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## WIBAR Report No. 1 WORKING TIME

22/02/2007  
Final version

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**WAGEINDICATOR SUPPORT FOR TRADE UNION BARGAINING IN EUROPE (WIBAR)**  
Supported by the European Commission in its Industrial Relations and Social Dialogue Program,  
Budget Heading 04030301. Nr 2006/VP001/10017, runs from 08/2006-08/2007<sup>1</sup>

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## 1. Introduction

This is a report in the framework of the WIBAR project. This project aims to promote the input of cross-country, comparative analyses at the level of themes and industries using the *WageIndicator* survey data about wages, working conditions and working hours. The Amsterdam Institute of Advanced Labour Studies (AIAS) / University of Amsterdam has developed the WIBAR project in co-operation with the European Trade Union Confederation (ETUC): the project is focused on the European trade union involvement in developing workplace industrial relations and Europe-wide bargaining. ETUC has formulated four major bargaining spearheads and related guidelines for 2006: wages in general and low pay work; working time; gender equality; training and lifelong learning.<sup>2</sup> For the ETUC, the European industrial secretariats and their national trade unions, the need for detailed and industry-specific comparisons is more urgent than ever. The WIBAR project should produce usable tools and intensify dissemination and debate on Europe-wide bargaining.

This report will treat six working time issues related to the more specific ETUC spearheads in this field, which are mostly also related to debates concerning the EU Working Time Directive (further: WTD): the length of the working week as such (section 3), the individual opt out (section 4), the annualisation of hours (5), overtime payment (6), on-call work (sleeping shifts) (7), and shift work in general (8). In treating each issue we will present first the current legal framework and the state of the debate (mainly at EU level, where relevant also at national level). Afterwards we will present and analyse the statistical evidence. Yet, first we will go into our data selection, the general legal framework at EU level, and our general statistical results.

Detailed figures on working hours' arrangements by industry and country are presented in Appendix 1, on working hours and overtime payment in Appendix 2.

## 2. General framework and results

### 2.1 Data selection

This report is primarily based on data from the *WageIndicator* web-based survey actually covering 8 EU member states, for which sufficient data has been gathered: Belgium, Denmark, Finland, Germany, the Netherlands, Poland, Spain, and the UK. At this moment sufficient data are lacking for Italy and Hungary, although these member states are included in the *WageIndicator* project too. One has to keep in mind that all *WageIndicator* data is based on self-reported answers. The data used covers the period September 2004 - September 2006, and includes 89% of the total sample for the eight member states, as we restrict our analyses to employees. Where appropriate, we will confront the *WageIndicator* outcomes with those of other (mostly official) statistical sources.

### 2.2 General legal framework

The working time is a fundamental element of the employment contract, to be defined as the period of time during which the worker is bound to carry out his activities or duties. The limitation of the daily working time is a longstanding union demand. As long ago as 1919, the very first international convention of the

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<sup>2</sup> Keune, 2005; ETUC, 2005a.

ILO on working conditions established the eight-hour working day and the 48-hour maximum working week.

The EU has acknowledged the necessity to regulate working time at European level in several legal instruments. The European Social Charter of 1961 obliges member states to ensure "reasonable daily and weekly working hours", and to progressively reduce the length of the working week, while the EU Charter of Fundamental Rights (2000) declares that "every worker has the right to limitation of maximum working hours". In an attempt to provide a playing field for all member states regarding this central element of the contract of employment, the EU institutions adopted Council Directive 93/104/EC of 23 November 1993. This Directive laid down a set of rules concerning the maximum duration of the working week, breaks, minimum daily and weekly rest periods, annual leave and duration and conditions of night work and shift work. 'Working time' was defined as "any period during which the worker is working, at the employer's disposal and carrying out his activity or duties, in accordance with national laws and/or practice". Working time is placed in opposition to rest periods, the two being mutually exclusive. In 2003, this directive was repealed by Council 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 (WTD). The WTD introduces no amendments in the provisions concerning the definition of working time and the setting of the maximum weekly working time. The main changes are related to the extension of the derogations of the maximum weekly working time and to the set up of the reference periods used to calculate the maximum weekly working time.

The provisions of the WTD reflect the difficulties of the attempt to regulate working time at EU level. Due to the context of clashing interests and divergent approaches of the member states, the WTD constitutes an intricate legislative text. In its first part, it sets up imperative rules governing working time that the provisions of its second part manage to deprive of full effect. It allows very extensive derogations from the general rules "by means of collective agreements or agreements concluded between the two sides of industry at a lower level", and even by individual consent of the employee.

The WTD concerns the protection of workers against the health and safety risks of long and irregular hours. Therefore, the base is Article 137 of the European Community Treaty allowing the Community to adopt legal measures in order to support and complement the activities of the member states with a view to improving the working environment to protect workers' health and safety. Finally, it is worth noting that the extensive catalogue of exceptions and derogations applicable to the general regime set up by the WTD has led to the approval of special provisions on working time for certain sectors of employment, including transport activities,<sup>3</sup> mobile workers in civil aviation, rail workers, seafarers, and doctors in training.

Recently, the Commission has presented proposals for revising the WTD, which have caused quite some debate. As proposals and debate mainly regard the issues concerning the length of the working week, we will treat (the debate on) these proposals in section 3.

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<sup>3</sup> *Directive 2002/25/EC*; for the mobile road transport sector, this Directive supplements the provisions of Regulation (EEC) No 3820/85 (*OJ L 370, 31.12.1985, p. 1-7*) that had already laid down the maximum daily driving time and the minimum duration of the rest periods.

## 2.3 General results

Table 1 presents an overview of the working hours arrangements by country, of the 95% of the employees in the *WageIndicator* sample that have indicated their employment contract to include a number of hours agreed with the employer.

**Table 1 Incidence of working hours' arrangements by country, 2004-2006**

|  | Belgium | Denmark | Finland | Germany | Netherlands | Poland | Spain | UK    | Total  |
|--|---------|---------|---------|---------|-------------|--------|-------|-------|--------|
| 1. Full-time hours per week                    | 73.1    | 74.7    | 81.0    | 79.5    | 70.9        | 91.4   | 76.9  | 76.7  | 76.1   |
| 2. Other than regular full-time hours per week | 26.9    | 25.3    | 19.0    | 20.5    | 29.7        | 8.6    | 23.1  | 23.3  | 23.9   |
| 2.1. Part-time hours per week                  | 15.1    | 5.7     | 3.6     | 7.3     | 22.3        | 4.3    | 5.9   | 7.2   | 12.4   |
| 2.2. Annualised hours                          | 0.7     | 3.7     | 2.1     | 2.7     | 1.2         | 0.4    | 3.6   | 1.5   | 1.9    |
| 2.3. Flexible hours                            | 10.1    | 12.6    | 10.6    | 8.6     | 4.0         | 3.3    | 9.4   | 8.8   | 7.3    |
| 2.4. I signed an indiv. opt out from WTD       | 0.0     | 0.0     | 0.0     | 0.0     | 0.0         | 0.0    | 0.0   | 4.4   | 0.5    |
| 2.5. I work on call                            | 0.3     | 0.9     | 0.5     | 0.2     | 0.6         | 0.0    | 1.8   | 0.4   | 0.5    |
| 2.6. Other                                     | 0.8     | 2.4     | 2.2     | 1.7     | 0.9         | 0.5    | 2.4   | 0.9   | 1.3    |
| Total %  | 100.0   | 100.0   | 100.0   | 100.0   | 100.0       | 100.0  | 100.0 | 100.0 | 100.0  |
| Total N  | 13885   | 1907    | 13482   | 68836   | 68025       | 5472   | 11766 | 21317 | 204800 |

Source: *WageIndicator* dataset Sept. 2004-Sept. 2006

An overwhelming majority of the respondents, between 71% (the Netherlands) and over 91% (Poland), stipulates to work on a full-time hours per week basis. Compared to the official national statistics,<sup>4</sup> full-time workers are under-represented in the figures for Belgium, Denmark, Finland (each 8%points) and Spain (12%pts), and over-represented in Germany (1%point), the Netherlands (6%pts) and Poland (3%pts); for the UK the official and *WageIndicator* full-time share are exactly the same.

The share of part-time hours per week arrangements varies widely, from less than 4% in Finland to 15% in Belgium and over 22% in the Netherlands. The share of flexible hours' arrangements in our sample is remarkably high, notably in Denmark, Finland and Belgium, but also on Germany, Spain and the UK. The shares of the other categories of arrangements will be treated in due course, under the relevant headings.

## 3. Length of the working week

### 3.1 Legal framework and debate

The length of the working week is at the heart of the working time controversy between governments, employers' associations and the trade union movement in the EU.<sup>5</sup> This debate has been stimulated by the proposals of the European Commission for revising the WTD.<sup>6</sup> The objectives of these Commission proposals are two-fold. First, to take into account the European Court of Justice (ECJ)'s case law, notably in the SIMAP<sup>7</sup> and JAEGER<sup>8</sup> cases, which held that on-call duty

<sup>4</sup> Derived from OECD, 2006.

<sup>5</sup> Keune, 2006, 13.

<sup>6</sup> *Proposal for a Directive COM (2004) 607 final, amended by the Proposal for a Directive COM (2005) 246 final.*

<sup>7</sup> Judgement of the Court of 3 October 2000, *ECR 2000*, p. I-07963.

performed by doctors when they are required to be physically present in the hospital must be regarded as working time. Second, to review some of the provisions of the 2003 Directive on the possibility of not applying the maximum weekly working time (48 hours) if the worker gives his agreement to carry out such work (the opt-out provision).

The main amendments of the Commission proposal regard:

- introducing definitions of 'on-call time' and 'inactive periods of on-call time'. In the new system time spent on-call that is not worked would not be counted as working time, with compensatory rest granted within 72 hours;
- extending the reference period for calculating the 48-hour maximum weekly working time from four to 12 months;
- conditions for applying the opt-out from the provisions relating to maximum weekly working time.

The Commission has responded with an amended proposal to the amendments proposed by the European Parliament (EP) regarding the WTD revision.<sup>9</sup> Some EP amendments have been accepted: the addition of a reference to the compatibility between work and family;<sup>10</sup> the aggregation of hours in cases involving several employment contracts; the clarification that compensatory rest time should be granted within a reasonable period; the clarification of how the member states can work out the extension of the reference period for calculating the maximum weekly working time to 12 months, and an explanation concerning the validity of opt-out agreements signed prior to the entry into force of the new WTD.

The ETUC in its resolutions about the reform of the WTD has strongly opposed the Commission's proposals on the field. Conversely, the ETUC aligns with the EP ideas of phasing out the opt-out provision, introducing a reference to the need of reconciling work and family life of working parents, and recognizing on-call time as working time, in line with the rulings of the ECJ. Concerning the possible extension of the reference period to calculate maximum working time, the ETUC demands that the existing four-month reference period remains in place. It is the ETUC's opinion that longer reference periods should be allowed only on the basis of collective bargaining, or providing that additional legal safeguards and conditions that guarantee information and consultation of workers as well as adequate protection of their health and safety are implemented.

The new legislative proposal concerning working time is currently under discussion in the Employment and Social Council of the EU, in which the member states are represented. After several Council meetings, latest on November 7, 2006, the member states have not reached agreement on the WTD revision. The ETUC called this failure a bad signal for European workers.<sup>11</sup> The key issue still to be resolved concerns the opt-out provision and the possible phasing out of its use. Concerning this opt-out provision there are two extreme positions in the Council: on the one hand those member states calling for freedom of choice, stressing the need for economic growth and hence asking for the opt-out provision to be preserved, and on the other hand those which feel that extending

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<sup>8</sup> Judgement of the Court of 9 September 2003, *ECR 2003*, p. I-8389.

<sup>9</sup> The European Parliament derived its first-reading opinion on 11 May 2005 (8725/05).

<sup>10</sup> This amendment has been promoted also by the ETUC considering that a limit on working time is vital to enable working parents to combine their jobs and family responsibilities, and allow women to exploit their full potential in the workplace - one of the key elements of the EU's Lisbon Strategy for Growth. A reference to the relevance of achieving the conciliation of work and family life is especially necessary in order to give a comprehensive approach to this issue as required by the right to have a family life, consecrated by art. 8 of the European Convention of Human Rights and Fundamental Freedoms.

