force in the UK for some time, but employers ought to keep their eyes open for developments on this.

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