

*Non-paper*

Conciliation "Working Time Directive": Rapporteur's proposal

Amendment 9: On-call time

1. Adapt Article 2 as follows: ✓

1a. "on-call time": period during which the worker has the obligation to be available at the workplace in order to intervene, at the employer's request, to carry out his activity or duties.

Delete paragraph (1c) of Article 2:

~~1b. "inactive part of on-call time": period during which the on-call worker is on-call within the meaning of paragraph 1a but is not required by his employer to effectively carry out his activity or duties."~~

Adapt 2a as follows:

The entire period of on-call time, ~~including the inactive part,~~ shall be regarded as working time

~~However, inactive parts of on-call time may, by collective agreement or other agreement between the social partners or by means of law or regulation, be calculated in a specific manner in order to comply with the maximum weekly average working time laid down in Article 6, subject to compliance with the general principles relating to the protection of the safety and health of workers.~~

~~The inactive part of on-call time shall not be taken into account in calculating the daily or weekly rest periods laid down in Articles 3 and 5 respectively.~~

2. Adapt Article 17(2) as follows:

2. Derogations provided for in paragraphs 3, **3.a new**, 4 and 5 may be adopted by means of laws, regulations or administrative provisions or by means of collective agreements or agreements between the two sides of industry provided that the workers concerned are afforded equivalent periods of compensatory rest or that, in exceptional cases in which it is not possible, for objective reasons, to grant such equivalent periods of compensatory rest, the workers concerned are afforded appropriate protection. (See compromise proposals on compensatory rest)

3. Insert new paragraph after 17(3), (17(3) a new) worded as follows:

**3a) In accordance with paragraph 2 of this Article, derogations may be made from Article 6 (maximum weekly working time) for workers in the case of activities involving the need for continuity of service as mentioned by Article 17.3c in situations where periods of on-call time in the workplace belong to their usual pattern of work, provided that the employer informs and consults with workers and/or their representatives about the reasonable limit to be established for such derogation, and provided that the employer takes the necessary measures to prevent and/or remedy any health and safety risks that may be related to the proposed working time pattern.**

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**Amendment 12: Derogation for senior management staff**

Parliament could accept the following text:

"senior management in the public or private sectors, and other workers with similar and effective decision-making powers over the duration and organisation of their working time"

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**Amendment 13: Compensatory rest periods**

Article 17 – paragraph 2

(b) in paragraph 2, the words "provided that the workers concerned are afforded equivalent periods of compensatory rest" shall be replaced by "provided that the workers concerned are afforded equivalent periods of compensatory rest following periods of time spent on duty, or that, in exceptional cases, in which this is not possible for objective reasons, the workers concerned are afforded compensatory rest within a period that is sufficiently short after periods spent on duty to provide the worker with adequate rest. in accordance with national legislation, collective agreement or other agreement between the two sides of industry ' "

**Amendment 14: Compensatory rest periods**

In Article 18, in the third paragraph, the words "on condition that equivalent compensating rest periods are granted to the workers concerned" shall be replaced by:

"on condition that equivalent compensating rest periods are granted to the workers concerned following time spent on duty, or that, in exceptional cases, in which this is not possible for objective reasons, the workers concerned are afforded compensatory rest within a period that is sufficiently short after periods spent on duty to provide the worker with adequate rest."