<sup>11</sup> ETUC, 2006.

the reference period for calculating weekly working time to one year gives enough flexibility to allow a definite end to the opt-out. The Commission has tried to satisfy these two approaches by fixing a time limit for the opt-out that could be extended. Yet, many member states have expressed doubts about the absence of objective criteria for extending that time limit. Regarding the question of how to treat inactive periods of on-call time, member states are concerned about two type of problems: first, the problems in the health sector and second, problems arising from the fact that many employees have several work contracts simultaneously. The deadlock actually reached will most likely continue in the first six months of 2007, as the German presidency in charge at the time does not mention the WTD.<sup>12</sup>

We now go into the EU regulative framework concerning the maximum weekly working time. According to art. 6 WTD, this maximum should be limited by means of laws, regulations or administrative provisions or by collective agreements or agreements between the two sides of industry to an average working time for each seven-day period, including overtime that does not exceed 48 hours. Yet, exceptions and derogations to this general rule are admitted in several cases:

- when, on account of the specific characteristics of the activity concerned, the duration of the working time is not measured and/or predetermined or can be determined by the workers themselves (this provision has been interpreted restrictively by the ECJ<sup>13</sup>);
- doctors in training, for a transitional period of five years from 01.08.2004 plus one additional year, if necessary because of special difficulties in meeting the responsibilities imposed by the WTD; at the end of this transitional period the ceiling will be 48 hours per week;
- when an employer had obtained the worker's agreement to work more than 48 hours over a seven-day period. In this case, the WTD explicitly forbids any kind of victimisation of the worker who is not willing to give his agreement to perform such work. In addition, the Directive contains recording and information obligations of the employer concerning all workers who carry out such work.

### 3.2 Results on length of the working week

Table 2 (p. 8) shows *WageIndicator* outcomes on usual (actual) weekly working hours in the eight member states, grouped in three categories. Surprisingly, the table does not show the longest working weeks in the UK, but in Germany. 24% of the German workers worked usually over 40 hours and, unless the provisions of the WTD, even 8% over 48 hours. In the UK, 19% indicated to have a usual working week of over 40 hours, and 7% over 48 hours; the latter figure is considerably lower than official UK surveys indicating a level of 13% in 2004-05.<sup>14</sup> Here, Poland and Spain show about the same figures. In Belgium, Finland, the Netherlands, and notably in Denmark the incidence of excessive long working weeks is considerably lower. From the 13 industries included, Germany shows the largest incidence of long working weeks (over 48 hours usually) in 7 industries, Spain in 4, Poland in 3, and the UK in 2.

Overall, the four industries with the highest incidence of long usual working weeks are agriculture, construction, hotels and restaurants, and transport. In some countries other industries show up with high figures, like real estate and

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<sup>12</sup> Weiler, 2007.

<sup>13</sup> Judgement of ECJ of 7 September 2006.

<sup>14</sup> White *et al*, 2004. A recent TUC brochure states that the numbers of those working over 48 hours/week are steadily falling, from 4.0 (16.6%) in 1998 to 3.3 million (13.1%) in 2005 (based on LFS microdata: TUC, 2006).

other business services in Germany, manufacturing in Poland and Spain, and utilities in Spain as well.

In Table 3 (p. 9) we have left out those employees who are not compensated for extra hours, i.e. whose hourly salaries are assuming long working hours. This group turns out to be comparatively large in Belgium, Germany, Spain and the UK. Yet, in the end the picture derived from Table 2 does not change much. Poland now joins Germany in the top category (17% over 40 hours weekly, against 18% in Germany), the UK (14%) and Spain (13%) make up the second country category, and Belgium, Denmark, Finland and the Netherlands again the third one, with low shares of those with long working weeks.

By using this yardstick, the relative share of long working weeks in the various industries remains about the same, though the excessive long working weeks in the Polish hotel and restaurant sector (44% over 40 hours) are particularly striking. Outside the four industries with the longest working weeks identified earlier, the long weeks in the Polish wholesale / retail industry (26%) and in the German public sector (23%) are remarkable.

**Table 2 Distribution over 3 categories of usual working hours per week, breakdown by country and industry<sup>15</sup>**

| 3 categories usual working hours | 1 Agri | 4 Manu | 5 Elec | 6 Const | 7 Sale | 8 Hotel | 9 Transp | 10 Finan | 11 Busi | 12 Public | 13 Edu | 14 Health | 15 Other | Total |
|----------------------------------|--------|--------|--------|---------|--------|---------|----------|----------|---------|-----------|--------|-----------|----------|-------|
| <b>Belgium</b>                   |        |        |        |         |        |         |          |          |         |           |        |           |          |       |
| 0-40 hrs                         | 80     | 89     | 88     | 83      | 89     | 84      | 83       | 91       | 87      | 92        | 93     | 93        | 89       | 89    |
| 40.1-48 hrs                      | 13     | 8      | 10     | 9       | 7      | 8       | 9        | 7        | 10      | 6         | 4      | 4         | 8        | 7     |
| 48.1-99 hrs                      | 7      | 4      | 2      | 8       | 4      | 7       | 8        | 3        | 3       | 3         | 3      | 2         | 4        | 4     |
| Total %                          | 100    | 100    | 100    | 100     | 100    | 100     | 100      | 100      | 100     | 100       | 100    | 100       | 100      | 100   |
| Total N                          | 71     | 4547   | 197    | 1065    | 1923   | 297     | 1266     | 1145     | 3082    | 998       | 525    | 2061      | 869      | 18046 |
| <b>Denmark</b>                   |        |        |        |         |        |         |          |          |         |           |        |           |          |       |
| 0-40 hrs                         | 95     | 98     | 97     | 97      | 92     | 82      | 89       | 93       | 96      | 97        | 95     | 98        | 93       | 94    |
| 40.1-48 hrs                      | 3      | 2      | 3      | 2       | 5      | 15      | 6        | 3        | 3       | 1         | 5      | 1         | 6        | 4     |
| 48.1-99 hrs                      | 2      | 1      |        | 1       | 3      | 3       | 5        | 3        | 1       | 2         |        | 1         | 1        | 2     |
| Total %                          | 100    | 100    | 100    | 100     | 100    | 100     | 100      | 100      | 100     | 100       | 100    | 100       | 100      | 100   |
| Total N                          | 96     | 560    | 29     | 192     | 131    | 34      | 455      | 29       | 157     | 98        | 59     | 113       | 102      | 2055  |
| <b>Finland</b>                   |        |        |        |         |        |         |          |          |         |           |        |           |          |       |
| 0-40 hrs                         | 62     | 92     | 93     | 90      | 89     | 87      | 86       | 93       | 91      | 94        | 91     | 93        | 91       | 91    |
| 40.1-48 hrs                      | 32     | 6      | 7      | 7       | 8      | 8       | 6        | 5        | 6       | 4         | 7      | 6         | 6        | 6     |
| 48.1-99 hrs                      | 6      | 2      |        | 3       | 2      | 5       | 9        | 2        | 3       | 1         | 2      | 1         | 4        | 3     |
| Total %                          | 100    | 100    | 100    | 100     | 100    | 100     | 100      | 100      | 100     | 100       | 100    | 100       | 100      | 100   |
| Total N                          | 132    | 3495   | 41     | 573     | 1194   | 425     | 880      | 666      | 3052    | 1312      | 685    | 1601      | 785      | 14841 |
| <b>Germany</b>                   |        |        |        |         |        |         |          |          |         |           |        |           |          |       |
| 0-40 hrs                         | 68     | 79     | 78     | 68      | 75     | 65      | 73       | 78       | 74      | 76        | 73     | 81        | 76       | 76    |
| 40.1-48 hrs                      | 21     | 15     | 15     | 22      | 17     | 18      | 15       | 16       | 16      | 21        | 20     | 12        | 14       | 16    |
| 48.1-99 hrs                      | 11     | 6      | 7      | 10      | 8      | 16      | 12       | 7        | 10      | 3         | 7      | 7         | 9        | 8     |
| Total %                          | 100    | 100    | 100    | 100     | 100    | 100     | 100      | 100      | 100     | 100       | 100    | 100       | 100      | 100   |
| Total N                          | 406    | 22719  | 2245   | 4598    | 6409   | 1405    | 3883     | 4579     | 11514   | 4351      | 2451   | 5745      | 2181     | 72486 |
| <b>Netherlands</b>               |        |        |        |         |        |         |          |          |         |           |        |           |          |       |
| 0-40 hrs                         | 81     | 88     | 90     | 87      | 88     | 87      | 80       | 93       | 91      | 95        | 88     | 97        | 92       | 90    |
| 40.1-48 hrs                      | 11     | 8      | 6      | 7       | 8      | 7       | 7        | 4        | 6       | 3         | 9      | 2         | 5        | 6     |
| 48.1-99 hrs                      | 8      | 4      | 4      | 6       | 4      | 6       | 13       | 3        | 3       | 2         | 2      | 1         | 3        | 4     |
| Total %                          | 100    | 100    | 100    | 100     | 100    | 100     | 100      | 100      | 100     | 100       | 100    | 100       | 100      | 100   |
| Total N                          | 1256   | 12880  | 349    | 4921    | 8306   | 3205    | 5552     | 3630     | 12249   | 4919      | 3044   | 9124      | 3010     | 72445 |
| <b>Poland</b>                    |        |        |        |         |        |         |          |          |         |           |        |           |          |       |
| 0-40 hrs                         | 85     | 80     | 83     | 73      | 70     | 60      | 78       | 80       | 81      | 89        | 93     | 85        | 86       | 81    |
| 40.1-48 hrs                      | 15     | 12     | 14     | 15      | 19     | 25      | 14       | 16       | 12      | 9         | 4      | 10        | 9        | 13    |
| 48.1-99 hrs                      |        | 8      | 2      | 12      | 11     | 15      | 7        | 4        | 7       | 2         | 4      | 5         | 5        | 7     |
| Total %                          | 100    | 100    | 100    | 100     | 100    | 100     | 100      | 100      | 100     | 100       | 100    | 100       | 100      | 100   |
| Total N                          | 27     | 936    | 127    | 332     | 892    | 96      | 348      | 479      | 1087    | 633       | 534    | 315       | 209      | 6015  |
| <b>Spain</b>                     |        |        |        |         |        |         |          |          |         |           |        |           |          |       |
| 0-40 hrs                         | 79     | 80     | 76     | 72      | 76     | 78      | 83       | 85       | 80      | 92        | 94     | 86        | 87       | 82    |
| 40.1-48 hrs                      | 11     | 11     | 13     | 16      | 14     | 13      | 9        | 10       | 14      | 5         | 4      | 7         | 6        | 11    |
| 48.1-99 hrs                      | 10     | 8      | 11     | 12      | 9      | 9       | 8        | 5        | 6       | 3         | 2      | 6         | 7        | 7     |
| Total %                          | 100    | 100    | 100    | 100     | 100    | 100     | 100      | 100      | 100     | 100       | 100    | 100       | 100      | 100   |
| Total N                          | 130    | 1966   | 277    | 1006    | 1245   | 474     | 976      | 905      | 3335    | 1042      | 688    | 762       | 604      | 13410 |
| <b>United Kingdom</b>            |        |        |        |         |        |         |          |          |         |           |        |           |          |       |
| 0-40 hrs                         | 62     | 81     | 85     | 76      | 76     | 67      | 69       | 86       | 82      | 85        | 88     | 89        | 83       | 81    |
| 40.1-48 hrs                      | 21     | 13     | 9      | 15      | 16     | 19      | 18       | 9        | 11      | 12        | 6      | 7         | 12       | 12    |
| 48.1-99 hrs                      | 17     | 6      | 5      | 9       | 7      | 14      | 14       | 6        | 7       | 2         | 6      | 4         | 5        | 7     |
| Total %                          | 100    | 100    | 100    | 100     | 100    | 100     | 100      | 100      | 100     | 100       | 100    | 100       | 100      | 100   |
| Total N                          | 130    | 3536   | 241    | 1278    | 2286   | 859     | 1510     | 1613     | 5021    | 1536      | 1466   | 1993      | 951      | 22420 |

<sup>15</sup> Explanation of industries:  
1 Agriculture, hunting and forestry, including fishery  
4 Manufacturing, including mining  
5 Electricity, gas and water supply (Utilities)  
6 Construction  
7 Wholesale and retail trade; repair of motor vehicles  
8 Hotels and restaurants  
9 Transport, storage and communication  
10 Financial intermediation  
11 Real estate, renting and business activities  
12 Public administration and defence; compulsory social sec  
13 Education  
14 Health and social work  
15 Other community, social and personal service activities, incl. domestic activities

