

# EVROPSKI PARLAMENT

2004



2009

Odbor za zaposlovanje in socialne zadeve

5.4.2005

PE 357.512v01-00

## PREDLOGI SPREMEMB A-G

Osnutek poročila

(PE 353.651v01-00)

Alejandro Cercas

Proposal for a directive of the European Parliament and of the Council amending Directive 2003/88/EC concerning certain aspects of the organisation of working time

Predlog Direktive (KOM(2004)0607 – C6-0122/2004 – 2004/0209(COD) – akt o spremembi)

Besedilo, ki ga predlaga Komisija

Predlogi sprememb Parlamenta

Sporazumni predlog spremembe, ki ga vlaga Alejandro Cercas

Predlog spremembe A

(Predlog sporazumne spremembe, ki nadomesti predloge sprememb 3, 21, 22, 23)

UVODNA IZJAVA 7

(7) It is necessary to **strike a new balance between** the protection of workers' health and safety **and the need to give companies more flexibility in the** organisation of working time, **in particular with regards to on-call time and, more specifically, to inactive parts of on-call time.**

(7) It is necessary to **strengthen** the protection of workers' health and safety **despite the challenge of new forms of** organisation of working time, **and also to strike a new balance between the reconciliation of work and family life on the one hand, and more flexible** organisation of working time **on the other.**

Or. en

Sporazumni predlog spremembe, ki ga vlaga Alejandro Cercas

Predlog spremembe B

(Predlog sporazumne spremembe, ki nadomesti predloge sprememb 6, 29, 31, 32, 33, 35, 40,

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PE 357.512v01-00

## ARTICLE 1, POINT 1

Article 2, point 1 a and 1 b (Directive 2003/88/EC)

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

1a. "on-call time": period during which the worker ***cannot dispose freely of his time and*** has the obligation to be available at the workplace ***or a place determined by his employer in order to take up normal work and/or certain activities and tasks associated with being on duty, in accordance with national laws and/or practice in the Member State concerned.***

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

1b. "inactive part of on-call time": period during which the worker is on call within the meaning of Article 1a, but ***is not performing normal work or any activities or tasks associated with being on duty, in accordance with national laws and/or practice in the Member State concerned.***

Or. en

Sporazumni predlog spremembe, ki ga vlaga Alejandro Cercas

Predlog spremembe C

(Predlog sporazumne spremembe, ki nadomesti predloge sprememb 7, 45, 46, 47, 48, 50, 51, 54, 56, 57)

## ARTICLE 1, POINT 2

Article 2a (Directive 2003/88/EC)

***The inactive part of on-call time shall not be regarded as working time, unless national law or, in accordance with national law and/or practice, a collective agreement or an agreement between the two sides of industry decides otherwise.***

***The period during which the worker carries out his activity or duties during on-call time shall always be regarded as working time.***

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

***However, Member States shall have the option, subject to compliance with the general principles relating to the protection of the safety and health of workers, of allowing, by means of laws, regulations, collective agreements or agreements between the two sides of industry, that***

*inactive parts of on-call time may be calculated in a specific manner in order to comply with the maximum weekly average working time laid down in Article 6, provided that the employer informs and consults workers and/or their representatives on the introduction or alteration of any specific calculation of on-call time, the workers concerned enjoy an adequate compensatory rest period, and pregnant women and parents of children under the age of one are exempted from such measures if they so wish, or are afforded adequate protection.*

Or. en

Sporazumni predlog spremembe, ki ga vlaga Alejandro Cercas

Predlog spremembe D

(Predlog sporazumne spremembe, ki nadomesti predloge sprememb 8, 63, 64, 65, 68, 69, 70, 54, 56, 57)

ARTICLE 1, POINT 2 A (new)

Article 13, paragraph 1 a (new) (Directive 2003/88/EC)

***2a. The following paragraph 1a shall be inserted in Article 13:***

***"Member States shall take the necessary measures, by law, regulation or other appropriate provision, to encourage employers, in organising work according to a certain pattern, to take account of the needs of workers to reconcile work with family life. Member States shall, in particular, take the necessary measures to ensure that:***

