

C. Labour law (period of rest)

1. 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

Official Journal L 299, 18/11/2003 P. 0009 – 0019

Chapter 2 Minimum Rest Periods – other aspects of the organisation of working time

Article 3 Daily rest

Member States shall take the measures necessary to ensure that every worker is entitled to a minimum daily rest period of 11 consecutive hours per 24-hour period.

Article 4 Breaks

Member States shall take the measures necessary to ensure that, where the working day is longer than six hours, every worker is entitled to a rest break, the details of which, including duration and the terms on which it is granted, shall be laid down in collective agreements or agreements between the two sides of industry or, failing that, by national legislation.

Article 5 Weekly rest period

Member States shall take the measures necessary to ensure that, per each seven-day period, every worker is entitled to a minimum uninterrupted rest period of 24 hours plus the 11 hours' daily rest referred to in Article 3.

If objective, technical or work organisation conditions so justify, a minimum rest period of 24 hours may be applied.

Article 6 Maximum weekly working time

Member States shall take the measures necessary to ensure that, in keeping with the need to protect the safety and health of workers:

- (a) the period of weekly working time is limited by means of laws, regulations or administrative provisions or by collective agreements or agreements between the two sides of industry;
- (b) the average working time for each seven-day period, including overtime, does not exceed 48 hours.

Chapter 3 Night work – Shift work – Patterns of work

Article 8 Length of night work

Member States shall take the measures necessary to ensure that:

- (a) normal hours of work for night workers do not exceed an average of eight hours in any 24-hour period;
- (b) night workers whose work involves special hazards or heavy physical or mental strain do not work more than eight hours in any period of 24 hours during which they perform night work.

For the purposes of point (b), work involving special hazards or heavy physical or mental strain shall be defined by national legislation and/or practice or by collective agreements or agreements concluded between the two sides of industry, taking account of the specific effects and hazards of night work.

Chapter 4 Miscellaneous provisions

Article 16 Reference periods

Member States may lay down:

- (a) for the application of Article 5 (weekly rest period), a reference period not exceeding 14 days;
- (b) for the application of Article 6 (maximum weekly working time), a reference period not exceeding four months.

The periods of paid annual leave, granted in accordance with Article 7, and the periods of sick leave shall not be included or shall be neutral in the calculation of the average;

- (c) for the application of Article 8 (length of night work), a reference period defined after consultation of the two sides of industry or by collective agreements or agreements concluded between the two sides of industry at national or regional level.

If the minimum weekly rest period of 24 hours required by Article 5 falls within that reference period, it shall not be included in the calculation of the average.

Chapter 5 Derogations and exceptions

Article 17 Derogations

1. With due regard for the general principles of the protection of the safety and health of workers, Member States may derogate from Articles 3 to 6, 8 and 16 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, and particularly in the case of:

- (a) managing executives or other persons with autonomous decision-taking powers;
- (b) family workers; or
- (c) workers officiating at religious ceremonies in churches and religious communities.

2. Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work

Official Journal L 216, 20/08/1994 P. 0012 – 0020, last amended by Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007, Official Journal L 165, 27/06/2007 P. 0021 – 0024

[Whereas]

(...)

Whereas, with respect to the weekly rest period, due account should be taken of the diversity of cultural, ethnic, religious and other factors prevailing in the Member States; whereas in particular, it is ultimately for each Member State to decide whether Sunday should be included in the weekly rest period, and if so to what extent. (...)