**Table 3 Distribution over 3 categories of usual working hours, breakdown by country and industry, only those employees compensated for extra hours, either in cash or in time**

| 3 categories usual working hours | 1 Agri | 4 Manu | 5 Elec | 6 Const | 7 Sale | 8 Hotel | 9 Transp | 10 Finan | 11 Busi | 12 Public | 13 Edu | 14 Health | 15 Other | Total |
|----------------------------------|--------|--------|--------|---------|--------|---------|----------|----------|---------|-----------|--------|-----------|----------|-------|
| <b>Belgium</b>                   |        |        |        |         |        |         |          |          |         |           |        |           |          |       |
| 1 0-40 hrs                       | 90     | 96     | 93     | 91      | 96     | 95      | 90       | 97       | 96      | 96        | 97     | 96        | 96       | 95    |
| 2 40.1-48 hrs                    | 10     | 3      | 6      | 5       | 3      | 4       | 6        | 2        | 4       | 3         | 3      | 3         | 4        | 4     |
| 3 48.1-99 hrs                    |        | 1      | 1      | 3       | 1      | 1       | 5        | 0        | 1       | 1         |        | 1         | 1        | 1     |
| Total %                          | 100    | 100    | 100    | 100     | 100    | 100     | 100      | 100      | 100     | 100       | 100    | 100       | 100      | 100   |
| Total N                          | 30     | 2097   | 83     | 447     | 840    | 120     | 493      | 479      | 1136    | 522       | 148    | 1238      | 374      | 8007  |
| <b>Denmark</b>                   |        |        |        |         |        |         |          |          |         |           |        |           |          |       |
| 1 0-40 hrs                       | 100    | 100    |        | 100     | 86     | 100     | 75       |          | 100     |           | 100    | 100       |          | 92    |
| 2 40.1-48 hrs                    |        |        |        |         |        |         | 25       |          |         |           |        |           | 100      | 5     |
| 3 48.1-99 hrs                    |        |        |        |         | 14     |         |          |          |         |           |        |           |          | 3     |
| Total %                          | 100    | 100    |        | 100     | 100    | 100     | 100      |          | 100     |           | 100    | 100       | 100      | 100   |
| Total N                          | 1      | 5      |        | 7       | 7      | 1       | 4        |          | 8       |           | 1      | 2         | 1        | 37    |
| <b>Finland</b>                   |        |        |        |         |        |         |          |          |         |           |        |           |          |       |
| 1 0-40 hrs                       | 65     | 95     | 94     | 93      | 93     | 94      | 92       | 96       | 94      | 96        | 95     | 94        | 95       | 94    |
| 2 40.1-48 hrs                    | 32     | 4      | 6      | 5       | 6      | 6       | 4        | 4        | 5       | 4         | 5      | 5         | 3        | 5     |
| 3 48.1-99 hrs                    | 2      | 1      |        | 2       | 1      | 1       | 4        |          | 1       | 0         |        | 1         | 2        | 1     |
| Total %                          | 100    | 100    | 100    | 100     | 100    | 100     | 100      | 100      | 100     | 100       | 100    | 100       | 100      | 100   |
| Total N                          | 81     | 2488   | 32     | 402     | 766    | 270     | 578      | 464      | 1908    | 827       | 373    | 1258      | 536      | 9983  |
| <b>Germany</b>                   |        |        |        |         |        |         |          |          |         |           |        |           |          |       |
| 1 0-40 hrs                       | 76     | 85     | 82     | 74      | 82     | 71      | 79       | 84       | 81      | 76        | 82     | 84        | 84       | 82    |
| 2 40.1-48 hrs                    | 20     | 13     | 14     | 20      | 15     | 20      | 14       | 14       | 14      | 21        | 16     | 11        | 13       | 14    |
| 3 48.1-99 hrs                    | 5      | 3      | 4      | 5       | 3      | 10      | 7        | 2        | 4       | 2         | 2      | 5         | 3        | 4     |
| Total %                          | 100    | 100    | 100    | 100     | 100    | 100     | 100      | 100      | 100     | 100       | 100    | 100       | 100      | 100   |
| Total N                          | 214    | 12938  | 1322   | 2262    | 3131   | 599     | 1851     | 2641     | 5209    | 3024      | 1114   | 3734      | 1031     | 39070 |
| <b>Netherlands</b>               |        |        |        |         |        |         |          |          |         |           |        |           |          |       |
| 1 0-40 hrs                       | 85     | 92     | 91     | 91      | 92     | 89      | 84       | 96       | 94      | 97        | 93     | 98        | 94       | 93    |
| 2 40.1-48 hrs                    | 11     | 6      | 6      | 5       | 6      | 7       | 7        | 3        | 4       | 2         | 6      | 1         | 4        | 5     |
| 3 48.1-99 hrs                    | 4      | 2      | 2      | 3       | 1      | 4       | 9        | 1        | 1       | 1         | 1      | 1         | 2        | 2     |
| Total %                          | 100    | 100    | 100    | 100     | 100    | 100     | 100      | 100      | 100     | 100       | 100    | 100       | 100      | 100   |
| Total N                          | 674    | 7254   | 216    | 2685    | 4362   | 1754    | 3011     | 2037     | 6244    | 3365      | 1197   | 6279      | 1682     | 40760 |
| <b>Poland</b>                    |        |        |        |         |        |         |          |          |         |           |        |           |          |       |
| 1 0-40 hrs                       | 89     | 82     | 82     | 75      | 74     | 56      | 81       | 85       | 85      | 94        | 93     | 82        | 90       | 84    |
| 2 40.1-48 hrs                    | 11     | 13     | 17     | 16      | 20     | 34      | 13       | 13       | 9       | 6         | 5      | 11        | 7        | 12    |
| 3 48.1-99 hrs                    |        | 6      | 2      | 9       | 6      | 10      | 6        | 2        | 5       | 0         | 2      | 7         | 3        | 5     |
| Total %                          | 100    | 100    | 100    | 100     | 100    | 100     | 100      | 100      | 100     | 100       | 100    | 100       | 100      | 100   |
| Total N                          | 9      | 381    | 60     | 92      | 232    | 41      | 135      | 131      | 367     | 250       | 224    | 123       | 72       | 2117  |
| <b>Spain</b>                     |        |        |        |         |        |         |          |          |         |           |        |           |          |       |
| 1 0-40 hrs                       | 91     | 87     | 83     | 75      | 88     | 85      | 91       | 91       | 85      | 97        | 92     | 91        | 90       | 87    |
| 2 40.1-48 hrs                    | 9      | 8      | 10     | 14      | 10     | 11      | 5        | 8        | 13      | 3         | 6      | 6         | 4        | 9     |
| 3 48.1-99 hrs                    |        | 5      | 6      | 11      | 3      | 4       | 4        | 1        | 3       | 1         | 2      | 3         | 6        | 4     |
| Total %                          | 100    | 100    | 100    | 100     | 100    | 100     | 100      | 100      | 100     | 100       | 100    | 100       | 100      | 100   |
| Total N                          | 32     | 518    | 78     | 201     | 282    | 117     | 245      | 95       | 595     | 259       | 102    | 192       | 122      | 2838  |
| <b>United Kingdom</b>            |        |        |        |         |        |         |          |          |         |           |        |           |          |       |
| 1 0-40 hrs                       | 65     | 84     | 90     | 80      | 83     | 76      | 72       | 94       | 87      | 88        | 95     | 92        | 86       | 86    |
| 2 40.1-48 hrs                    | 28     | 12     | 8      | 12      | 13     | 17      | 18       | 5        | 9       | 11        | 4      | 6         | 11       | 10    |
| 3 48.1-99 hrs                    | 7      | 4      | 2      | 9       | 4      | 6       | 11       | 1        | 4       | 1         | 2      | 2         | 3        | 4     |
| Total %                          | 100    | 100    | 100    | 100     | 100    | 100     | 100      | 100      | 100     | 100       | 100    | 100       | 100      | 100   |
| Total N                          | 60     | 1351   | 102    | 493     | 1062   | 356     | 674      | 590      | 1873    | 882       | 586    | 1213      | 435      | 9677  |

Source: *WageIndicator* dataset Sept. 2004-Sept. 2006

## 4. The opt-out

### 4.1 Legal framework and debate

According to the Commission's proposal for a revised WTD the individual opt-out from the 48 hours weekly working time would remain possible, but be subject to stricter conditions than before to prevent abuse. According to this proposal, the

possibility of using an individual opt-out, however, shall be expressly laid down by collective agreement or agreement between the social partners at the appropriate level or by national law. The elimination of the individual opt-out from the text of the WTD is one of the amendments proposed by the EP to the Commission's original revision proposal. The Commission in its amended proposal has not accepted that suggestion, but it has explored a possible compromise solution to this question that is dividing the co-legislators. In this sense, the Commission suggests that the possibility for member states to allow an exception to the applicability of the maximum weekly working time should be permitted only during a period not exceeding three years since the entering into force of the new WTD, with a possible extension of this period for reasons relating to their labour market arrangements to be granted by the Commission. In addition to previous requirements, the amended proposal provides that the use of the individual opt-out should be subject to a validity period of one year, renewable and that, in any event, no worker should work more than 55 hours in any week,<sup>16</sup> unless the collective agreement or agreement concluded between the social partners lays down otherwise.

The position of the UK is crucial here. In 1998, the UK Blair government transposed the former WTD into UK law as the Working Time Regulations. However, in doing so it made use of nearly all derogations, including the opt-out provision. More recently, Blair has hardened his position on the WTD, which he has described as being one of the worst pieces of European legislation. In the EU the UK government, following business rather than union arguments, has been pivotal in blocking the revision of the WTD.<sup>17</sup>

Precisely the abusive use of the opt-out possibility in the UK has arisen concerns. The main problems are related to the lack of guarantees for the effective protection of the worker signing an individual opting-out agreement: the lack of awareness of the employee, the imposition of the employee's consent to the opt-out agreement as a prerequisite for entering into an employment relationship, and the impossibility to withdraw that consent on a later stage. In the current debate the real effectiveness of the recourse to the individual opt-out provision is at stake. Many British employers, including their association, the CBI, seem to believe that the individual opt-out provides for operational flexibility and is a necessary tool to run a business efficiently. In the British TUC and ETUC opinion, however, "Far from boosting British competitiveness, long-hours working leads to reduced productivity and poor management".<sup>18</sup> An argument supporting this claim runs that the use of individual opt-outs is disadvantageous for UK business as it results in the absence of collective bargaining processes over the reorganisation of working patterns; thus, inefficient practices are perpetuated.<sup>19</sup> Indeed, quite some studies suggest that long working hours go together with low productivity, while shorter working hours are linked to increased internal business flexibility and greater productivity.<sup>20</sup> Moreover, the TUC argues that there are a number of other factors, specific to the UK labour market, that combine to make the impact of ending the individual opt-outs relatively modest.<sup>21</sup>

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<sup>16</sup> The 65 hours' maximum working week originally proposed by the Commission has been reduced in subsequent proposals after being strongly rejected by the ETUC.

<sup>17</sup> Exell, 2006, 275.

<sup>18</sup> ETUC, 2006.

<sup>19</sup> Barnard *et al*, 2003.

<sup>20</sup> See ILO (website); Eiro, 2005, and European Commission, 2005.

<sup>21</sup> 1 in 3 of those UK employees who work more than 48 hours per week are only working 1 or 2 extra hours per week; up to a million UK employees would continue to be exempt from the 48-hour limit (largely senior managers and professionals); and if the opt-out goes then it is certain that the deal will include increasing the reference period for averaging the 48-hour limit from 17 weeks to 52 weeks. This would exclude about 1.5 million UK long hours workers from the

We may conclude that using the opt-out clause is a lazy catch-all to avoid modernizing work organization, and can well contribute to low productivity. An alternative to this model is to enact a EU legislative framework that promotes the modernization of working time arrangements in combination with an average reduction of working time. The generalization of best practices focus on innovation, productivity and working time re-adjustment can provide enhanced flexibility to both companies and workers and, at the same time, contribute to sustainable economic development and growth.<sup>22</sup>

We will treat the issue of reference periods in section 5.

## 4.2 Results on the opt-out

Questions whether individuals have signed an individual opt-out from the WTD are only asked in Finland and the United Kingdom, because in 2004, when the survey was designed, this possibility was only relevant in these two countries. Table 1 already revealed that the UK is the sole country with a considerable share of opt-outs: 4.4% of the workers with agreed hours.<sup>23</sup> The Finnish share is negligible. Table 4 presents more detailed data for the UK restricted to those working over 32 hours per week, the measure we used for working full-time. The table shows that those with opt-out contracts are primarily male (78%), on average 38 years of age, and mainly working for medium-sized employers.

**Table 4 Personal characteristics of workers with an opt out contract in the UK (working >32 hours a week)**

|               | GENDER<br>(0=male,<br>1=female) | AGE age | chld Do you have<br>any children (0=no,<br>1=yes) | firmsize Firm size locality (0 –<br>10) |
|---------------|---------------------------------|---------|---|---|
| Mean          | .22                             | 38.36   | .49   | 5.21                                    |
| N             | 912                             | 914     | 913   | 912                                     |
| Std.Deviation | .416                            | 10.286  | .500  | 2.604                                   |

Source: *WageIndicator* dataset Sept. 2004-Sept. 2006

The persons employed on an opt-out contract are not asked for overtime arrangements, because this does not apply to their situation.

## 5. Annualised hours

### 5.1 Legal framework and debate

The issue of the annualisation of working hours is linked with that of reference periods, although not necessarily those laid down in the WTD. According to art. 16 WTD, member states may lay down: a. for the application of the maximum weekly working time, a reference period not exceeding four months; b. a reference period with regard to the duration of night work (different than the standard one of 24 hours), in consultation with the social partners or giving them this option by means of collective agreements. Nevertheless, derogations to the maximum length of night work and of the references periods set up in the WTD

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coverage of the 48-hour week, since they do not sustain their excessive working time over the full year (TUC, 2006, 2).

<sup>22</sup> Cf. inspiring examples presented at an ETUC conference, November 2005: Pillinger, 2006.

