

**European Commission**

**DG for Employment, Social Affairs and  
Equal Opportunities**

*Study to support an Impact Assessment on  
further action at European level regarding  
Directive 2003/88/EC and the evolution of  
working time organisation.*

**Annex 3 - Study on the impact on business:  
survey analysis**

*21 December 2010*

**Deloitte.**



*Centre for*  
**Strategy & Evaluation  
Services**

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## 1 Introduction

This report provides the results of Deloitte’s analysis of two surveys performed by the Commission to consult EU businesses on their views on the current impact of the WTD and possible courses of action on working time regulation at European level in the context of the impact assessment of further action at EU level on the working time directive:

- the Listen SME Working Time Directive survey (LSME survey);
- the European Business Test Panel Review of EU minimum rules on organization of working time (EBTP survey).

The analysis is an annex to “Study to support an Impact Assessment on further action at European level regarding Directive 2003/88/EC and the evolution of working time organisation” and highlights the salient results of the surveys with some cross-analysis provided where most relevant. It is structured according to 4 key themes corresponding to 4 key issues linked to the WTD which are detailed in the section below.

## 2 Survey questions, participants and respondents

### 2.1 Survey Questions

The questions in both surveys were almost identical and aimed at gaining insights into businesses’ views on possible courses of action on working time regulation at European level, focussing mainly on four key issues linked to WTD:

- the measurement of weekly working time;
- the treatment of on-call time;
- average working hours;
- minimum rest periods.

Given the minimal differences between the survey questions (highlighted in Table 1 below), the results of our analyses are presented together, allowing for easier comparison and cross-analysis.

Nonetheless, while the analyses, and particularly the cross-analysis between these, allow us to gain certain insights into businesses’ views on possible courses of action on working time regulation at European level, limitations on the statistical robustness of certain statements made below should be borne in mind due to the different number of participants and sizes of sub-groups, the different data collection methods applied across the two surveys (e.g. ability to respond with several answers to certain questions in the EBTP survey vs. a singly answer in the LSME survey), and the fact that not all respondents answered all questions (e.g. certain questions in the surveys were to be skipped based on the answer to previous questions).

**Table 2: Comparison of EBTP and LSME survey questions**

	LSME		EBTP
Meta Informations	1.1 In which country is your company based?	BACKGROUND	Country
Identification of the Enterprise Europe Network partner			
A. PROFILE OF YOUR COMPANY	1.3 How many workers does your company employ? 1.2 In which sector does your company operate?		Number of employees in your company Indicate your main sector of activity Apart from your country, in how many countries of the European Union do you regularly sell products and services? 0. Would you like to participate in this consultation?
B. Measuring weekly working time	<p>2. Does your company keep records of workers' weekly working time (excluding senior managers)? </p> 3. Over what period does your company calculate workers' average weekly working time? <p>4. Is your business subject to strong fluctuations in its activity during the year?</p> (included above) <p>5. Does your company face significant difficulties in recruiting temporary staff to cover a period when demand is at a peak?</p> <p>6. Suppose that the rules were changed, so that any company had the option of calculating average working time over up to 12 months. How would this affect your company? </p>	A. PROFILE OF YOUR COMPANY B. MEASURING WEEKLY WORKING TIME	1. Is the organisation of working time in your company decided partly or wholly by collective bargaining? 2. Does your company keep records of average weekly working time, for some or all workers (excluding senior managers)? 3. Over what period does your company calculate those workers' average weekly working time? 4. Is your business subject to strong fluctuations in its activity during the year? 4.1. What type of strong fluctuations is your business subject to in its activity during the year? 5. Does your company face difficulties in recruiting temporary staff to cover a period when demand is at a peak? 6. Suppose that the rules were changed, so that any company had the option of calculating average working time over up to 12 months. How would this affect your company? (Please select all that apply)
C. Treatment of 'on-call' time	<p><b>7. In your company, do any of the workers undertake periods of 'on-call time'?</b></p> <p><b>8. Which of the following best describes the level of attention required during on-call at the workplace in your company?</b></p> <p><b>9. If all on-call time at the workplace had to be fully counted as working time (counted towards the 48-hour limit), how would this affect your company? </b></p>	C. TREATMENT OF "ON-CALL" TIME	7. In your company, do any of the workers undertake periods of 'on-call time'? 7.1. Where do the workers of your company undertake periods of 'on-call time'? 8. Which of the following best describes the level of attention required during on-call time at the workplace in your company? 9. If all on-call time at the workplace had to be fully counted as working time (counted towards the 48-hour limit), how would this affect your company? (Please select all that apply)
D. Average working hours	<p><b>10. Do any workers in your company (excluding senior management) work more than 40 hours per week on average ('overtime work')? Please include in 'overtime work' any on-call time at the workplace.</b></p> <p>10. a) How many workers in your company normally work more than 40 hours per week on average?</p> <p>12. How is overtime (including on-call at the workplace) compensated in your company?</p> <p>11. Taking the workers who work the longest hours, what is their average weekly working time, including overtime and on-call time at the workplace?</p> <p>13. Where some workers are working longer than 48 hours per week on average, please explain why?</p> <p>14. Does your company ask workers to give an individual written consent (agreement to 'opt-out') before they can work more than 48 hours per week?</p> <p>15. How many workers in your company have given such an agreement?</p> <p><b>16. In your company, do any of the following conditions apply, if a worker gives such an agreement? </b></p> <p>17. If the rules were changed so that workers could not agree to work longer average hours than the 48 hour limit; which reply best matches the likely effect on your company?</p>	D. AVERAGE WORKING HOURS	10. Do any workers in your company (excluding senior management) work more than 40 hours per week on average ('overtime work')? Please include in 'overtime work' any on-call time at the workplace. 11. How is overtime (including on-call time at the workplace) compensated in your company? (Please select all that apply) 12. Taking the workers who work the longest hours, what is their average weekly working time, including overtime and on-call time at the workplace? 13. Where some workers are working longer than 48 hours per week on average, please explain why? (Please select all that apply) 14. Does your company ask workers to give an individual written consent (agreement to 'opt-out') before they can work more than 48 hours per week? 15. How many workers in your company have given such an agreement? 16. In your company, do any of the following conditions apply, if a worker gives such an agreement? (Please select all that apply) 17. If the rules were changed so that workers could not agree to work longer average hours than the 48 hour limit; which reply best matches the likely effect on your company?
F. Minimum rest periods	<p>18. In your company, can workers (other than senior management) always take their daily and weekly minimum rest when it is due, or is there sometimes a need to delay minimum rest hours for any workers?</p> <p>19. What is the main reason your company sometimes needs to delay minimum rests?</p>	E. MINIMUM REST PERIODS	18. In your company, can workers (other than senior management) always take their daily and weekly minimum rest when it is due? 18.1. How often is there a need to delay minimum rest hours for any workers? (Please select all that apply) 19. What is the main reason your company sometimes needs to delay minimum rests?
G. Other working time rules	<p>20. Has any of the following EU working time rules had an important impact on your company? If so, please indicate which one(s).</p>	F. OTHER WORKING TIME RULES	20. Has any of the following EU working time rules had an important impact on your company? If so, please indicate which one(s). (You can explain more about this impact, if you wish, in your answer to question 21.)