- employers inform workers well in advance of any change in the working time pattern***
- workers have the right to request changes to their hours and patterns of work and employers have the obligation to consider such requests fairly, having regard to the flexibility needs of employers and employees. Employers may refuse such requests only if the organisational***

*disadvantages for the employer are disproportionate to the benefit to the worker."*

Or. en

Sporazumni predlog spremembe, ki ga vlaga Alejandro Cercas

Predlog spremembe E

(Predlog sporazumne spremembe, ki nadomesti predloge sprememb 10, 105, 106, 107, 108, 109)

ARTICLE 1, POINT 4, POINT B

Article 17, paragraph 2 (Directive 2003/88/EC)

(b) In paragraph (2), the terms "provided that the workers concerned are afforded equivalent periods of compensatory rest" are replaced by "provided that the workers concerned are afforded equivalent periods of compensatory rest *within a reasonable period, which cannot be longer than seventy-two hours*".

(b) In paragraph (2), the terms "provided that the workers concerned are afforded equivalent periods of compensatory rest" are replaced by "provided that the workers concerned are afforded equivalent periods of compensatory rest *immediately after periods of time spent on duty, in accordance with the relevant law, collective agreement or other agreements between the two sides of industry*".

Or. en

Sporazumni predlog spremembe, ki ga vlaga Alejandro Cercas

Predlog spremembe F

(Predlog sporazumne spremembe, ki nadomesti predloge sprememb 12, 127, 128, 129, 130)

ARTICLE 1, POINT 5

Article 18, subparagraph 3 (Directive 2003/88/EC)

5. In Article 18, third subparagraph, the expression "on condition that equivalent compensating rest periods are granted to the workers concerned" is replaced by "on condition that equivalent compensating rest periods are granted to the workers concerned *within a reasonable period, which cannot exceed seventy-two hours*".

5. In Article 18, third subparagraph, the expression "on condition that equivalent compensating rest periods are granted to the workers concerned" is replaced by "on condition that equivalent compensating rest periods are granted to the workers concerned *immediately after periods of time spent on duty, in accordance with the relevant law, collective agreement or other agreements between the two sides of industry*".

Sporazumni predlog spremembe, ki ga vlaga Alejandro Cercas

Predlog spremembe G

(Predlog sporazumne spremembe, ki nadomesti predloge sprememb 13, 139, 140, 142, 144, 145)

ARTICLE 1, POINT 6

Article 19, paragraph -1 and -1 a (new) (Directive 2003/88/EC)

***-1. The option to derogate from Article 16, by collective agreement or agreements between the two sides of the industry as provided for in Article 18, may be used to extend the reference period up to a maximum of 12 months, for objective or technical reasons, or reasons concerning the organisation of work, subject to compliance with the general principles relating to the protection of the safety and health of workers.***

***-1a. Member States shall have the option, when there is no collective agreement or agreements between the two sides of the industry, for objective or technical reasons, or reasons concerning the organisation of work, in particular in order to introduce working time models which provide opportunities for life-long learning for employees, to extend the reference period provided for in Article 16 up to a maximum of 12 months by law or regulation, subject to compliance with the general principles relating to the protection of the safety and health of workers, and provided that the social partners concerned have been consulted and the Member State concerned takes the necessary measures to ensure that***

***- the employer informs and consults with workers and/or their representatives;***

***- the employer produces a written assessment of risks which are potentially linked to the proposed working time and, where appropriate, describes the ways that it will prevent those risks;***

*- the employer informs the workers concerned well in advance of any change in the conditions concerning the work periods, without prejudice to Article 2 of Directive 91/533/EC;*

*- the employer keeps a written record of the working time pattern of each worker and enables workers to undergo free annual medical check-ups;*

*- pregnant women and parents of children under the age of one can be exempted, if they so request;*

*- the pattern of work does not prevent workers from reconciling work and family life.*

Or. en