<sup>23</sup> This is lower than often noticed in the UK, but figures concerning the incidence of workers having signed an opt-out vary widely. Recently in the House of Lords a DTI report was cited stating that 66% of those employees usually working over 48 hours per week had *not* signed an opt-out, indicating an over-all incidence of less than 5% (*Minutes*, 2006)

are admitted in many cases. Some of the derogations are due to geographical reasons like the distance among the worker's places of work or to the worker's residence; others are related to the type of activity carried out, as the case of security and surveillance activities intended to protect property and persons or the case of activities involving the need for continuity of service or production, such as hospital care, naval and air transport, agriculture, gas, water and electricity supply or press and information services. In addition, derogations are allowed where there is a foreseeable surge of activity, particularly in agriculture, tourism, postal services and in railway transport. Finally, the rules regarding reference periods are not applicable in case of occurrences due to unusual and unforeseeable circumstances or accident. The WTD sets up that all these derogations may not result in the establishment of a reference period exceeding six months, or, in the case of a collective agreement, twelve months.

In the proposal for a revised WTD the Commission proposes that member states will be given the possibility to extend the standard reference period for calculating the average working week of 48 hours from 4 months to up to 12 months, provided they consult the two sides of industry. The ETUC considers that this change would be likely to bring about unilaterally imposed longer and more irregular hours for many workers, without the protection of collective bargaining.<sup>24</sup> The ETUC has called upon the Commission to make a proposal to "allow for more flexibility in working time, especially with regard to annualised working hours, only on the basis of collective agreement".<sup>25</sup>

## **5.2 Results on annualised hours**

Table 5 (next page) gives an overview of the average contractual working hours per week for those having agreed annualised hours, and the share of those having agreed annualised hours in the sample, per country and per industry. Those having agreed annualised hours have reported their annual working hours. For the calculation of the weekly working hours, it is assumed that they all have a 48-week year.

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<sup>24</sup> ETUC, 2003.

<sup>25</sup> ETUC, 2005b.

**Table 5 Average contractual working hours per week for those having agreed annualised hours, and shares of those having agreed annualised hours in total sample, by country and industry**

|                       | 1 Agri | 4 Manu | 5 Elec | 6 Const | 7 Sale | 8 Hotel | 9 Transp | 10 Finan | 11 Busi | 12 Public | 13 Edu | 14 Health | 15 Other |
|-----------------------|--------|--------|--------|---------|--------|---------|----------|----------|---------|-----------|--------|-----------|----------|
| <b>Belgium</b>        |        |        |        |         |        |         |          |          |         |           |        |           |          |
| 3 Annualised hours    |        | 33.1   |        |         |        |         |          |          | 26.6    |           | 30.0   | 30.8      |          |
| % Annualised hrs      | 3.6%   | 0.3%   | 0.7%   | 0.1%    | 0.5%   | 1.7%    | 0.8%     | 0.6%     | 0.5%    | 0.7%      | 2.7%   | 1.3%      | 0.3%     |
| <b>Finland</b>        |        |        |        |         |        |         |          |          |         |           |        |           |          |
| 3 Annualised hours    |        | 33.7   |        |         |        |         |          |          | 33.6    | 29.8      | 32.2   | 26.0      |          |
| % Annualised hrs      | 4.4%   | 2.7%   | 9.8%   | 1.2%    | 0.4%   | -       | 1.2%     | 0.8%     | 1.3%    | 1.1%      | 11.9%  | 2.9%      | 0.6%     |
| <b>Germany</b>        |        |        |        |         |        |         |          |          |         |           |        |           |          |
| 3 Annualised hours    | 38.7   | 38.4   | 37.6   | 41.0    | 38.5   | 40.8    | 41.0     | 37.5     | 37.8    | 40.3      | 37.4   | 37.2      | 36.5     |
| % Annualised hrs      | 3.8%   | 1.8%   | 3.3%   | 2.0%    | 2.4%   | 3.4%    | 13.8%    | 1.7%     | 2.0%    | 1.9%      | 3.1%   | 1.9%      | 2.3%     |
| <b>Denmark</b>        |        |        |        |         |        |         |          |          |         |           |        |           |          |
| 3 Annualised hours    |        | 11.3   |        |         |        |         | 24.7     |          |         |           | 25.7   |           |          |
| % Annualised hrs      | 4.0%   | 2.5%   | 10.3%  | -       | -      | 3.2%    | 2.7%     | 3.7%     | 6.0%    | 6.1%      | 23.5%  | 7.8%      | 3.3%     |
| <b>Netherlands</b>    |        |        |        |         |        |         |          |          |         |           |        |           |          |
| 3 Annualised hours    | 35.2   | 34.1   |        | 34.2    | 29.5   | 31.7    | 33.5     | 34.1     | 31.9    | 35.3      | 32.3   | 30.6      | 28.8     |
| % Annualised hrs      | 2.3%   | 0.4%   | 0.3%   | 0.2%    | 1.0%   | 2.0%    | 0.7%     | 1.5%     | 0.4%    | 1.5%      | 5.2%   | 2.4%      | 1.2%     |
| <b>Poland</b>         |        |        |        |         |        |         |          |          |         |           |        |           |          |
| 3 Annualised hours    |        |        |        |         |        |         |          |          |         |           | 23.8   |           |          |
| % Annualised hrs      | -      | 0.1%   | -      | -       | 0.1%   | -       | -        | -        | 0.1%    | 0.4%      | 2.2%   | 0.3%      | 1.6%     |
| <b>Spain</b>          |        |        |        |         |        |         |          |          |         |           |        |           |          |
| 3 Annualised hours    |        | 33.1   | 29.3   | 35.8    | 31.9   | 36.2    | 33.0     | 28.4     | 36.6    | 34.4      | 30.3   | 30.1      | 35.4     |
| % Annualised hrs      | 3.6%   | 4.8%   | 4.9%   | 1.6%    | 2.7%   | 5.0%    | 5.6%     | 2.6%     | 2.3%    | 3.0%      | 1.9%   | 9.1%      | 4.0%     |
| <b>United Kingdom</b> |        |        |        |         |        |         |          |          |         |           |        |           |          |
| 3 Annualised hours    |        | 39.8   | 35.0   |         | 35.8   |         | 39.3     | 36.8     | 39.8    | 39.0      | 29.8   | 42.9      |          |
| % Annualised hrs      | 2.6%   | 2.5%   | 5.0%   | 0.3%    | 0.6%   | 0.9%    | 3.6%     | 1.3%     | 0.5%    | 1.0%      | 4.7%   | 1.0%      | 1.0%     |

Source: *WageIndicator* dataset Sept. 2004-Sept. 2006  
Only cells with more than 9 observations are included

It is interesting to look after the differences between average full-time hours per week for the whole sample (included in the table in Appendix 1), and the average working week of those with annualised hours. We can divide the seven member states for which we have sufficient data (excl. Poland) into three groups:

- four countries in which those with annualised hours have a shorter working week than the average full-time week in all industries, varying by industry from 2-12 hours; this applies to Belgium, Finland, the Netherlands and Spain;
- one country with a wider difference between those with annualised hours and the average full-time week, varying by industry from 11-25 hours: Denmark, most likely to be attributed to the Danish unemployment benefit legislation;
- two countries in which the working week of those with annualised hours is sometimes shorter than the average full-time week and sometimes longer, with differences depending on the industry, varying from 4 hours shorter till over 5 hours longer: Germany and the UK; longer working hours in case of annualization can be found in the German construction, public and transport industries and in the UK manufacturing, business services, public industries and notably in the UK health industry, the latter 5.3 hours longer.

The within-industry differences across countries do not vary widely.

**Table 6 Personal characteristics of those with annualised hours (only those working annualised hours)**

|                | GENDER (0=male, 1=female) | AGE age | chld Do you have any children (0=no, 1=yes) | firmsize Firm size locality (0 – 10) |
|----------------|---------------------------|---------|---|--------------------------------------|
| Mean           | .36                       | 39.27   | .53   | 5.55                                 |
| N              | 3895                      | 3896    | 3893  | 3898                                 |
| Std. Deviation | .480                      | 10.344  | .499  | 2.886                                |

Source: *WageIndicator* dataset Sept. 2004-Sept. 2006

Table 6 reveals that in the seven member states involved those with an annualized hours' contract are mostly male (64%), on average 39 years of age, and working for medium-sized employers.

## 6. Overtime payment

Table 7 shows that those whose overtime hours are not compensated (group 5), work the longest contractual hours per week, except for Belgium and Finland. Quite likely, this group consists mainly of professionals and higher managerial layers, whose hourly salaries are assuming long working hours.

The group being paid overtime premium (group 1) shows also considerably long working hours, compared to the national standards. The group with overtime being paid as normal hours (group 2) has on average the shortest working week, except for Belgium and Germany. Those with time off in lieu for overtime hours (group 3) have a comparatively short working week too, except in Finland and Poland.

**Table 7 Average contractual working hours, breakdown by overtime payment arrangement and by country**

|   | Belgium | Denmark | Finland | Germany | Netherlands | Poland | Spain | UK   |
|---|---------|---------|---------|---------|-------------|--------|-------|------|
| 1 Overtime paid as normal hours plus overtime premium   | 37.4    | 36.9    | 38.4    | 38.6    | 38.0        | 38.9   | 38.0  | 38.2 |
| 2 Overtime paid as normal hours                         | 35.5    | 33.1    | 34.1    | 38.5    | 33.8        | 34.1   | 36.5  | 34.2 |
| 3 Time-off in lieu for overtime hours                   | 35.3    | 35.4    | 37.5    | 37.5    | 34.9        | 39.3   | 37.1  | 36.6 |
| 4 Partly paid, partly compensated with time-off in lieu | 36.5    | 36.8    | 37.8    | 37.9    | 35.2        | 39.9   | 37.9  | 36.7 |
| 5 Not compensated                                       | 37.2    | 40.6    | 37.6    | 39.9    | 38.4        | 40.1   | 38.7  | 38.6 |

Source: *WageIndicator* dataset Sept. 2004-Sept. 2006

## 7. On-call work

### 7.1 Legal framework and debate

As we already indicated in 3.1, several rulings of the European Court of Justice have established that on-call working time, when the employee must be available in the workplace, should be regarded as working time. The fact that the ECJ has stated in the case Jaeger that the definitions included in the WTD cannot be freely interpreted by the member states implies that the Community terminology used to define the different categories of workers deserves attention.

The amended proposal for a Directive of the EP and of the Council amending Directive 2003/88/EC concerning certain aspects of the organization of working

time<sup>26</sup> introduces a definition of 'on-call work' as "the 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 activities or duties and which is determined in accordance with the terms laid down in the relationship or employment contract applicable to the worker". The Commission proposal for revising the WTD includes the introduction of a new category of on-call time, the 'inactive' part of on-call time. This is the time the worker, although available for work at his place of employment, does not carry out his duties. This will not be counted as working time, unless otherwise stipulated by national law or collective agreement. The proposal also specifies that compensatory rest would not have to be granted immediately, but within 72 hours. Furthermore, with regard to an amendment to the proposal of the EP, the Commission pointed out that because it shares the concerns of the EP with regard to the health and safety of workers who are regularly on-call it has added a provision to ensure that inactive periods of on-call time are not taken into account with regard to the daily and weekly rest periods.<sup>27</sup>

The ETUC considers that excluding on-call duty in the workplace from working time could undermine existing collective agreements and have a far-reaching and disastrous impact on work organization in many sectors, i.e. hotels and restaurants or public services (firemen, police) that could potentially be excluded for working hours' rules. In this area, the ETUC demands proposals that promote balanced solutions on the basis of collective bargaining, and guarantee workers the rights to adequate rest periods and to conciliation of working and family life.<sup>28</sup>

## 7.2 Results on on-call work

In the *WageIndicator* survey the issue of on-call work or sleeping shifts, as it is called in the Netherlands, is only asked in the Netherlands, because when the survey was drawn the teams from other countries indicated that such a shift did not exist in their country. In the Dutch sample sleeping shifts are rather rare, and mainly occur in the health sector (1.1%), and to a lesser extent elsewhere in the public sector (0.6%) and in transport (0.2%).

## 8. Shift work

In the member states shift work is mostly regulated by national legislation and collective agreements, except for some aspects covered by the EU regulative framework described above.

Table 8 (next page) presents an overview of the incidence of shift work and work on irregular hours (self-defined), based on the *WageIndicator* dataset. Looking at countries, this incidence is highest in Denmark and Poland (33%), followed by Belgium, Finland, the Netherlands, and both Germany and the UK. The Spanish share (16%) is much lower than those of the others.

Looking at countries, the incidence is highest in the hotels and restaurant industry, followed by the health sector (second in five countries) and transport, storage and communication (second in three countries). Except for Denmark, wholesale and retail also show a considerable share of those in shifts and working irregular hours, and except for Germany, the Netherlands and Poland the same

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<sup>26</sup> COM (2005) 246 final.

<sup>27</sup> This rectification on the part of the Commission is highly relevant in the sense that, otherwise a time while the employee is actually at the disposal of the employer, in other words, subordinated to the orders of another individual and not being able to organise its time freely, would be considered as rest time. That possibility is manifestly unfair.