## 2.2 Participants & Respondents

The LSME survey on the Working time directive was performed from 18.06.2010 – 06.09.2010. A total of 1581 respondents answered, all of whom were willing to answer the detailed survey questions. Companies from Germany and Poland were well represented, with Austria equally strongly accounted for, while France was underrepresented. It is worth noting that countries with and without the opt-out system were represented in both surveys. SME's formed the largest part of the surveyed population (1335) although 246 large enterprises were also questioned. Furthermore, the highest number of respondents were from the manufacturing (30.2%), wholesale & retail trade (12.8%), and construction (9.4%) sectors.

The EBTP (European business test panel) survey on the Working Time Directive was carried out from 14.07.2010 – 13.08.2010. A total of 531 respondents answered out of the some 3,600 companies of different sizes and sectors located in all EU Member States and EEA countries of which the EBTP is composed (given the lower number of participants compared to the LSME survey, results from the LSME survey should be somewhat more grounded). 493 of the respondents were willing to answer the detailed survey questions with particularly strong representation for Germany, the Czech Republic, Denmark, Poland and Luxembourg, while France was again underrepresented. The bulk of respondents were SME's (409), while only 122 respondents were large enterprises, making it interesting to compare the results of the survey with those of the LSME survey. Furthermore, the highest number of respondents were from the manufacturing (23%), real estate (17.9%), and wholesale & retail trade (13.6%) sectors.

We provide details of the respondents to the two surveys in the tables below:

**Table 2: Participation in the LSME survey by country**

Country	Participants	(%)
Germany	317	20.1%
Poland	249	15.7%
Austria	152	9.6%
Hungary	112	7.1%
Estonia	107	6.8%
Slovenia	92	5.8%
Italy	83	5.2%
Ireland	63	4.0%
Slovakia	58	3.7%
United Kingdom	58	3.7%
France	54	3.4%
Denmark	50	3.2%
Spain	42	2.7%
Belgium	38	2.4%
Portugal	38	2.4%
Bulgaria	21	1.3%
Lithuania	18	1.1%
Czech Republic	13	0.8%
Sweden	6	0.4%

Country	Participants	(%)
Greece	4	0.3%
Luxembourg	2	0.1%
Romania	2	0.1%
Finland	1	0.1%
Malta	1	0.1%
Cyprus	0	0.0%
Latvia	0	0.0%
Netherlands	0	0.0%
Other	0	0.0%

Source: LSME survey

**Table 3: Participation in the EBTP survey by country**

Country	Participants	(%)
Germany	96	18.1
Czech Republic	44	8.3
Denmark	40	7.5
Poland	40	7.5
Luxembourg	38	7.2
The Netherlands	27	5.1
United Kingdom	26	4.9
Hungary	21	4.0
Romania	20	3.8
Spain	18	3.4
Finland	18	3.4
Austria	16	3.0
Italy	15	2.8
Belgium	11	2.1
Estonia	11	2.1
Greece	11	2.1
Ireland	11	2.1
France	9	1.7
Portugal	9	1.7
Bulgaria	8	1.5
Latvia	8	1.5
Cyprus	7	1.3
Lithuania	7	1.3
Sweden	6	1.1
Malta	4	0.8
Norway	4	0.8
Slovenia	3	0.6
Island	2	0.4
Slovak Republic	1	0.2

Source: EBTP survey

For the cross-analyses contained within this document, readers should bear in mind all necessary safeguards in terms of the statistical validity of the results given the relatively small number of respondents to the surveys, especially when considering sub-groups.

Furthermore, it is important to state that, as can be seen in the tables above, responses of companies from some countries are very much over-represented and those from other countries very much underrepresented in comparison to what we would expect from the countries' share of the EU GDP or share of number of companies. For this reason, it is difficult to draw representative conclusions at EU level from the analyses.

### 3 Results

#### 3.1 Measurement of weekly working time

The majority of companies surveyed measure weekly working time, but it is worth noting that this is nonetheless not the case of 49.3% of companies responding to the LSME survey<sup>1</sup>, and 35.1% of companies responding to the EBTP survey.

Of those who do calculate weekly working time, most use a reference period of up to 4 months (in both the LSME and EBTP surveys):

3. Over what period does your company calculate workers' average weekly working time?	Responses (%) <sup>1</sup>
Up to 4 months	46.2%
4-6 months	10.0%
6-12 months	23.7%
Longer than 12 months	20.1%

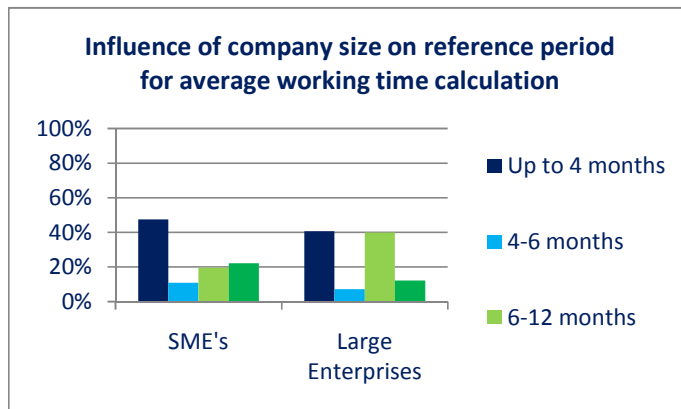
Source: LSME survey

3. Over what period does your company calculate those workers' average weekly working time?	Responses (%)
Up to 4 months	50.6%
4-6 months	11.2%
6-12 months	29.7%
Longer than 12 months	8.4%

Source: EBTP survey

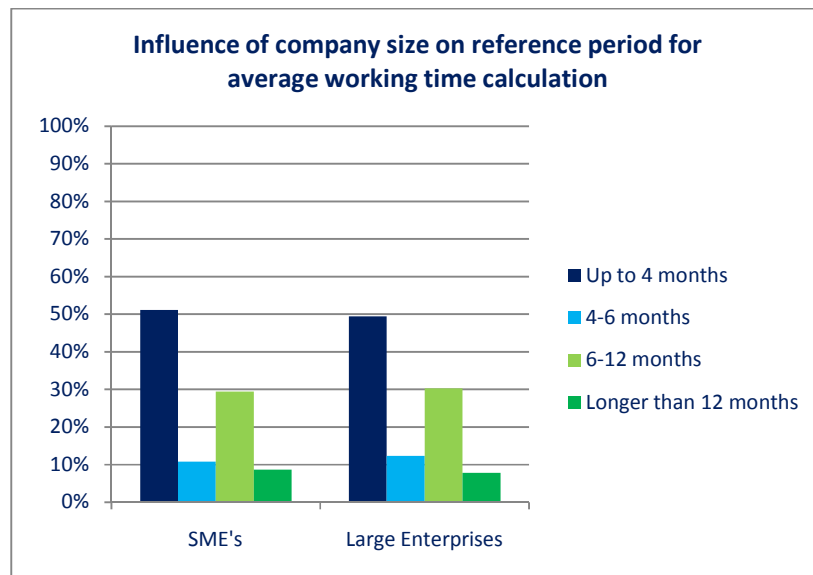
<sup>1</sup> Based on companies specifying a period over which working time is measured in the LSME survey

According to the LSME survey a higher proportion of SME's than large enterprises do not track average weekly working time, and a significantly lower proportion use a reference period of 6-12 months for this, where track is kept at all.



