New Implications of the EU Working Time Directive

Insights
1.21.20
By: Kaleigh Hartigan

The European Court of Justice recently held that EU member states must require employers to set up an "objective, reliable, and accessible system" to measure each worker's daily working hours in order to satisfy the Working Time Directive. In the 2019 case brought from Spain, the ECJ held that employers must establish systems that accurately record every employee's working hours in order to make sure they are working within the legal limits.

The EU Working Time Directive has been in force for almost three decades. Introduced in 1993 and revised in 2003, the directive provides that the workweek should not exceed 48 hours for all employees. It also contains requirements on daily rest periods, weekly rest periods, and annual holidays. While it is easy for employers to enforce these requirements for employees who clock in and out of work, it is becoming much more difficult to monitor work hours for salaried employees.

One implication of this decision might be that more attention could be drawn to after-hours time employees spend dealing with emails or phone calls, especially given the level of detail in employee records. Going into 2020, employers should monitor the amount of time employees work outside the office, including sending emails, or they risk being out of compliance with the directive to maintain accurate reporting systems.

Service Focus

Immigration

Copyright © 2024 Fisher Phillips LLP. All Rights Reserved.