<sup>28</sup> ETUC, 2005b.

holds for manufacturing and mining. Striking are the high figures for other community services in Poland and in the UK.

**Table 8 Incidence of shift or irregular work, breakdown by country and industry**

| % I work shifts or irregular hours                          | Belgium | Denmark | Finland | Germany | Netherlands | Poland | Spain | UK  |
|---|---------|---------|---------|---------|-------------|--------|-------|-----|
| 1 Agriculture, hunting, for., fishing                       | 21%     | 27%     | 0%      | 9%      | 12%         | 0%     | 14%   | 25% |
| 4 Manufacturing and mining                                  | 31%     | 38%     | 33%     | 23%     | 21%         | 31%    | 21%   | 29% |
| 5 Electricity, gas and water supply                         | 24%     | 21%     | 25%     | 26%     | 18%         | 34%    | 15%   | 33% |
| 6 Construction  | 15%     | 9%      | 10%     | 16%     | 6%          | 19%    | 5%    | 20% |
| 7 Wholesale and retail trade                                | 33%     | 17%     | 43%     | 35%     | 32%         | 39%    | 20%   | 30% |
| 8 Hotels and restaurants                                    | 51%     | 61%     | 65%     | 48%     | 66%         | 76%    | 41%   | 71% |
| 9 Transport, storage, communicat.                           | 35%     | 52%     | 40%     | 34%     | 36%         | 30%    | 26%   | 45% |
| 10 Financial intermediation                                 | 18%     | 7%      | 9%      | 14%     | 9%          | 32%    | 6%    | 14% |
| 11 Real estate, renting and business activities             | 21%     | 23%     | 14%     | 18%     | 10%         | 24%    | 8%    | 15% |
| 12 Public administration and defence; compulsory social sec | 23%     | 18%     | 13%     | 18%     | 25%         | 16%    | 17%   | 17% |
| 13 Education  | 33%     | 20%     | 15%     | 21%     | 21%         | 41%    | 7%    | 16% |
| 14 Health and social work                                   | 49%     | 42%     | 37%     | 39%     | 54%         | 48%    | 32%   | 32% |
| 15 Other community, social and personal service activities  | 26%     | 21%     | 35%     | 33%     | 30%         | 44%    | 15%   | 38% |
| Total   | 30%     | 33%     | 27%     | 25%     | 26%         | 33%    | 16%   | 25% |
| N   | 16799   | 2116    | 3093    | 2253    | 75231       | 2038   | 13568 | 751 |

Source: *WageIndicator* dataset Sept. 2004-Sept. 2006

For four member states our data allows for a more detailed breakdown of shifts by various forms. In Belgium, Finland, the Netherlands and Spain about 90% of all shift workers ticked three forms. Among the Finnish and Spanish shift workers, alternating morning / afternoon shifts prevailed with 42% and 37%, while the Belgian (47%) and the Dutch (38%) shift workers mostly ticked 'other shifts / schedules'. Alternating morning / afternoon / night shifts ranked second (Netherlands, Spain) or third (Belgium, Finland). More specific forms of shift work were mentioned much less: it mostly concerned morning shifts (Spain 9%, Belgium 5%, Finland and the Netherlands 4%), followed by evening shifts (Netherlands 4%) and night shifts (Belgium 4%).

We now pay attention to the incidence of regular work in the evenings as well as on Saturdays and Sundays, although this is strictly spoken not shift work. Table 9 (next page) shows the shares of those regularly working in the evening, broken down by country (except for Poland) and industry. The average share is due to climatic reasons particularly high (67%) in Spain. The Netherlands and Belgium show comparatively high figures too.

Looking at industries, the hotel and restaurant sector shows the highest scores in four countries: Belgium, Finland, the Netherlands and the UK. Surprising is the high share of regular evening work in education in Germany, leaving hotels and restaurants behind. In Spain, construction and real estate etc. have the highest shares of regular evening work. This share is in all countries also above average in other community services.

**Table 9 Incidence of regularly working in the evening, breakdown by country and industry**

| % Works regular in evening                                  | Belgium | Denmark | Finland | Germany | Netherlands | Spain | UK    |
|---|---------|---------|---------|---------|-------------|-------|-------|
| 1 Agriculture, hunting, for., fishing                       | 26%     | 0%      |         | 0%      | 36%         | 70%   | 31%   |
| 4 Manufacturing and mining                                  | 38%     | 18%     | 25%     | 26%     | 41%         | 66%   | 31%   |
| 5 Electricity, gas and water supply                         | 35%     |         | 0%      | 24%     | 33%         | 67%   | 38%   |
| 6 Construction  | 28%     | 14%     | 6%      | 19%     | 28%         | 77%   | 21%   |
| 7 Wholesale and retail trade                                | 29%     | 36%     | 42%     | 26%     | 41%         | 75%   | 35%   |
| 8 Hotels and restaurants                                    | 55%     |         | 54%     | 50%     | 71%         | 64%   | 63%   |
| 9 Transport, storage, communicat.                           | 46%     | 33%     | 29%     | 32%     | 54%         | 63%   | 42%   |
| 10 Financial intermediation                                 | 27%     |         | 11%     | 26%     | 34%         | 57%   | 24%   |
| 11 Real estate, renting and business activities             | 37%     | 47%     | 20%     | 35%     | 37%         | 77%   | 29%   |
| 12 Public administration and defence; compulsory social sec | 25%     |         | 12%     | 17%     | 35%         | 36%   | 22%   |
| 13 Education  | 49%     |         | 27%     | 51%     | 47%         | 60%   | 34%   |
| 14 Health and social work                                   | 48%     | 50%     | 31%     | 42%     | 48%         | 51%   | 40%   |
| 15 Other community, social and personal service activities  | 46%     | 75%     | 32%     | 44%     | 53%         | 73%   | 42%   |
| Total   | 37%     | 33%     | 25%     | 30%     | 42%         | 67%   | 33%   |
| N   | 16533   | 116     | 2977    | 1349    | 78833       | 11710 | 19127 |

Source: *WageIndicator* dataset Sept. 2004-Sept. 2006

Table 10 shows the incidence of those regularly working on Saturdays, broken down by country (again except for Poland) and industry. The picture derived from these figures resembles much more that concerning shifts. Concerning countries, the Netherlands (32%) has the lead here, followed by Denmark, the UK and Belgium. The Finnish and German shares are the lowest.

Not surprisingly, in all seven countries the hotel and restaurant industry shows the highest incidence of regular work on Saturdays, unanimously followed by wholesale / retail. Remarkable are the high shares of health and social work in Belgium, Germany, the Netherlands and the UK. The Dutch shares for agriculture etc. and other community services are comparatively high as well.

**Table 10 Incidence of regularly working on Saturdays, breakdown by country and industry**

| % Works regularly on saturdays                              | Belgium | Denmark | Finland | Germany | Netherlands | Spain | UK    |
|---|---------|---------|---------|---------|-------------|-------|-------|
| 1 Agriculture, hunting, for., fishing                       | 28%     | 0%      | 0%      | 25%     | 48%         | 24%   | 35%   |
| 4 Manufacturing and mining                                  | 20%     | 27%     | 10%     | 10%     | 25%         | 14%   | 21%   |
| 5 Electricity, gas and water supply                         | 22%     |         | 0%      | 18%     | 17%         | 15%   | 27%   |
| 6 Construction  | 16%     | 0%      | 4%      | 7%      | 19%         | 10%   | 17%   |
| 7 Wholesale and retail trade                                | 46%     | 43%     | 44%     | 36%     | 51%         | 42%   | 53%   |
| 8 Hotels and restaurants                                    | 64%     | 100%    | 58%     | 59%     | 73%         | 66%   | 68%   |
| 9 Transport, storage, communicat.                           | 32%     | 33%     | 26%     | 27%     | 42%         | 24%   | 42%   |
| 10 Financial intermediation                                 | 18%     |         | 3%      | 9%      | 12%         | 14%   | 19%   |
| 11 Real estate, renting and business activities             | 19%     | 20%     | 10%     | 8%      | 16%         | 11%   | 18%   |
| 12 Public administration and defence; compulsory social sec | 17%     |         | 7%      | 11%     | 23%         | 16%   | 14%   |
| 13 Education  | 26%     | 0%      | 6%      | 24%     | 18%         | 7%    | 14%   |
| 14 Health and social work                                   | 43%     | 50%     | 26%     | 36%     | 44%         | 31%   | 37%   |
| 15 Other community, social and personal service activities  | 33%     | 0%      | 23%     | 27%     | 48%         | 25%   | 36%   |
| Total   | 27%     | 29%     | 17%     | 17%     | 32%         | 20%   | 28%   |
| N   | 16507   | 115     | 2970    | 1342    | 78355       | 11933 | 19038 |

Source: *WageIndicator* dataset Sept. 2004-Sept. 2006

Finally, Table 11 presents the incidence of those regularly working on Sundays, broken down by country (again except for Poland) and industry. The country pattern resembles quite that concerning regular work on Saturdays, with Denmark and the Netherlands in the lead, and Finland, Germany and Spain showing the lowest figures.

Again, in all seven countries the hotel and restaurant industry shows the highest incidence, but this time health and social work is everywhere in second position with transport etc. mostly in third. Except for the UK, the figures on wholesale / retail can here be found in the middle range.

**Table 11 Incidence of regularly working on Sundays, breakdown by country and industry**

| % Works regularly on sundays                                | Belgium | Denmark | Finland | Germany | Netherlands | Spain | UK    |
|---|---------|---------|---------|---------|-------------|-------|-------|
| 1 Agriculture, hunting, for., fishing                       | 8%      | 0%      | 0%      | 25%     | 17%         | 12%   | 25%   |
| 4 Manufacturing and mining                                  | 12%     | 18%     | 8%      | 6%      | 13%         | 8%    | 14%   |
| 5 Electricity, gas and water supply                         | 18%     |         | 0%      | 12%     | 14%         | 10%   | 21%   |
| 6 Construction  | 4%      | 0%      | 3%      | 0%      | 6%          | 2%    | 7%    |
| 7 Wholesale and retail trade                                | 11%     | 21%     | 12%     | 6%      | 15%         | 7%    | 30%   |
| 8 Hotels and restaurants                                    | 53%     |         | 42%     | 67%     | 63%         | 54%   | 57%   |
| 9 Transport, storage, communicat.                           | 21%     | 17%     | 22%     | 23%     | 27%         | 17%   | 31%   |
| 10 Financial intermediation                                 | 3%      |         | 1%      | 8%      | 4%          | 3%    | 5%    |
| 11 Real estate, renting and business activities             | 10%     | 27%     | 6%      | 5%      | 10%         | 6%    | 11%   |
| 12 Public administration and defence; compulsory social sec | 12%     |         | 5%      | 4%      | 20%         | 13%   | 11%   |
| 13 Education  | 15%     | 100%    | 5%      | 24%     | 15%         | 4%    | 12%   |
| 14 Health and social work                                   | 35%     | 0%      | 23%     | 32%     | 42%         | 21%   | 33%   |
| 15 Other community, social and personal service activities  | 20%     | 0%      | 14%     | 22%     | 27%         | 14%   | 27%   |
| Total   | 15%     | 21%     | 11%     | 11%     | 20%         | 10%   | 19%   |
| N   | 16348   | 115     | 2974    | 1334    | 77351       | 11915 | 18630 |

Source: *WageIndicator* dataset Sept. 2004-Sept. 2006

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## Appendix 1 Working hours' arrangements