Source: LSME survey

This is in contrast to the results of the EBTP survey, in which the reference period for companies measuring average weekly working time is not dependent on their size, with SME's and large enterprises showing similar results:



Source: EBTP survey

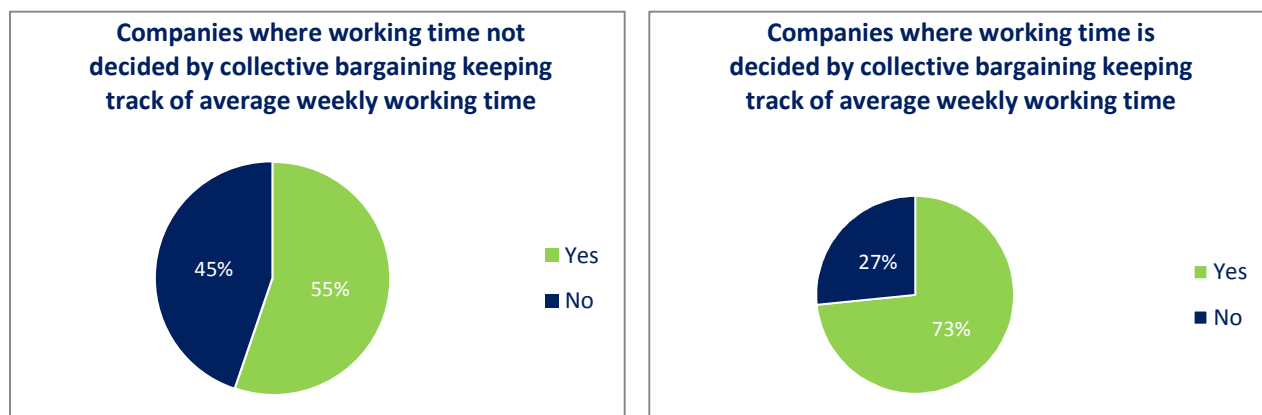
Furthermore, many of the companies that responded to the EBTP survey (46.7%) mentioned that collective bargaining does not define working time in their company, meaning that they could potentially benefit from an adaptation to the working time directive in order to allow the extension of the reference period for measurement of weekly working time to 12 months through national legislation.



1. Is the organisation of working time in your company decided partly or wholly by collective bargaining?	Responses (%) <sup>2</sup>
No, not at all	46.7%
Yes, by collective agreement(s) at national level applying to several sectors	12.8%
Yes, by collective agreement(s) at sectoral level	19.7%
Yes, by collective agreement(s) at the enterprise level	14.4%
Yes, by collective agreement(s) at more than one of these levels	6.5%

Source: EBTP survey

However, among those companies responding that working time is not decided by collective bargaining, 45% do not keep records of working time as opposed to only 27% in companies where working time is decided by collective bargaining:

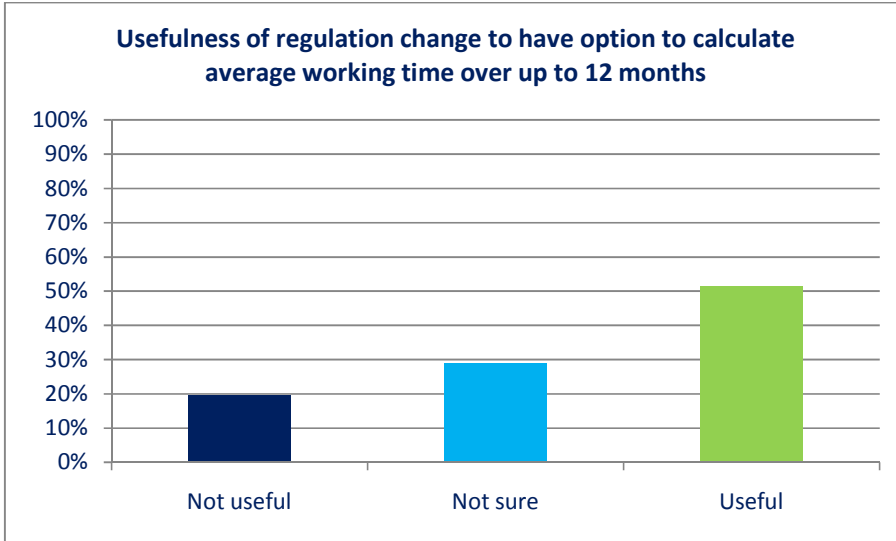


Source: EBTP survey

A majority of the respondents to the LSME survey (51.4%) mentioned that changing the rules so that any company had the option of calculating average working time over up to 12 months by law would be useful to them<sup>3</sup>. Given the fact that some companies already use a reference period of 12 months, the overall split of responses in terms of the usefulness of a regulation change to have the option to calculate average working time over up to 12 months can be summarized as follows:

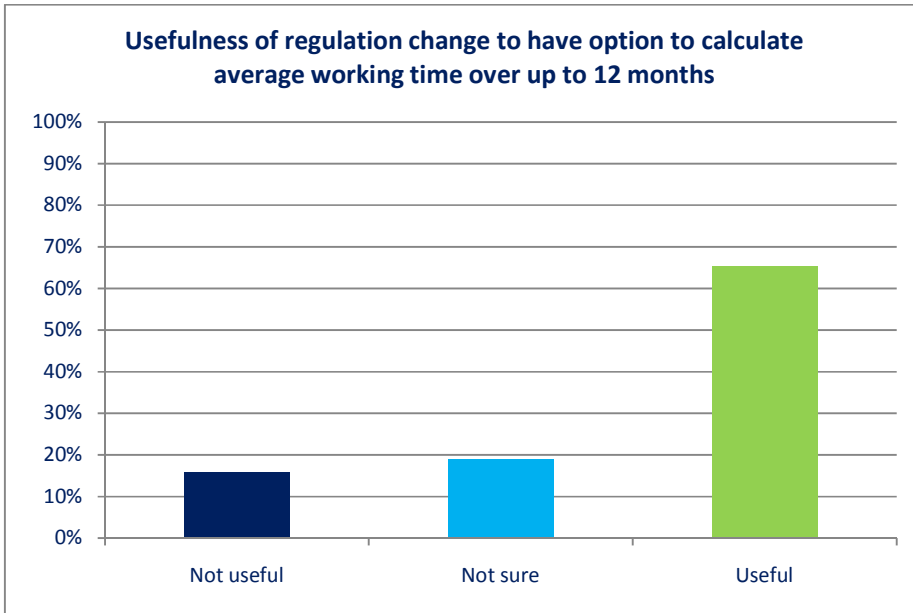
<sup>2</sup> Meaning responses to the given question – this is the approach taken in all subsequent mentions

<sup>3</sup> Useful includes companies mentioning that they already use a 12 month reference period



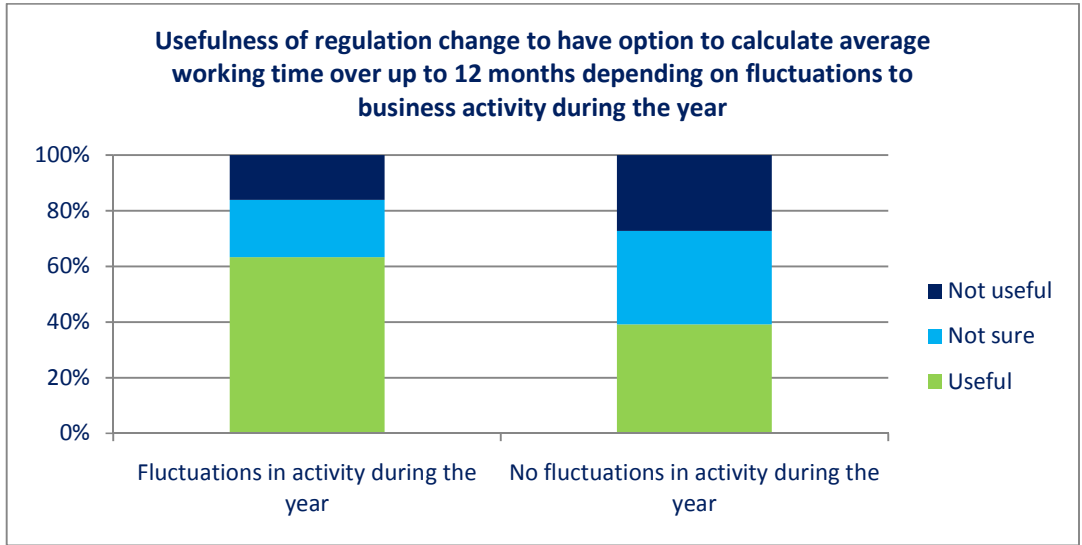
Source: LSME survey

This is confirmed by the EBTP survey in which 65% of respondents responded likewise.



