

First of all, thank you for inviting the ETUC here today to discuss working time issues in the context of the armed forces.

I'm Claes-Mikael Stahl, deputy general secretary for the European Trade Union Confederation.

I did my compulsory military service in Sweden almost 30 years ago, but it certainly don't feel that long ago.

It was a rewarding year, bringing back good memories. It also made me understand the great variety of situations that you can find yourself in within military service.

I initially think that it is important to stress that work in armed forces is **not a world of its own**. Rules on working time, occupational health and safety, remuneration and so on must apply also for the military.

There must be binding legal instruments to regulate the regular working weekly hours for soldiers, but also appropriate compensation for overtime. Collective bargaining should also apply in the military.

Today I have been asked to say a couple of words about the working directive from an ETUC perspective.

As most of you probably know, the directive was adopted almost 30 years ago – and it has been controversial since the start. It's like we have been on a serpentine road, never sure what will happen around the next corner. The adventures of the working time directive have been (surprisingly?) many.

The directive is very flexible – in too many ways. We will come back to that.

There are some fundamental limitations (flaws) to the Directive. It was implemented under a health and safety approach, but according to its logic **only** long working hours entail a risk for the safety and health of workers. It therefore focus on limiting excessive hours and ensuring rest and leave periods.

However, current knowledge and empirical evidence **clearly** show that not only long hours are bad for health and well-being, but also hours that are unpredictable, unsocial, lack autonomy, or require extended availability.

The times are a changing, so also the understanding of what constitutes good health and safety rules. Any future regulation of working time must take a **broader perspective** on working time arrangements and be aware of the need to complement the working time directive with other provisions.

Another flaw of the directive is that includes two far-reaching derogations, allowing for **almost unlimited extension of working hours**.

- First, the four-month reference period can be extended to one year.
- Second, Member States are allowed not to apply the maximum 48-hour limit at all, on the basis of voluntary agreements with individual workers: the so-called 'opt-out'.

I'm not going to go into all attempts to review the working time directive. We can only conclude that all attempts for the last two decades to do so have been fruitless.

Our current ETUC position is that the Working Time Directive **should not** be reopened. However, **loopholes must be addressed**. Application of working time rules to **all workers** must be ensured.

We see a widespread use of derogations from provisions such as rest periods or leave, which concerns so-called "autonomous workers", but also armed forces or police.

We see a need to ensure that derogations are limited to managing executives, and not any worker with some autonomy in the organisation of work.

We see a large risk that 'autonomous worker' can be interpreted too freely and also include workers such as armed forces, firefighters or police given their

scope for autonomy. It is a derogation that should apply only to what was intended - 'genuine' top-level managers.

The interpretative guidelines of the Working Time Directive of 2017 clarified that the working time directive is applicable to the activities of the armed forces, the police, or the civil protection services. It is also applicable to other specific public service activities as long as they are carried out under normal circumstances.

However, further clarification on the meaning of "normal circumstances" is required to avoid loopholes. And I guess that is one of the issues on the agenda here today.

Let me finish by saying that ETUC will continue to engage in work time issues. It is part of the core of what we do as trade unions.

We will continue develop new European work time demands. We will promote a right to disconnect, a ban on zero-hour contracts.

And most of all - promote stronger collective bargaining for fair working time based on collective agreements.

We look forward to cooperating with Euromil.

I wish you fruitful and engaging conference here today. Thanks for listening to me and the ETUC.