

Malta rejects revision of working time directive

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Unwilling to end its opt-out clause, Malta has rejected the Finnish Presidency's compromise proposal for a revised version of the working time directive. Nevertheless, the Maltese government stated that it was in favour of negotiations to find a common EU solution for a revised directive. The social partners have supported the government's stand on the issue.

Malta has turned down the Finnish presidency proposal attempting to resolve the disagreement and break the long-term deadlock that has existed over the reform of Directive 2003/88/EC (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0088:EN:HTML>) concerning certain aspects of the organisation of working time ([//www.eurofound.europa.eu/ef/observatories/eurwork/industrial-relations-dictionary/working-time](http://www.eurofound.europa.eu/ef/observatories/eurwork/industrial-relations-dictionary/working-time)). Malta is one of the Member States – together with the UK (**UK0611039I** ([//www.eurofound.europa.eu/ef/observatories/eurwork/articles/social-partners-divided-over-stalemate-in-eu-discussions-on-working-time-opt-out](http://www.eurofound.europa.eu/ef/observatories/eurwork/articles/social-partners-divided-over-stalemate-in-eu-discussions-on-working-time-opt-out))) – that supports the opt-out ([//www.eurofound.europa.eu/ef/observatories/eurwork/industrial-relations-dictionary/opt-out](http://www.eurofound.europa.eu/ef/observatories/eurwork/industrial-relations-dictionary/opt-out)) clause in the working time directive, whereby a country can choose not to apply the 48-hour limit on average weekly working hours if an individual worker consents to 'opt out' of that limit. Malta had negotiated this agreement before joining the European Union.

The latest proposal was the fifth time that the directive has been brought forward for revision. The revised draft of the Finnish presidency still allows Member States to maintain the opt-out clause, but introduces a 60-hour limit on weekly working hours, which would be binding for all Member States, without any opt-out possibility. The average working time for this limit is to be calculated over a six-month period. No average working time limit, however, would apply for company executives, emergency workers and farmers, and on-call time would be treated as working time.

Reasons for rejecting proposal

The Maltese government stated that the proposed changes of the directive would be harmful to the economy (**MT0506103F** ([//www.eurofound.europa.eu/ef/observatories/eurwork/articles/maltese-social-partners-oppose-abolition-of-working-time-directive-opt-out](http://www.eurofound.europa.eu/ef/observatories/eurwork/articles/maltese-social-partners-oppose-abolition-of-working-time-directive-opt-out))). According to the government, these changes will impact on the flexibility with which the labour market operates in Malta. The government considers that the country cannot afford to lose its economic flexibility; if anything, this needs to be enhanced.

Meanwhile, a number of Member States, led by France and Spain, have opposed the opt-out clause and argued that the directive will not achieve its objective of ensuring a sustainable work-life balance throughout Europe if the clause is maintained. However, other Member States including Malta argued that if a general average working time limit is imposed and the opt-out clause removed, other, new costs would be incurred, mostly in order to continue providing the present level of certain essential services such as in healthcare, tourism and law enforcement. These costs are related to additional recruitment processes, employment and training of these new personnel.

Social partners support government position

Trade unions and business communities support the government's stand on the working time directive. Interestingly, the position of Malta's largest trade unions, the General Workers' Union (GWU (<http://www.gwu.org.mt/>)) and the Union of United Workers (Union Haddiema Maghqudin, UHM (<https://www.uhm.org.mt/home.aspx>)) contradicts that of their European counterparts. Most European trade union confederations want overtime (<http://www.eurofound.europa.eu/ef/observatories/eurwork/industrial-relations-dictionary/overtime>) to be limited to ensure a better work-life balance and a healthier workforce. Furthermore, the European Trade Union Confederation (ETUC (<http://www.etuc.org>)), of which both GWU and UHM are members, officially rejected the proposed directive because it does not entirely remove the individual opt-out clause.

The Chamber for Small and Medium-sized Enterprises (GRTU (<http://www.targetltd.com/grtu>)) also stated that refusing the directive 'is correct and in the best interests of Malta'. GRTU declared that Malta should insist on retention of the opt-out clause and continue to maintain its autonomy with regard to working time. The chamber argued that the European Commission should not impose working time conditions on Member States where the government – after consultation with the social partners – decides that it is not in the national interest to impose conditions that may generate economic problems without any specific social gain.

Commentary

The Finnish EU presidency was confident that a breakthrough on the controversial legislation would be finally reached, with the majority of Member States supporting the compromise proposal. However, on 7 November 2006, after an extraordinary meeting of the Employment, Social Policy, Health and Consumer Affairs Council (EPSCO) (http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=411&lang=en), the attempt to revise the EU working time directive was blocked again, with the 'opt-out' clause being the main obstacle (**EU0612019I** (<http://www.eurofound.europa.eu/ef/observatories/eurwork/articles/deadlock-in-progress-on-revision-of-working-time-directive>)).

Thus, for the moment, Maltese workers can continue to work as much overtime as they wish. Whereas many Europeans are becoming increasingly conscious of the benefits of a work-life balance and health and safety at work, it seems that the majority of Maltese people tend to place greater importance on their economic situation than on their overall well-being.

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