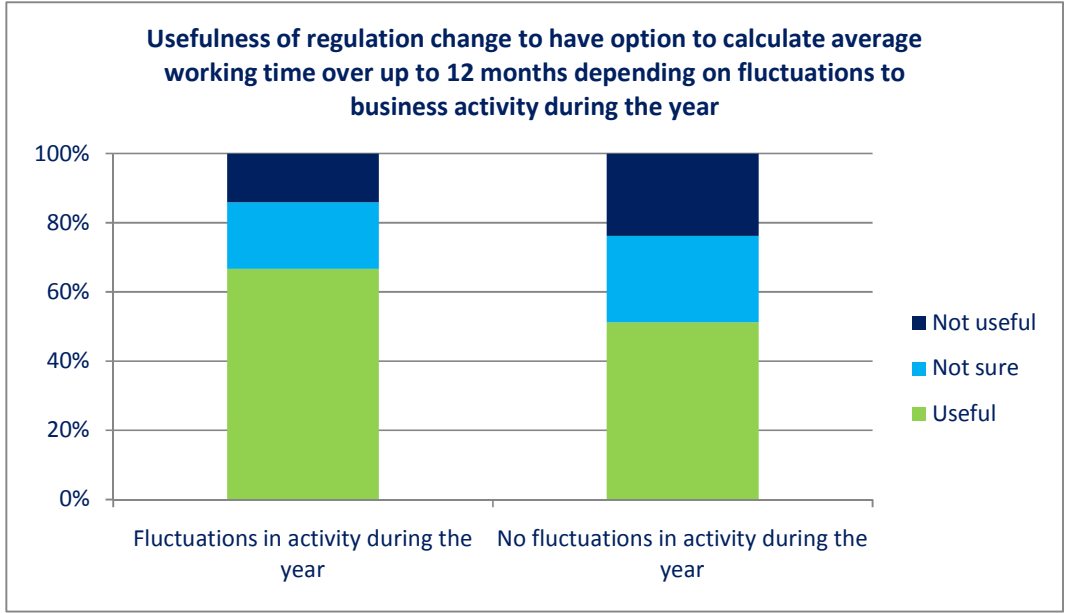
Source: EBTP survey

The proportion of companies finding a change in the regulation useful seems even higher for companies facing fluctuations in activities during the year in the LSME survey:



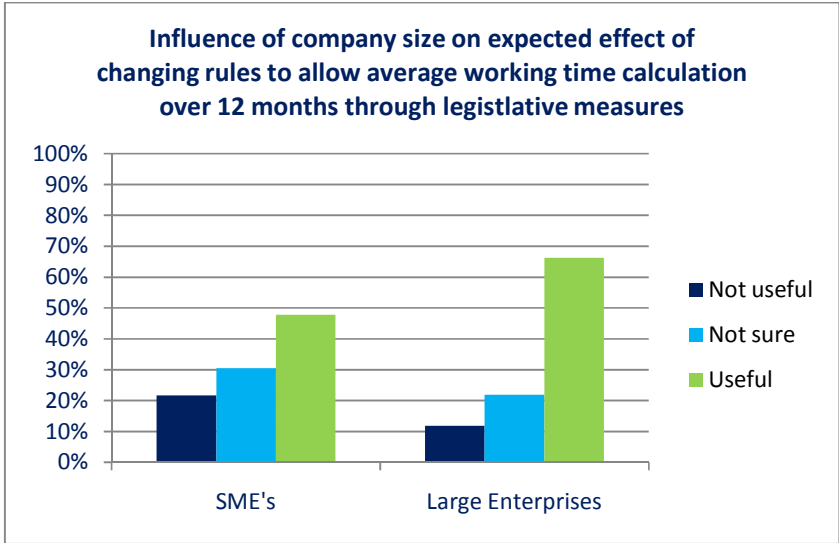
Source: LSME survey

This is again confirmed by the EBTP survey:



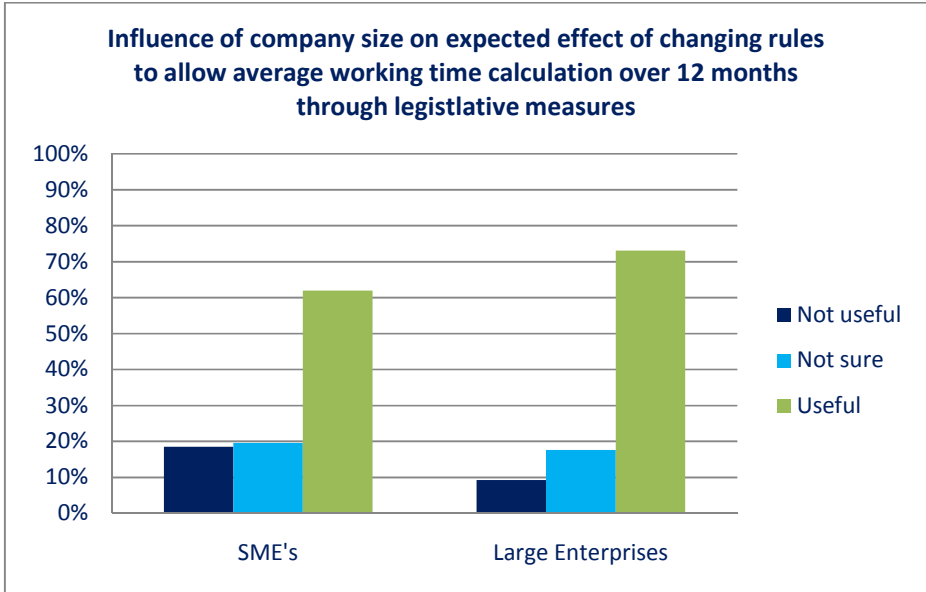
Source: EBTP survey

Furthermore, we note in the LSME survey that SME’s were more sceptical than large enterprises on the effects of such a change in regulation:



Source: LSME survey

This is confirmed by the EBTP survey although it shows a higher proportion of SME respondents (also closer to the proportion of large enterprises) expecting that such a change in the rules would be useful compared to the LSME survey.



Source: EBTP survey

### 3.2 Treatment of “on-call” time

When treating “on-call” time it is first necessary to ensure clarity with some definitions, given that the surveys coupled both real “on-call” time and “stand-by” time under this term:

- “On-call” time is time during which workers must remain at the workplace or a place chosen by the company even though they are not actively working;
- “Stand-by” time is time during which workers can remain at home or at another place of their choice, but must be contactable to work within a defined number of minutes if needed.

32.9% of respondents to the LSME survey had workers undertaking periods of “on-call” time or “stand-by” time, with 3.8% of respondents obliging workers to remain at the workplace or a place chosen by the company.

