

European Court of Justice rules that travel time should be counted as working time

Written by William Louch on 14 September 2015 in News
News

Controversial ECJ ruling receives mixed reaction from employment committee MEPs.



The Luxembourg court ruled last week that for workers with no fixed office, such as care workers and door-to-door salesmen, time spent travelling to work should be counted as working time under the European Union's Working Time Directive (WTD) rules.

The ruling does not impact on those with long commutes to fixed work places.

The case has divided MEPs in the parliament's employment and social affairs committee (EMPL) with German committee chair Thomas Handel, welcoming the move saying, "the WTD is designed to protect the health and safety of workers. If these trips were not considered working time, in my view, this would run contrary to the directive, an important example of EU legislation."

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His colleague on the committee, vice-chair Ulla Tournae also supported the ruling, adding, "the WTD clearly states that working time is the time in which the worker is working, at the employer's disposal and carrying out their activities and duties. The ECJ has upheld this principle in this specific case to a level I am satisfied with."

The WTD is designed to protect workers' health and safety; outlining how long employees can work and how much time off they are entitled to.

The case was brought to the ECJ by Comisiones Obreras, Spain's largest trade union, against Tyco, a Spanish security company.

The action was prompted by the closure of Tyco's regional office in 2011 meaning staff had to travel for up to three hours every morning to install the company's products.

The ruling states, "if a worker who no longer has a fixed place of work is carrying out his duties during his journey to or from a customer, that worker must also be regarded as working during that journey."

It continues, "requiring the worker to bear the burden of their employer's choice would be contrary to the objective of protecting the safety and health of workers pursued by the directive, which includes the necessity of guaranteeing workers a minimum rest period."

The judgment is expected to have a major impact on employers across Europe. There has been speculation that the ruling could force companies to put wages up to avoid breaking minimum wage legislation.

The decision has also provoked a strong reaction from the business lobby and centre-right MEPs, who have criticised the measures as undemocratic and interventionist.

Adam Marshall, executive director of policy at the British Chambers of Commerce, said, "once again, a faraway court is taking decisions that could impact business prospects, job creation and economic growth in the UK."

"Companies of all sizes will be dismayed that Luxembourg is once again intervening in a way that stops EU member states from running their own labour markets."

UK MEP, Anthea McIntyre also a member of the EMPL Committee, strongly criticised the measures, saying, "this could add significantly to the costs of businesses and interfere with long-established business practices. It could hit smaller firms which would be bad for growth and bad for jobs."

She added, "we do not need a straightjacket law imposed from Europe. That just shackles employers and workers alike and puts a dead hand on job-creation and growth."

However, the European Trade Union Confederation's Veronica Nilsson said, "the European Court of Justice have dealt a blow against the exploitation of workers. This is good news for many home care workers, repair and maintenance staff and other mobile workers."

About the author

William Louch is an editorial assistant for the Parliament Magazine

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