



EUROMIL aisbl
(European Organisation of
Military Associations and Trade Unions)
Boulevard du Roi Albert II 5, B 1

B-1210 Brussels
Tel: +32 480 660 933
E-mail: euromil@euromil.org
N° Ent.: 0538.809.759

Concept Note
**Safety & Health: The Implementation of the Working Time Directive in
the Armed Forces**

Date: Wednesday, 25 May 2022

Time: 09.30 – 17.00 CET

Venue:

[UIC-P Espaces Congrès](#), INTERNATIONAL UNION OF RAILWAYS,
16 rue Jean Rey - F-75015 Paris

An event organised by the European Organisation of Military Associations and Trade Unions (EUROMIL) to discuss the implementation of the Working Time Directive in the context of safety and health in the armed forces and its interpretation regarding the exclusion of military personnel from its scope in consideration with recent case law from the Court of Justice of the European Union.

I. About EUROMIL

The European Organisation of Military Associations and Trade Unions (EUROMIL) is an umbrella organisation composed of 32 military associations and trade unions from 21 countries. It is the main Europe-wide forum for cooperation among professional military associations on issues of common concern. EUROMIL strives to secure and advance the human rights, fundamental freedoms and socio-professional interests of military personnel of all ranks in Europe and promotes the concept of "Citizen in Uniform". As such, a soldier is entitled to the same rights and obligations as any other citizen. EUROMIL particularly calls for recognition of the right of servicemen and -women to form and join trade unions and independent associations and for their inclusion in a regular social dialogue by the authorities.

II. Background

Since its entry into force in 2004, Directive 2003/88/EC or the Working Time Directive (WTD), has required Member States to guarantee rights to workers regarding limited working hours, daily and weekly rest periods, paid annual leave and extra protections in the case of night work. The WTD derives from principle 10 of the European Pillar of Social Rights (healthy, safe and well adapted work environment) and Article 31 of the Charter of Fundamental Rights of the European Union.

As is usual in employment legislation, derogations from these rights are provided for in certain circumstances and with due regard to the health and safety of the

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worker. The nature of the work done by military personnel leads to often wide ranging exclusions for citizens in uniform from safeguards enshrined in legislation to protect workers from excessive and unnecessary dangers in the workplace. However, the WTD is interesting as it suggests tighter limits surrounding who does and does not benefit from the rights provided and as we have seen in recent case law, a worker is not automatically excluded from such protections based on the sector of employment they are engaged in, as is often the case in other legislation. Whilst the armed forces is by nature a high risk environment to work within, it does not mean that military personnel are not entitled to basic protections and any major derogations from such rights can quickly result in occupational illnesses and injury, including burnout and other mental health issues, as well as underperformance of duties.

III. Aim of the event

The daylong event will be in the framework of four interactive sessions in which panel discussions will focus on the Working Time Directive (WTD) in the context of the military specifically; the political background of the legislation and how case law impacts decision-makers; the experiences of military personnel surrounding safety and health and the interaction of the WTD on these issues in a number of EU Member States; as well as the experiences of EUROMIL member associations.

It is intended that the event will continue and encourage further discussion surrounding trade union rights for members of the armed forces, particularly in the context of safety and health, and that participants will actively engage and learn from one another in the hope of identifying best practices as well as existing challenges.