7. In your company, do any of the workers undertake periods of ‘on-call time’?	Responses (%)
Yes: during on-call time they must remain at the workplace or a place chosen by the company	3.8%
Yes: during on-call time they can remain at home or at another place of their choice, but must be contactable to work if needed	23.2%
Yes, both on-call at the workplace and on-call at home	6.1%
No	66.9%

Source: LSME survey

This closely corresponds to the EBTP survey in terms of the number of respondents using “on-call” time or “stand-by” time (31%), but somewhat differs in terms of the number of companies obliging their employees to remain at the workplace or a place chosen by the company (true “on-call” time), with only 9.2% of respondents from the EBTP survey having indicated workers from their company perform “on-call” or “stand-by” time mentioning these must remain at the workplace or a place chosen by the company.

The following breakdown in terms of required level of attention<sup>4</sup> during “on-call” time at the workplace was observed:

Which of the following best describes the level of attention required during on-call at the workplace in your company?	Responses (%)
High	10.3%
Low	53.6%
Variable	36.1%

Source: LSME survey

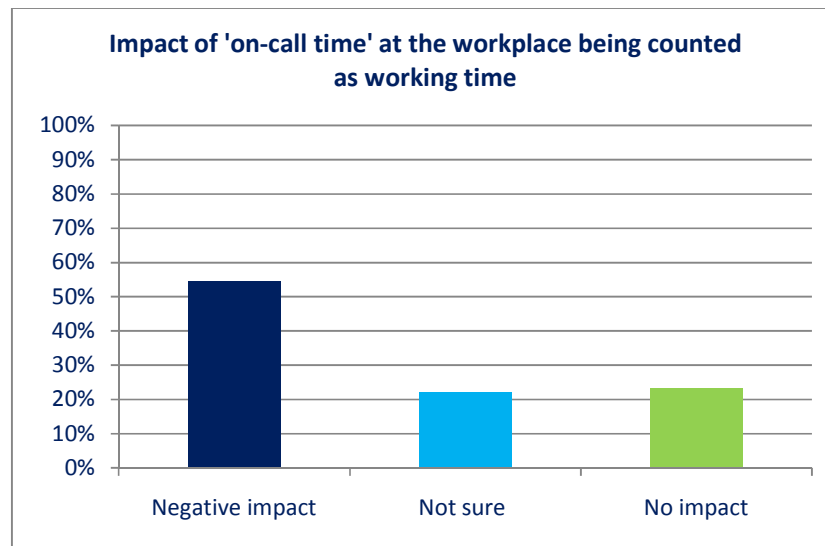
<sup>4</sup> The levels of attention required high, low, variable and don’t know are based on the responses “Must remain active/attentive over long periods, with no or limited opportunity to rest”, “the employee is rarely called to intervene in practice, can rest or relax for long periods”, “either is possible, depending on the job” and “don’t know”

The EBTP survey found that less workers need to maintain a high level of attention during “on-call” time:

8. Level of attention required during on-call time at the workplace in your company	Responses (%)
Low	46.4%
Variable	43.1%
High	2.6%
Don't know	7.8%

Source: EBTP survey

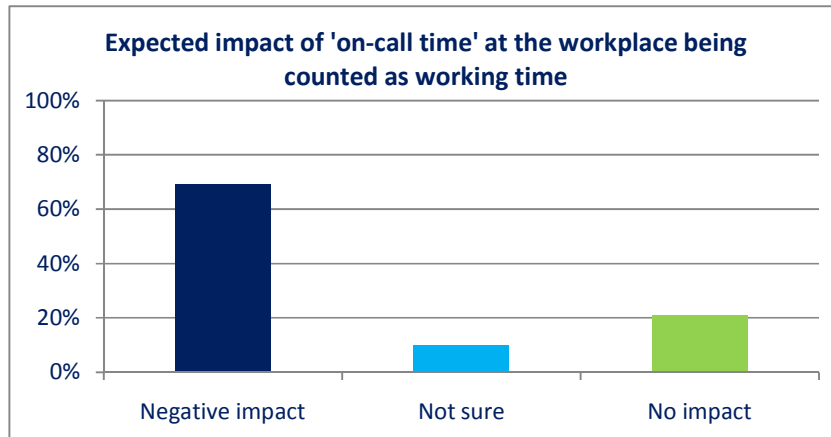
The WTD – as confirmed by SIMAP-Jaeger rulings - considers all “on-call” time as working time. Nevertheless, when the surveys raised the question of the “expected” impact of counting all “on-call” time at the workplace as working time on the companies using this<sup>5</sup>, the responses clearly showed a negative “expected” impact among respondents<sup>6</sup> (as well as the fact that many companies do not seem to be aware of the WTD rules), with substantial problems requiring a major reorganization of work patterns being the most often cited impact:



Source: LSME survey

<sup>5</sup> All “on-call time” at the workplace already is counted as working time (as per the SIMAP – Jaeger rulings)

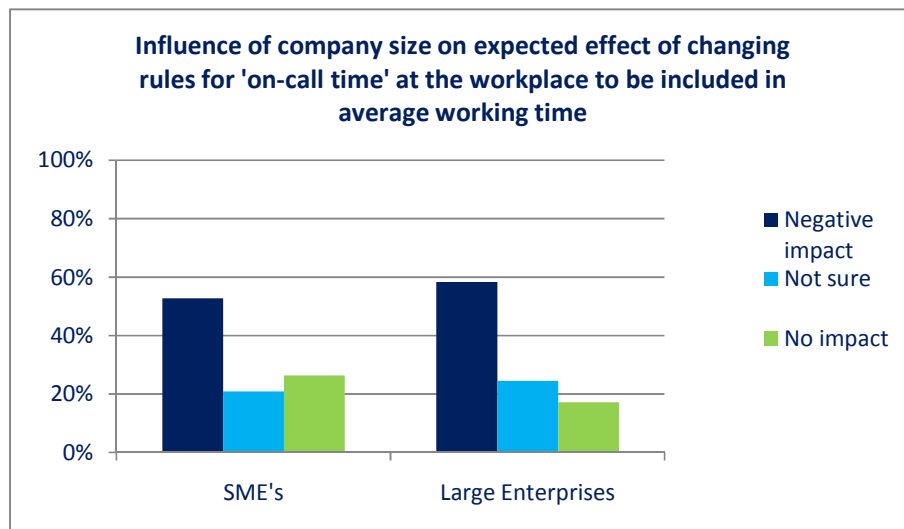
<sup>6</sup> Negative impact covers all responses mentioning minor or substantial expected problems; No impact covers all responses mentioning no problem – other impacts are not covered



Source: EBTP survey

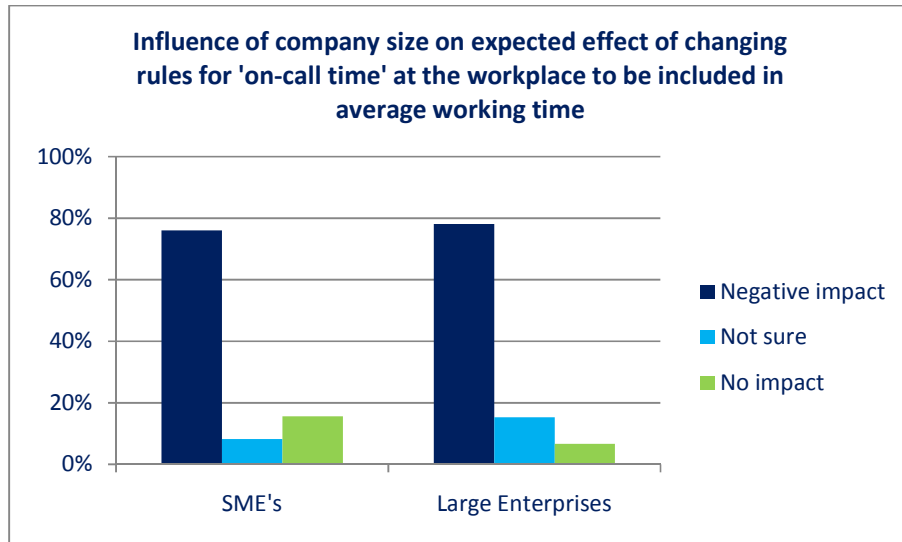
Results from the EBTP survey were even more emphatic on this point.