**Table 12 Working hours' arrangements, by country and industry**

| <b>Belgium</b>                        |        |        |        |         |        |         |          |          |         |           |        |           |          |  |
|---------------------------------------|--------|--------|--------|---------|--------|---------|----------|----------|---------|-----------|--------|-----------|----------|--|
|                                       | 1 Agri | 4 Manu | 5 Elec | 6 Const | 7 Sale | 8 Hotel | 9 Transp | 10 Finan | 11 Busi | 12 Public | 13 Edu | 14 Health | 15 Other |  |
| Sort of working hours agreed          | Mean   | Mean   | Mean   | Mean    | Mean   | Mean    | Mean     | Mean     | Mean    | Mean      | Mean   | Mean      | Mean     |  |
| 1 Full-time hours per week            | 37.7   | 38.1   | 37.2   | 39.6    | 37.8   | 38.0    | 38.1     | 36.7     | 38.1    | 37.8      | 33.9   | 37.5      | 37.0     |  |
| 2 Part-time hours per week            | 23.7   | 27.0   | 21.9   | 25.9    | 26.2   | 21.7    | 27.3     | 25.9     | 27.0    | 26.6      | 22.8   | 25.5      | 23.6     |  |
| 3 Annualised hours                    | 41.2   | 33.1   | 39.0   | 44.0    | 22.3   | 39.0    | 41.1     | 34.8     | 26.6    | 38.0      | 30.0   | 30.8      | 38.0     |  |
| 4 Flexible hours                      | 13.0   | 32.9   | 21.1   | 33.2    | 28.9   | 24.2    | 28.9     | 29.1     | 30.6    | 32.1      | 25.5   | 29.6      | 31.5     |  |
| 6 I work on call                      | .      | 38.0   | .      | 50.0    | 14.2   | 0.0     | 40.3     | 36.0     | 28.3    | .         | 38.0   | 18.5      | .        |  |
| 7 Other                               | .      | 12.5   | .      | 38.0    | 0.0    | .       | 30.8     | .        | .       | .         | 32.0   | 0.0       | 0.0      |  |
|                                       | N      | N      | N      | N       | N      | N       | N        | N        | N       | N         | N      | N         | N        |  |
| 1 Full-time hours per week            | 42     | 2843   | 117    | 654     | 1068   | 151     | 644      | 590      | 1822    | 378       | 253    | 1004      | 449      |  |
| 2 Part-time hours per week            | 8      | 323    | 9      | 93      | 267    | 43      | 86       | 119      | 316     | 90        | 76     | 528       | 121      |  |
| 3 Annualised hours                    | 2      | 12     | 1      | 1       | 7      | 4       | 7        | 5        | 12      | 4         | 10     | 24        | 2        |  |
| 4 Flexible hours                      | 4      | 270    | 13     | 45      | 157    | 39      | 107      | 118      | 247     | 85        | 26     | 198       | 80       |  |
| 6 I work on call                      |        | 3      | 1      | 3       | 4      | 1       | 8        | 2        | 4       |           | 1      | 5         | 1        |  |
| 7 Other                               |        | 34     |        | 7       | 10     | 4       | 9        | 2        | 11      | 4         | 3      | 21        | 5        |  |
| Total                                 | 56     | 3485   | 141    | 803     | 1513   | 242     | 861      | 836      | 2412    | 561       | 369    | 1780      | 658      |  |
| % Annualised hrs                      | 3.6%   | 0.3%   | 0.7%   | 0.1%    | 0.5%   | 1.7%    | 0.8%     | 0.6%     | 0.5%    | 0.7%      | 2.7%   | 1.3%      | 0.3%     |  |
| <b>Finland</b>                        |        |        |        |         |        |         |          |          |         |           |        |           |          |  |
|                                       | 1 Agri | 4 Manu | 5 Elec | 6 Const | 7 Sale | 8 Hotel | 9 Transp | 10 Finan | 11 Busi | 12 Public | 13 Edu | 14 Health | 15 Other |  |
| Sort of working hours agreed          | Mean   | Mean   | Mean   | Mean    | Mean   | Mean    | Mean     | Mean     | Mean    | Mean      | Mean   | Mean      | Mean     |  |
| 1 Full-time hours per week            | 39.3   | 38.9   | 38.7   | 39.2    | 37.1   | 37.2    | 39.0     | 37.7     | 38.0    | 37.0      | 34.8   | 37.9      | 37.1     |  |
| 2 Part-time hours per week            | 28.2   | 30.3   | .      | 27.1    | 26.3   | 26.9    | 27.7     | 30.3     | 26.5    | 24.8      | 28.3   | 26.3      | 24.4     |  |
| 3 Annualised hours                    | 35.9   | 33.7   | 23.4   | 23.9    | 23.3   | .       | 28.0     | 36.1     | 33.6    | 29.8      | 32.2   | 26.0      | 32.8     |  |
| 4 Flexible hours                      | 34.6   | 29.3   | 40.0   | 29.3    | 28.0   | 28.3    | 30.3     | 30.2     | 28.8    | 28.0      | 24.6   | 22.1      | 23.8     |  |
| 5 I signed an indiv. opt out from WTD | .      | 50.0   | .      | .       | 46.0   | .       | .        | .        | 35.5    | .         | .      | .         | 75.0     |  |
| 6 I work on call                      | .      | 19.5   | 50.8   | .       | 0.0    | 14.4    | 15.6     | .        | 22.7    | .         | 34.0   | 20.0      | 0.0      |  |
| 7 Other                               | 41.0   | 32.3   | .      | 23.4    | 17.6   | 36.0    | 26.0     | 22.8     | 29.5    | 31.4      | 26.7   | 19.9      | 30.0     |  |
|                                       | N      | N      | N      | N       | N      | N       | N        | N        | N       | N         | N      | N         | N        |  |
| 1 Full-time hours per week            | 79     | 2709   | 32     | 444     | 783    | 261     | 621      | 525      | 2243    | 951       | 426    | 1276      | 566      |  |
| 2 Part-time hours per week            | 6      | 39     |        | 8       | 157    | 31      | 21       | 12       | 52      | 22        | 35     | 62        | 40       |  |
| 3 Annualised hours                    | 5      | 86     | 4      | 6       | 4      |         | 9        | 5        | 37      | 12        | 71     | 45        | 4        |  |
| 4 Flexible hours                      | 19     | 365    | 4      | 48      | 98     | 63      | 83       | 54       | 372     | 106       | 46     | 85        | 82       |  |
| 5 I signed an indiv. opt out from WTD |        | 1      |        |         | 1      |         |          |          | 3       |           |        |           | 1        |  |
| 6 I work on call                      | 1      | 6      | 1      | 1       | 8      | 10      | 11       | 2        | 7       |           | 2      | 9         | 8        |  |
| 7 Other                               | 3      | 38     |        | 9       | 16     | 13      | 30       | 9        | 54      | 37        | 17     | 57        | 13       |  |
| Total                                 | 113    | 3244   | 41     | 516     | 1067   | 378     | 775      | 607      | 2768    | 1128      | 597    | 1534      | 714      |  |
| % Annualised hrs                      | 4.4%   | 2.7%   | 9.8%   | 1.2%    | 0.4%   |         | 1.2%     | 0.8%     | 1.3%    | 1.1%      | 11.9%  | 2.9%      | 0.6%     |  |
| % Opt out                             |        | 0.0%   |        |         | 0.1%   |         |          |          | 0.1%    |           |        |           | 0.1%     |  |

**Table 12 Working hours' arrangements, by country and industry (cont'd)**

| <b>Germany</b>               |        |        |         |         |        |         |          |          |         |           |        |           |          |
|------------------------------|--------|--------|---------|---------|--------|---------|----------|----------|---------|-----------|--------|-----------|----------|
|                              | 1 Agri | 4 Manu | 5 EElec | 6 Const | 7 Sale | 8 Hotel | 9 Transp | 10 Finan | 11 Busi | 12 Public | 13 Edu | 14 Health | 15 Other |
| Sort of working hours agreed | Mean   | Mean   | Mean    | Mean    | Mean   | Mean    | Mean     | Mean     | Mean    | Mean      | Mean   | Mean      | Mean     |
| 1 Full-time hours per week   | 39.9   | 38.9   | 39.4    | 40.4    | 39.9   | 41.3    | 40.2     | 39.4     | 40.1    | 39.4      | 39.2   | 39.6      | 39.5     |
| 2 Part-time hours per week   | 21.3   | 26.1   | 27.9    | 26.3    | 25.1   | 26.9    | 25.6     | 25.6     | 25.9    | 26.8      | 26.4   | 26.7      | 26.0     |
| 3 Annualised hours           | 38.7   | 38.4   | 37.6    | 41.0    | 38.5   | 40.8    | 41.0     | 37.5     | 37.8    | 40.3      | 37.4   | 37.2      | 36.5     |
| 4 Flexible hours             | 21.9   | 26.1   | 28.0    | 29.8    | 19.3   | 24.2    | 23.3     | 27.0     | 28.2    | 26.8      | 31.9   | 23.5      | 23.7     |
| 6 I work on call             | 60.0   | 10.0   | .       | 0.0     | 0.0    | 23.6    | 45.0     | .        | 0.0     | 21.0      | .      | 0.0       | 13.7     |
| 7 Other                      | .      | 28.0   | 39.3    | 32.8    | 22.9   | 33.3    | 21.2     | 31.1     | 34.2    | 23.8      | 31.6   | 25.1      | 27.5     |
|                              | N      | N      | N       | N       | N      | N       | N        | N        | N       | N         | N      | N         | N        |
| 1 Full-time hours per week   | 275    | 18101  | 1731    | 3571    | 4728   | 943     | 2583     | 3457     | 8790    | 3353      | 1546   | 3983      | 1469     |
| 2 Part-time hours per week   | 33     | 800    | 62      | 188     | 560    | 100     | 107      | 218      | 798     | 380       | 460    | 1026      | 275      |
| 3 Annualised hours           | 14     | 395    | 70      | 85      | 142    | 44      | 499      | 72       | 214     | 77        | 72     | 108       | 46       |
| 4 Flexible hours             | 36     | 2011   | 241     | 304     | 427    | 141     | 325      | 480      | 940     | 286       | 182    | 337       | 185      |
| 6 I work on call             | 4      | 26     | 2       | 15      | 16     | 9       | 13       | 2        | 21      | 5         | 5      | 11        | 11       |
| 7 Other                      | 7      | 361    | 43      | 58      | 104    | 41      | 95       | 90       | 148     | 44        | 50     | 78        | 46       |
| Total                        | 369    | 21694  | 2149    | 4221    | 5977   | 1278    | 3622     | 4319     | 10911   | 4145      | 2315   | 5543      | 2032     |
| % Annualised hrs             | 3.8%   | 1.8%   | 3.3%    | 2.0%    | 2.4%   | 3.4%    | 13.8%    | 1.7%     | 2.0%    | 1.9%      | 3.1%   | 1.9%      | 2.3%     |
| <b>Denmark</b>               |        |        |         |         |        |         |          |          |         |           |        |           |          |
|                              | 1 Agri | 4 Manu | 5 Elec  | 6 Const | 7 Sale | 8 Hotel | 9 Transp | 10 Finan | 11 Busi | 12 Public | 13 Edu | 14 Health | 15 Other |
| Sort of working hours agreed | Mean   | Mean   | Mean    | Mean    | Mean   | Mean    | Mean     | Mean     | Mean    | Mean      | Mean   | Mean      | Mean     |
| 1 Full-time hours per week   | 36.4   | 36.7   | 35.4    | 36.9    | 37.5   | 37.0    | 38.3     | 36.1     | 37.4    | 36.3      | 36.9   | 36.9      | 37.5     |
| 2 Part-time hours per week   | 28.5   | 23.9   | .       | 16.2    | 22.2   | 23.5    | 25.6     | 20.0     | 23.9    | 26.0      | 26.0   | 25.7      | 23.3     |
| 3 Annualised hours           | .      | 11.3   | 35.0    | .       | .      | 40.0    | 24.7     | 0.0      | 24.8    | 37.0      | 25.7   | 15.6      | .        |
| 4 Flexible hours             | 13.3   | 33.0   | 37.0    | 37.0    | 12.3   | 14.8    | 18.1     | 0.0      | 28.4    | 37.5      | 11.7   | 37.0      | 22.4     |
| 6 I work on call             | .      | .      | .       | .       | .      | .       | .        | .        | 0.0     | .         | .      | 17.0      | .        |
| 7 Other                      | .      | .      | .       | .       | 0.0    | .       | 39.0     | .        | .       | .         | .      | 0.0       | .        |
|                              | N      | N      | N       | N       | N      | N       | N        | N        | N       | N         | N      | N         | N        |
| 1 Full-time hours per week   | 54     | 421    | 23      | 161     | 91     | 15      | 312      | 20       | 90      | 59        | 25     | 50        | 69       |
| 2 Part-time hours per week   | 2      | 12     | .       | 3       | 15     | 3       | 8        | 3        | 20      | 4         | 3      | 25        | 4        |
| 3 Annualised hours           | 3      | 13     | 3       | .       | .      | 1       | 11       | 1        | 9       | 5         | 12     | 8         | 3        |
| 4 Flexible hours             | 13     | 57     | 3       | 7       | 8      | 10      | 62       | 3        | 24      | 12        | 9      | 10        | 13       |
| 6 I work on call             | 1      | 3      | .       | .       | .      | 2       | 5        | .        | 3       | .         | .      | 3         | .        |
| 7 Other                      | 2      | 8      | .       | 1       | 6      | .       | 11       | .        | 4       | 2         | 2      | 6         | 3        |
| Total                        | 75     | 514    | 29      | 172     | 120    | 31      | 409      | 27       | 150     | 82        | 51     | 102       | 92       |
| % Annualised hrs             | 4.0%   | 2.5%   | 10.3%   | .       | .      | 3.2%    | 2.7%     | 3.7%     | 6.0%    | 6.1%      | 23.5%  | 7.8%      | 3.3%     |

