

## UK could have relaxed rules around Working Time Directive, following prime minister's agreement with German chancellor

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Staff could be allowed to write to their employer to say they do not wish to be "bound" by the Working Time Directive, according to reports.

The UK may be able to relax the EU's Working Time Directive after prime minister David Cameron agreed a framework for negotiations with the German chancellor, Angela Merkel, tabling new demands over the controversial rules.

The Working Time Directive means staff would be unable to work more than 48-hours per week on average and the previous Labour Government in the UK, chose to opt out of the EU directive.

But according to reports in *The Guardian* the UK will sign up to a revision of the Lisbon treaty in exchange for an undertaking from Berlin that it will allow for an examination of the impact of the directive.

In addition to employees opting out of the directive in writing the demands include the reversal of the Simap and Jaeger case judgments which classed "on call" work under the directive.

Edward Wanambwa, partner at Russell-Cooke Solicitors, said: "Reports that the Government may try to secure further opt-outs from the EU Working Time Directive are concerning.

"It should be remembered that Britain already has a significant opt-out from the Directive, as individual employees have the right to opt-out of the 48-hour limit on average working time. Further, many employees in Britain are already excluded from core protections relating to working time, such as employees who can determine their own working hours (including managing executives with autonomous decision making powers) and family workers.

"Even if not required by legislation, I expect that many employers would voluntarily maintain working time policies that are not too dissimilar to current statutory arrangements, for reasons relating to employee relations, wanting to maintain a healthy workforce and in recognition that productivity levels may decline if employees are exhausted from working very long hours.

"Removing protections afforded by the Working Time Regulations may also have the unintended effect of increasing the number of claims against employers who seek to take advantage of any watering down of the Regulations. Such employers could find themselves being sued for breaches of the requirement to take reasonable care of the health and safety of their employees, which derives from the implied term in employment contracts, the Health and Safety at Work etc Act 1974 and also the law of negligence."



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