The LSME results were similar for SME's and Large Enterprises, with SME's being slightly less negative about the impact of such a change.



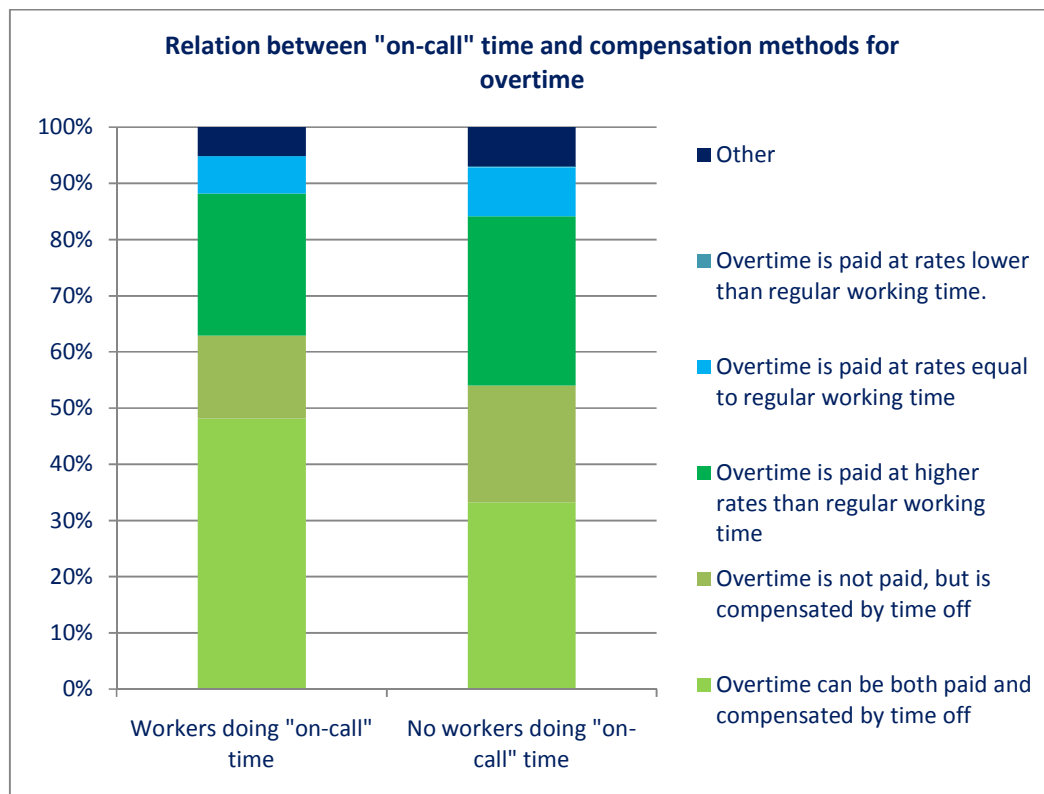
Source: LSME survey

The EBTP results showed the same, but results were closer:



Source: EBTP survey

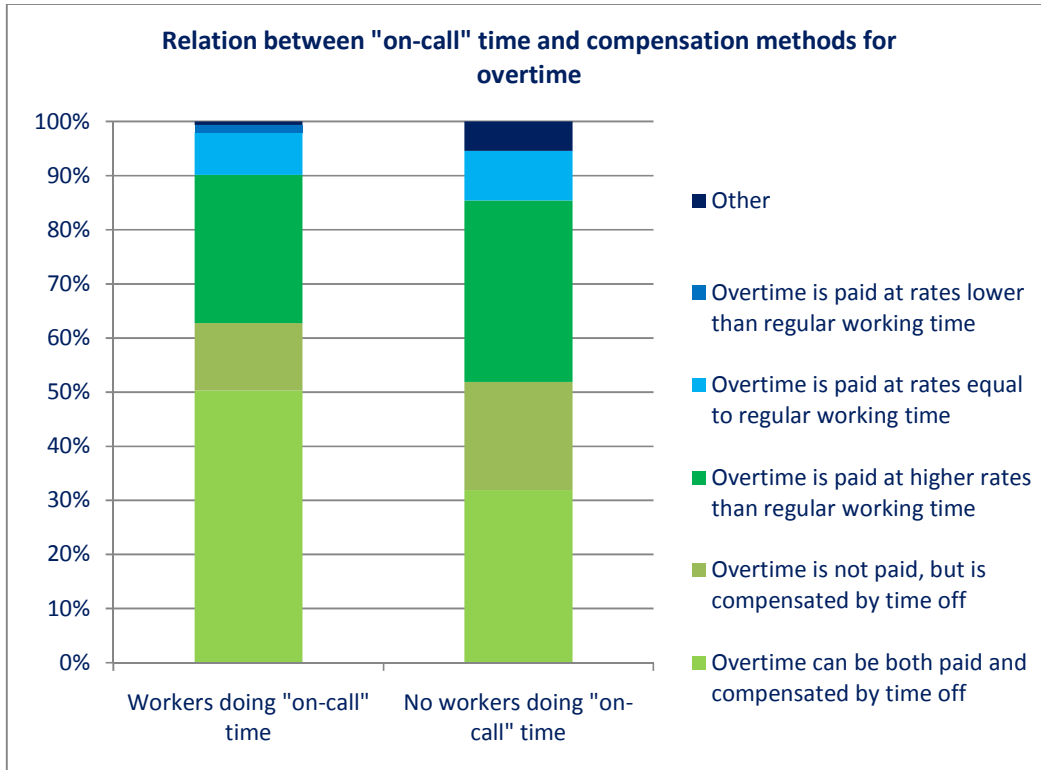
It is also interesting to analyse “on-call” time in relation to the compensation methods for overtime<sup>7</sup>. In this respect, in both studies we note a higher proportion of companies with workers performing “on-call” time where overtime can be compensated both financially and by the recovery of the worked time, and a lower proportion where overtime is not paid, but is simply compensated by recovery of the worked time.



Source: LSME survey

<sup>7</sup> Where several compensation methods are provided in the EBTP survey, all are taken into account.