**Table 12 Working hours' arrangements, by country and industry (cont'd)**

| <b>Netherlands</b>           |        |        |        |         |        |         |          |          |         |           |        |           |          |
|------------------------------|--------|--------|--------|---------|--------|---------|----------|----------|---------|-----------|--------|-----------|----------|
|                              | 1 Agri | 4 Manu | 5 Elec | 6 Const | 7 Sale | 8 Hotel | 9 Transp | 10 Finan | 11 Busi | 12 Public | 13 Edu | 14 Health | 15 Other |
| Sort of working hours agreed | Mean   | Mean   | Mean   | Mean    | Mean   | Mean    | Mean     | Mean     | Mean    | Mean      | Mean   | Mean      | Mean     |
| 1 Full-time hours per week   | 39.6   | 38.8   | 39.2   | 39.6    | 38.6   | 38.3    | 40.4     | 38.0     | 39.3    | 37.2      | 37.9   | 35.9      | 38.1     |
| 2 Part-time hours per week   | 24.6   | 27.0   | 28.0   | 27.2    | 24.9   | 24.6    | 26.7     | 27.6     | 28.5    | 28.2      | 26.8   | 26.5      | 26.1     |
| 3 Annualised hours           | 35.2   | 34.1   | 43.3   | 34.2    | 29.5   | 31.7    | 33.5     | 34.1     | 31.9    | 35.3      | 32.3   | 30.6      | 28.8     |
| 4 Flexible hours             | 30.2   | 33.4   | 36.0   | 42.0    | 24.7   | 25.1    | 34.3     | 33.3     | 30.7    | 34.5      | 28.7   | 27.3      | 28.3     |
| 6 I work on call             | 30.5   | 25.1   | .      | 26.0    | 19.6   | 27.4    | 25.2     | 32.0     | 36.5    | 18.2      | 11.6   | 22.1      | 21.8     |
| 7 Other                      | .      | 38.2   | .      | 49.8    | 36.6   | 38.0    | 46.6     | 40.3     | 32.3    | .         | .      | 29.0      | 28.5     |
|                              | N      | N      | N      | N       | N      | N       | N        | N        | N       | N         | N      | N         | N        |
| 1 Full-time hours per week   | 851    | 9974   | 277    | 3992    | 5650   | 1816    | 3831     | 2586     | 8772    | 3461      | 1619   | 3676      | 1645     |
| 2 Part-time hours per week   | 164    | 1357   | 39     | 353     | 1649   | 638     | 592      | 718      | 2476    | 888       | 988    | 4317      | 936      |
| 3 Annualised hours           | 26     | 50     | 1      | 10      | 77     | 59      | 33       | 52       | 51      | 71        | 149    | 215       | 33       |
| 4 Flexible hours             | 53     | 329    | 7      | 75      | 366    | 331     | 261      | 99       | 331     | 150       | 59     | 498       | 164      |
| 6 I work on call             | 8      | 41     | 1      | 5       | 37     | 67      | 44       | 4        | 36      | 7         | 12     | 119       | 34       |
| 7 Other                      | 21     | 97     | 2      | 20      | 77     | 62      | 68       | 17       | 80      | 28        | 22     | 93        | 47       |
| Total                        | 1123   | 11848  | 327    | 4455    | 7856   | 2973    | 4829     | 3476     | 11746   | 4605      | 2849   | 8918      | 2859     |
| % Annualised hrs             | 2.3%   | 0.4%   | 0.3%   | 0.2%    | 1.0%   | 2.0%    | 0.7%     | 1.5%     | 0.4%    | 1.5%      | 5.2%   | 2.4%      | 1.2%     |
| <b>Poland</b>                |        |        |        |         |        |         |          |          |         |           |        |           |          |
|                              | 1 Agri | 4 Manu | 5 Elec | 6 Const | 7 Sale | 8 Hotel | 9 Transp | 10 Finan | 11 Busi | 12 Public | 13 Edu | 14 Health | 15 Other |
| Sort of working hours agreed | Mean   | Mean   | Mean   | Mean    | Mean   | Mean    | Mean     | Mean     | Mean    | Mean      | Mean   | Mean      | Mean     |
| 1 Full-time hours per week   | 41.5   | 40.2   | 40.5   | 40.7    | 40.7   | 41.9    | 40.3     | 40.0     | 39.8    | 39.5      | 32.9   | 39.7      | 39.3     |
| 2 Part-time hours per week   | 30.0   | 23.9   | 40.0   | 23.1    | 28.8   | 34.5    | 28.0     | 24.6     | 27.0    | 24.5      | 17.9   | 21.7      | 25.4     |
| 3 Annualised hours           | .      | 27.5   | .      | .       | 58.3   | .       | .        | .        | 0.0     | 49.0      | 23.8   | 21.7      | 33.5     |
| 4 Flexible hours             | .      | 14.6   | .      | 20.0    | 15.4   | 13.7    | 26.7     | 39.5     | 21.4    | .         | 3.3    | 0.0       | 27.8     |
| 6 I work on call             | .      | .      | .      | .       | .      | .       | .        | .        | .       | .         | .      | .         | .        |
| 7 Other                      | .      | 39.0   | .      | 40.0    | 45.0   | .       | .        | .        | .       | 39.0      | 20.0   | .         | 0.0      |
|                              | N      | N      | N      | N       | N      | N       | N        | N        | N       | N         | N      | N         | N        |
| 1 Full-time hours per week   | 24     | 791    | 115    | 282     | 715    | 71      | 297      | 387      | 897     | 522       | 394    | 262       | 157      |
| 2 Part-time hours per week   | 1      | 10     | 1      | 10      | 40     | 7       | 5        | 20       | 46      | 12        | 41     | 16        | 18       |
| 3 Annualised hours           |        | 1      |        |         | 1      |         |          |          | 1       | 2         | 10     | 1         | 3        |
| 4 Flexible hours             |        | 35     | 2      | 7       | 36     | 3       | 9        | 17       | 40      | 7         | 7      | 6         | 8        |
| 6 I work on call             |        |        |        |         |        | 1       |          |          |         |           |        | 1         |          |
| 7 Other                      | 1      | 4      |        | 2       | 3      |         | 3        | 2        | 5       | 2         | 2      | 1         | 1        |
| Total                        | 26     | 841    | 118    | 301     | 795    | 82      | 314      | 426      | 989     | 545       | 454    | 287       | 187      |
| % Annualised hrs             |        | 0.1%   |        |         | 0.1%   |         |          |          | 0.1%    | 0.4%      | 2.2%   | 0.3%      | 1.6%     |

**Table 12 Working hours' arrangements, by country and industry (cont'd)**

| <b>Spain</b>                          |        |        |        |         |        |         |          |          |         |           |        |           |          |
|---------------------------------------|--------|--------|--------|---------|--------|---------|----------|----------|---------|-----------|--------|-----------|----------|
|                                       | 1 Agri | 4 Manu | 5 Elec | 6 Const | 7 Sale | 8 Hotel | 9 Transp | 10 Finan | 11 Busi | 12 Public | 13 Edu | 14 Health | 15 Other |
| Sort of working hours agreed          | Mean   | Mean   | Mean   | Mean    | Mean   | Mean    | Mean     | Mean     | Mean    | Mean      | Mean   | Mean      | Mean     |
| 1 Full-time hours per week            | 39.2   | 40.0   | 38.9   | 40.8    | 39.7   | 39.3    | 39.6     | 38.7     | 39.4    | 37.0      | 35.9   | 37.9      | 38.1     |
| 2 Part-time hours per week            | 16.0   | 29.9   | 31.0   | 28.4    | 28.3   | 22.5    | 29.2     | 31.2     | 28.9    | 28.3      | 19.2   | 26.8      | 23.9     |
| 3 Annualised hours                    | 30.9   | 33.1   | 29.3   | 35.8    | 31.9   | 36.2    | 33.0     | 28.4     | 36.6    | 34.4      | 30.3   | 30.1      | 35.4     |
| 4 Flexible hours                      | 30.0   | 22.9   | 22.2   | 24.6    | 21.2   | 24.0    | 21.7     | 18.4     | 23.1    | 19.3      | 19.7   | 22.7      | 27.5     |
| 6 I work on call                      | 42.0   | 40.0   | 22.0   | 20.0    | 0.0    | 15.3    | 23.7     | 41.2     | 23.7    | 22.5      |        | 24.0      | 16.0     |
| 7 Other                               | 0.0    | 14.5   | 26.0   | 40.0    | 11.1   | 12.3    | 24.6     | 13.0     | 20.4    | 0.0       | 12.8   | 18.5      | 30.7     |
|                                       | N      | N      | N      | N       | N      | N       | N        | N        | N       | N         | N      | N         | N        |
| 1 Full-time hours per week            | 81     | 1312   | 184    | 659     | 785    | 268     | 630      | 702      | 2209    | 709       | 467    | 469       | 380      |
| 2 Part-time hours per week            | 5      | 56     | 10     | 41      | 122    | 45      | 37       | 21       | 157     | 21        | 59     | 59        | 51       |
| 3 Annualised hours                    | 4      | 80     | 12     | 13      | 28     | 19      | 47       | 21       | 64      | 28        | 12     | 63        | 21       |
| 4 Flexible hours                      | 11     | 195    | 20     | 72      | 71     | 30      | 70       | 48       | 297     | 107       | 69     | 38        | 58       |
| 6 I work on call                      | 4      | 10     | 16     | 6       | 1      | 4       | 30       | 4        | 44      | 50        |        | 40        | 3        |
| 7 Other                               | 6      | 24     | 5      | 19      | 25     | 13      | 28       | 13       | 71      | 21        | 17     | 21        | 13       |
| Total                                 | 111    | 1677   | 247    | 810     | 1032   | 379     | 842      | 809      | 2842    | 936       | 624    | 690       | 526      |
| % Annualised hrs                      | 3.6%   | 4.8%   | 4.9%   | 1.6%    | 2.7%   | 5.0%    | 5.6%     | 2.6%     | 2.3%    | 3.0%      | 1.9%   | 9.1%      | 4.0%     |
| <b>United Kingdom</b>                 |        |        |        |         |        |         |          |          |         |           |        |           |          |
|                                       | 1 Agri | 4 Manu | 5 Elec | 6 Const | 7 Sale | 8 Hotel | 9 Transp | 10 Finan | 11 Busi | 12 Public | 13 Edu | 14 Health | 15 Other |
| Sort of working hours agreed          | Mean   | Mean   | Mean   | Mean    | Mean   | Mean    | Mean     | Mean     | Mean    | Mean      | Mean   | Mean      | Mean     |
| 1 Full-time hours per week            | 40.2   | 38.9   | 38.0   | 39.8    | 39.4   | 41.1    | 40.4     | 37.1     | 38.4    | 37.6      | 36.7   | 37.6      | 38.2     |
| 2 Part-time hours per week            | 16.4   | 26.0   | 26.8   | 25.1    | 19.9   | 20.6    | 24.1     | 22.4     | 23.6    | 25.0      | 22.6   | 23.7      | 20.5     |
| 3 Annualised hours                    | 37.6   | 39.8   | 35.0   | 43.7    | 35.8   | 43.5    | 39.3     | 36.8     | 39.8    | 39.0      | 29.8   | 42.9      | 32.0     |
| 4 Flexible hours                      | 34.7   | 23.2   | 33.3   | 24.2    | 26.7   | 14.7    | 24.6     | 25.9     | 24.9    | 24.4      | 20.4   | 23.9      | 20.0     |
| 5 I signed an indiv. opt out from WTD | 53.1   | 43.0   | 44.3   | 44.2    | 44.7   | 47.2    | 44.7     | 42.6     | 44.5    | 39.3      | 45.5   | 44.0      | 43.3     |
| 6 I work on call                      |        | 24.9   | 38.0   | 0.0     | 33.8   | 40.0    | 33.0     |          | 23.1    | 37.0      |        | 27.1      | 28.0     |
| 7 Other                               |        | 22.3   | 38.0   | 40.0    | 25.2   | 22.9    | 17.8     | 20.0     | 30.4    | 37.0      | 26.3   | 13.0      | 29.6     |
|                                       | N      | N      | N      | N       | N      | N       | N        | N        | N       | N         | N      | N         | N        |
| 1 Full-time hours per week            | 85     | 2715   | 156    | 989     | 1658   | 534     | 1058     | 1209     | 3843    | 863       | 962    | 1370      | 679      |
| 2 Part-time hours per week            | 7      | 80     | 9      | 42      | 280    | 69      | 43       | 88       | 206     | 105       | 193    | 307       | 80       |
| 3 Annualised hours                    | 3      | 83     | 11     | 4       | 12     | 7       | 50       | 20       | 24      | 15        | 64     | 20        | 9        |
| 4 Flexible hours                      | 10     | 218    | 21     | 67      | 93     | 62      | 80       | 119      | 388     | 446       | 98     | 164       | 78       |
| 5 I signed an indiv. opt out from WTD | 9      | 187    | 15     | 81      | 65     | 50      | 125      | 74       | 224     | 16        | 10     | 34        | 40       |
| 6 I work on call                      |        | 15     | 2      | 5       | 6      | 5       | 21       |          | 11      | 3         | 2      | 22        | 3        |
| 7 Other                               |        | 36     | 4      | 9       | 16     | 14      | 23       | 5        | 25      | 8         | 22     | 21        | 12       |
| Total                                 | 114    | 3334   | 218    | 1197    | 2130   | 741     | 1400     | 1515     | 4721    | 1456      | 1351   | 1938      | 901      |
| % Annualised hrs                      | 2.6%   | 2.5%   | 5.0%   | 0.3%    | 0.6%   | 0.9%    | 3.6%     | 1.3%     | 0.5%    | 1.0%      | 4.7%   | 1.0%      | 1.0%     |
| % Opt out                             | 7.9%   | 5.6%   | 6.9%   | 6.8%    | 3.1%   | 6.7%    | 8.9%     | 4.9%     | 4.7%    | 1.1%      | 0.7%   | 1.8%      | 4.4%     |

## Appendix 2 Working hours and overtime payment

**Table 13 Average contractual working hours, breakdown by overtime payment arrangement and by country and industry**

| <b>Belgium</b>  |        |        |        |         |        |         |          |          |         |           |        |           |          |
|---|--------|--------|--------|---------|--------|---------|----------|----------|---------|-----------|--------|-----------|----------|
| How is overtime paid                                    | 1 Agri | 4 Manu | 5 Elec | 6 Const | 7 Sale | 8 Hotel | 9 Transp | 10 Finan | 11 Busi | 12 Public | 13 Edu | 14 Health | 15 Other |
| 1 Overtime paid as normal hours plus overtime premium   |        | 37.4   | 38.8   | 38.5    | 36.1   | 26.0    | 39.3     | 35.9     | 38.1    | 37.4      | 35.3   | 33.5      | 38.2     |
| 2 Overtime paid as normal hours                         | 36.8   | 37.0   | 32.8   | 39.5    | 33.3   | 31.4    | 39.0     | 35.1     | 33.9    | 35.8      | 28.2   | 31.6      | 31.9     |
| 3 Time-off in lieu for overtime hours                   | 38.2   | 36.6   | 38.6   | 36.9    | 35.2   | 36.0    | 36.5     | 34.2     | 36.1    | 35.9      | 33.9   | 33.5      | 34.3     |
| 4 Partly paid, partly compensated with time-off in lieu | 33.5   | 37.2   | 38.9   | 38.6    | 35.0   | 33.4    | 37.2     | 34.3     | 36.3    | 35.9      | 35.0   | 33.6      | 36.8     |
| 5 Not compensated                                       | 38.0   | 37.9   | 37.3   | 38.9    | 37.7   | 36.9    | 37.9     | 36.3     | 37.5    | 37.0      | 29.7   | 35.7      | 36.2     |
| <b>Denmark</b>  |        |        |        |         |        |         |          |          |         |           |        |           |          |
| How is overtime paid                                    | 1 Agri | 4 Manu | 5 Elec | 6 Const | 7 Sale | 8 Hotel | 9 Transp | 10 Finan | 11 Busi | 12 Public | 13 Edu | 14 Health | 15 Other |
| 1 Overtime paid as normal hours plus overtime premium   |        | 37.0   |        | 37.0    | 37.0   |         | 37.0     |          | 37.0    |           | 37.0   | 40.8      | 45.0     |
| 2 Overtime paid as normal hours                         |        | 24.5   |        |         | 37.5   |         |          |          | 37.0    |           |        |           |          |
| 3 Time-off in lieu for overtime hours                   |        | 37.0   |        | 37.0    | 37.0   | 25.5    | 38.0     |          | 30.2    |           |        |           |          |
| 4 Partly paid, partly compensated with time-off in lieu | 37.0   | 37.0   |        | 37.0    | 33.8   |         | 41.0     |          | 36.5    |           |        | 37.0      |          |
| 5 Not compensated                                       |        | 37.0   |        | 37.0    | 37.0   |         | 39.0     |          | 51.2    |           |        |           | 37.0     |
| <b>Finland</b>  |        |        |        |         |        |         |          |          |         |           |        |           |          |
| How is overtime paid                                    | 1 Agri | 4 Manu | 5 Elec | 6 Const | 7 Sale | 8 Hotel | 9 Transp | 10 Finan | 11 Busi | 12 Public | 13 Edu | 14 Health | 15 Other |
| 1 Overtime paid as normal hours plus overtime premium   | 38.5   | 39.2   | 39.2   | 39.5    | 35.7   | 36.9    | 39.0     | 37.6     | 38.0    | 37.5      | 33.1   | 37.9      | 36.8     |
| 2 Overtime paid as normal hours                         | 37.8   | 38.2   |        | 40.1    | 29.8   | 33.4    | 39.7     | 36.6     | 35.9    | 36.5      | 29.0   | 36.5      | 32.1     |
| 3 Time-off in lieu for overtime hours                   | 39.2   | 38.3   | 37.2   | 38.0    | 37.1   | 37.4    | 38.2     | 37.8     | 37.8    | 36.6      | 36.0   | 37.4      | 36.7     |
| 4 Partly paid, partly compensated with time-off in lieu | 37.3   | 38.6   | 40.0   | 39.0    | 37.2   | 36.0    | 37.9     | 37.6     | 37.9    | 36.9      | 36.1   | 37.8      | 37.2     |
| 5 Not compensated                                       | 39.5   | 38.9   |        | 39.1    | 37.0   | 36.3    | 40.4     | 37.4     | 37.8    | 36.5      | 34.2   | 37.7      | 35.6     |
| <b>Germany</b>  |        |        |        |         |        |         |          |          |         |           |        |           |          |
| How is overtime paid                                    | 1 Agri | 4 Manu | 5 Elec | 6 Const | 7 Sale | 8 Hotel | 9 Transp | 10 Finan | 11 Busi | 12 Public | 13 Edu | 14 Health | 15 Other |
| 1 Overtime paid as normal hours plus overtime premium   | 40.3   | 38.2   | 38.8   | 40.3    | 38.4   | 38.5    | 39.4     | 38.2     | 39.4    | 38.5      | 33.1   | 38.8      | 40.1     |
| 2 Overtime paid as normal hours                         | 38.4   | 38.6   | 39.4   | 40.7    | 36.1   | 38.0    | 41.7     | 38.2     | 38.9    | 40.4      | 35.8   | 34.7      | 35.0     |
| 3 Time-off in lieu for overtime hours                   | 37.3   | 37.6   | 38.1   | 38.7    | 37.4   | 39.2    | 37.9     | 38.0     | 37.9    | 38.0      | 36.1   | 36.2      | 36.4     |
| 4 Partly paid, partly compensated with time-off in lieu | 38.5   | 37.6   | 38.4   | 39.2    | 36.6   | 39.9    | 38.9     | 38.0     | 38.2    | 38.9      | 34.3   | 37.6      | 36.2     |
| 5 Not compensated                                       | 39.9   | 40.0   | 40.5   | 40.4    | 40.4   | 41.5    | 41.6     | 39.9     | 40.0    | 38.0      | 37.1   | 38.6      | 39.1     |
| <b>Netherlands</b>                                      |        |        |        |         |        |         |          |          |         |           |        |           |          |
| How is overtime paid                                    | 1 Agri | 4 Manu | 5 Elec | 6 Const | 7 Sale | 8 Hotel | 9 Transp | 10 Finan | 11 Busi | 12 Public | 13 Edu | 14 Health | 15 Other |
| 1 Overtime paid as normal hours plus overtime premium   | 38.1   | 38.2   | 38.1   | 39.5    | 36.0   | 35.5    | 40.6     | 36.3     | 38.4    | 37.2      | 36.5   | 32.5      | 37.5     |
| 2 Overtime paid as normal hours                         | 36.4   | 36.6   | 36.2   | 39.2    | 31.7   | 30.2    | 38.0     | 34.0     | 34.2    | 35.4      | 30.0   | 28.0      | 29.0     |
| 3 Time-off in lieu for overtime hours                   | 36.7   | 36.5   | 37.3   | 37.1    | 34.8   | 36.2    | 37.2     | 35.0     | 36.2    | 34.8      | 33.7   | 31.6      | 34.2     |
| 4 Partly paid, partly compensated with time-off in lieu | 36.6   | 37.1   | 37.8   | 38.1    | 35.0   | 33.8    | 37.7     | 34.5     | 36.3    | 35.8      | 34.2   | 30.0      | 32.7     |
| 5 Not compensated                                       | 40.0   | 38.8   | 38.0   | 39.7    | 38.9   | 38.2    | 40.8     | 38.5     | 38.5    | 36.7      | 34.8   | 35.0      | 37.0     |
| <b>Poland</b>   |        |        |        |         |        |         |          |          |         |           |        |           |          |
| How is overtime paid                                    | 1 Agri | 4 Manu | 5 Elec | 6 Const | 7 Sale | 8 Hotel | 9 Transp | 10 Finan | 11 Busi | 12 Public | 13 Edu | 14 Health | 15 Other |
| 1 Overtime paid as normal hours plus overtime premium   | 39.5   | 40.8   | 40.2   | 40.9    | 40.8   | 42.7    | 40.1     | 39.8     | 38.6    | 39.9      | 26.6   | 43.9      | 31.2     |
| 2 Overtime paid as normal hours                         |        | 40.5   | 40.0   | 39.6    | 33.4   | 43.2    | 43.1     | 37.1     | 37.6    | 40.0      | 26.2   | 39.6      | 35.5     |
| 3 Time-off in lieu for overtime hours                   | 41.1   | 39.6   | 40.7   | 40.2    | 40.1   | 41.0    | 40.1     | 38.6     | 39.5    | 39.1      | 37.8   | 38.5      | 36.5     |
| 4 Partly paid, partly compensated with time-off in lieu |        | 40.6   | 41.1   | 41.4    | 38.1   | 45.0    | 39.9     | 39.7     | 40.6    | 40.0      | 34.8   | 40.1      | 40.6     |
| 5 Not compensated                                       | 39.7   | 40.3   | 41.1   | 41.6    | 41.0   | 44.1    | 41.2     | 40.0     | 39.7    | 39.3      | 36.9   | 38.4      | 39.9     |

**Table 13 Average contractual working hours (cont'd)**

| <b>Spain</b>  |        |        |        |         |        |         |          |          |         |           |        |           |          |
|---|--------|--------|--------|---------|--------|---------|----------|----------|---------|-----------|--------|-----------|----------|
| How is overtime paid                                    | 1 Agri | 4 Manu | 5 Elec | 6 Const | 7 Sale | 8 Hotel | 9 Transp | 10 Finan | 11 Busi | 12 Public | 13 Edu | 14 Health | 15 Other |
| 1 Overtime paid as normal hours plus overtime premium   | 41.1   | 39.9   | 39.5   | 40.3    | 35.9   | 35.5    | 37.1     | 36.5     | 38.6    | 35.8      | 31.5   | 33.7      | 37.2     |
| 2 Overtime paid as normal hours                         | 38.4   | 41.2   | 38.8   | 39.9    | 36.6   | 30.0    | 37.5     | 38.7     | 37.7    | 37.0      | 25.3   | 35.4      | 28.4     |
| 3 Time-off in lieu for overtime hours                   | 36.3   | 37.8   | 37.4   | 39.2    | 37.9   | 37.7    | 37.1     | 38.4     | 37.8    | 35.8      | 34.6   | 35.9      | 35.7     |
| 4 Partly paid, partly compensated with time-off in lieu | 40.0   | 39.3   | 37.7   | 36.7    | 34.6   | 40.1    | 36.5     | 37.6     | 38.6    | 36.2      | 38.1   | 38.3      | 36.7     |
| 5 Not compensated                                       | 37.1   | 39.2   | 39.5   | 40.3    | 39.4   | 36.6    | 40.2     | 38.3     | 39.1    | 38.5      | 34.5   | 37.2      | 37.5     |
| <b>United Kingdom</b>                                   |        |        |        |         |        |         |          |          |         |           |        |           |          |
| How is overtime paid                                    | 1 Agri | 4 Manu | 5 Elec | 6 Const | 7 Sale | 8 Hotel | 9 Transp | 10 Finan | 11 Busi | 12 Public | 13 Edu | 14 Health | 15 Other |
| 1 Overtime paid as normal hours plus overtime premium   | 39.6   | 39.1   | 38.4   | 40.1    | 38.0   | 38.6    | 40.5     | 36.0     | 37.6    | 36.9      | 35.4   | 36.1      | 37.3     |
| 2 Overtime paid as normal hours                         | 38.5   | 38.0   | 34.8   | 38.4    | 29.8   | 34.2    | 39.4     | 33.2     | 37.2    | 32.1      | 28.9   | 32.5      | 33.3     |
| 3 Time-off in lieu for overtime hours                   | 39.6   | 37.9   | 33.7   | 38.4    | 38.3   | 40.6    | 38.7     | 34.7     | 37.2    | 35.2      | 35.0   | 35.4      | 36.2     |
| 4 Partly paid, partly compensated with time-off in lieu | .      | 37.9   | 37.6   | 40.3    | 37.8   | 44.2    | 39.8     | 35.3     | 36.4    | 36.6      | 32.7   | 33.8      | 35.7     |
| 5 Not compensated                                       | 40.3   | 38.8   | 39.3   | 39.8    | 39.6   | 40.8    | 39.8     | 37.6     | 38.6    | 38.0      | 36.1   | 37.2      | 37.8     |