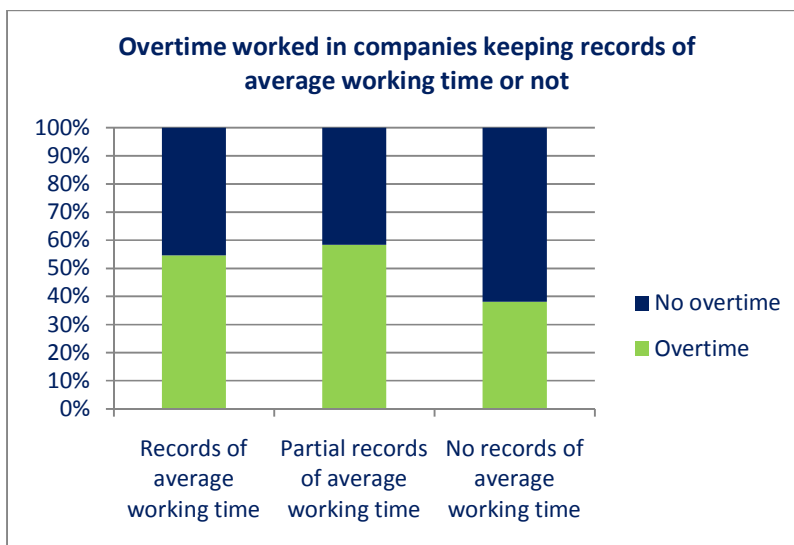




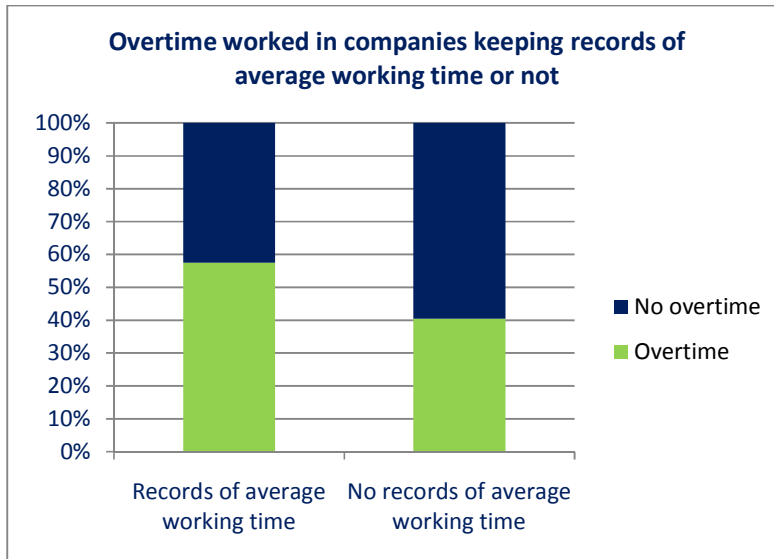
Source: EBTP survey

### 3.3 Average working hours

51.4% of LSME and 51.5% of EBTP responses identified workers other than senior management working more than 40 hours per week on average (including "on-call" time at the workplace), with companies recording average weekly working time reporting a higher proportion of overtime:

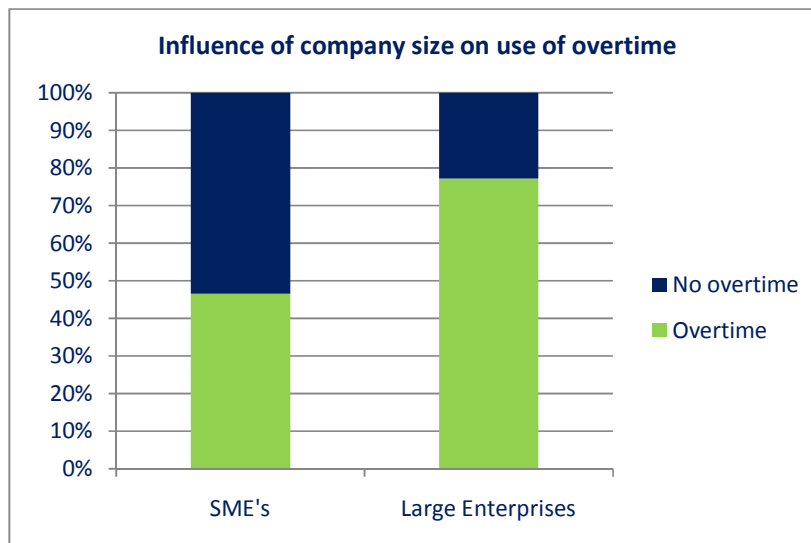


Source: LSME survey

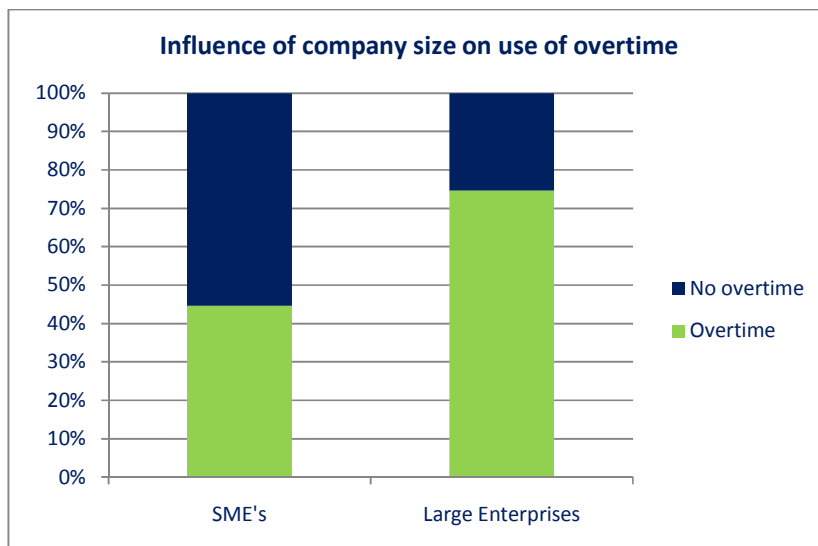


Source: EBTP survey

Furthermore, LSME and EBTP results clearly converged in showing that overtime is more often present in large enterprises than in SME's:

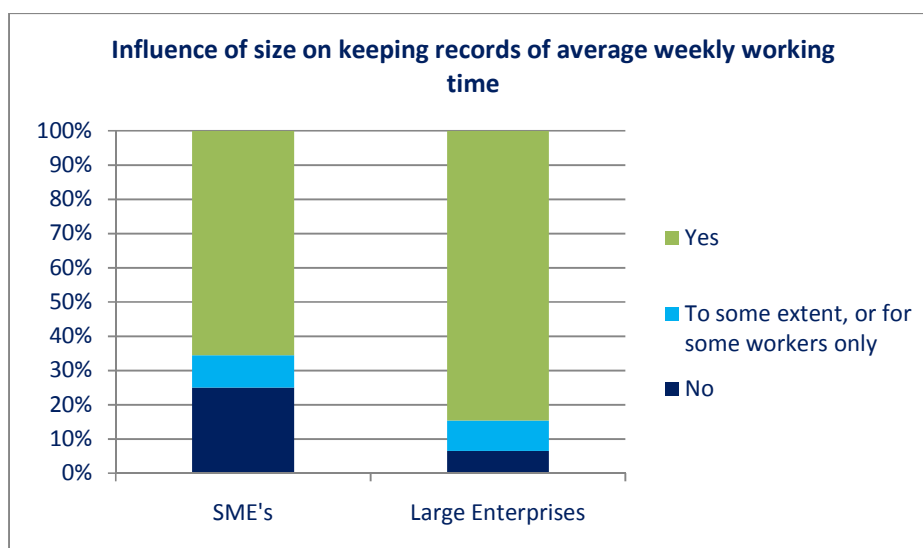


Source: LSME survey

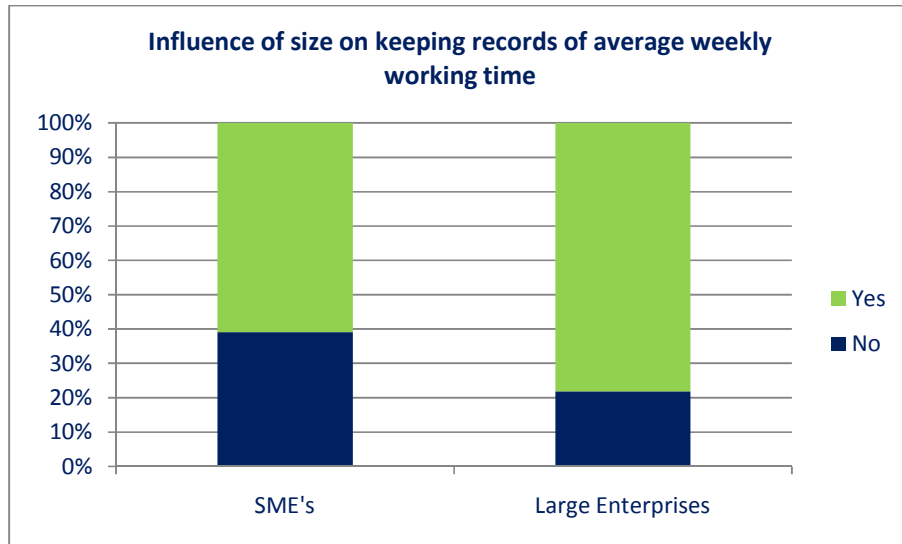


Source: EBTP survey

This may to a certain extent be explained by the fact that a higher proportion of large enterprises than SME's measure average weekly working time as shown below:

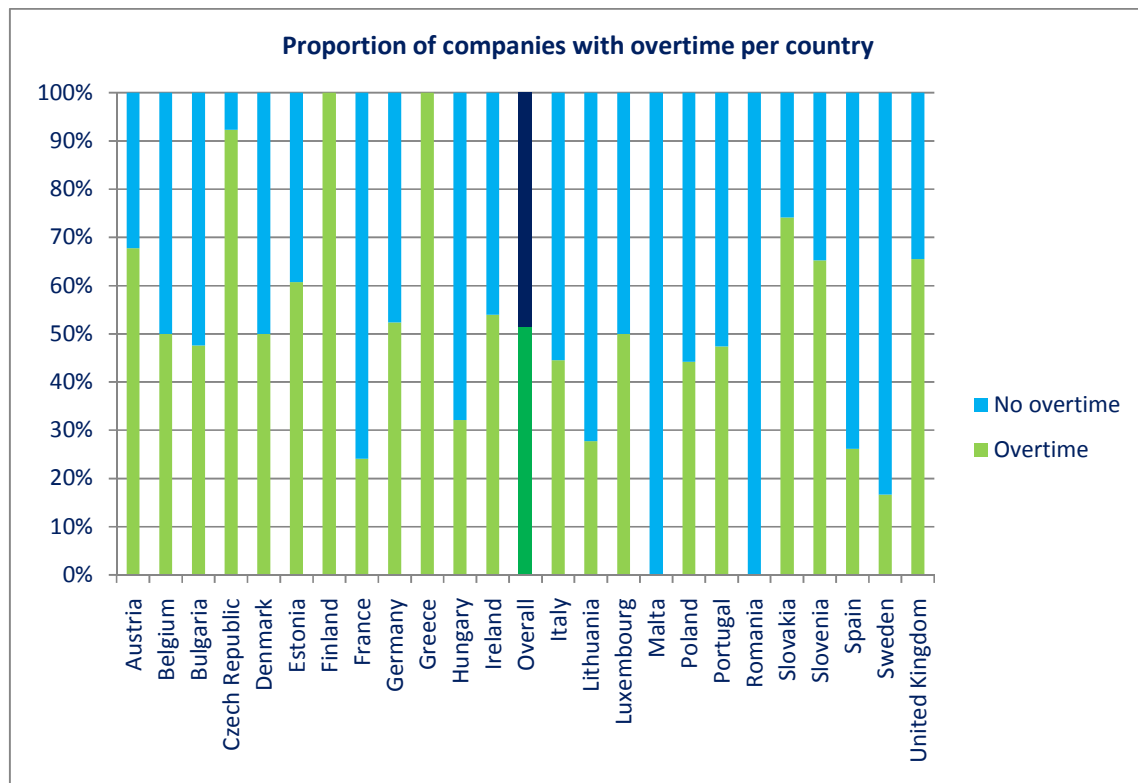


Source: LSME survey

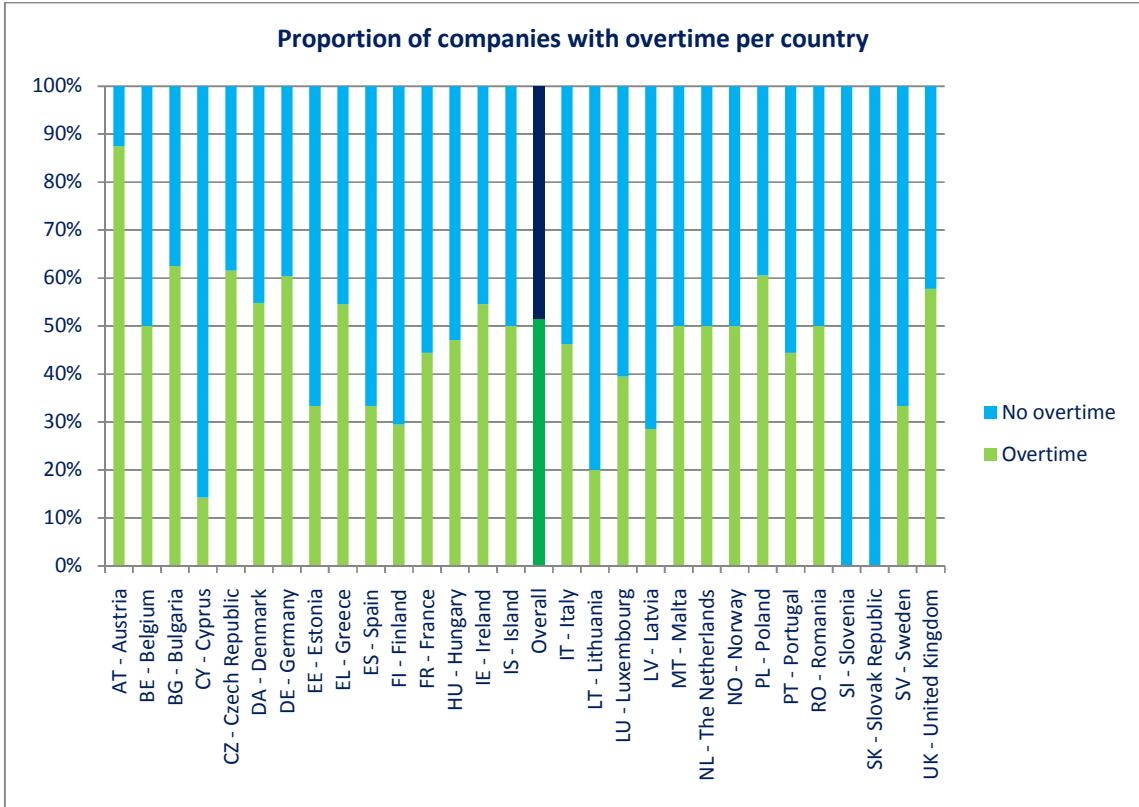


Source: EBTP survey

Besides company size, the existence of an opt-out system may influence average weekly working time of employees working overtime. However, the link to the opt-out system which is only applicable in certain EU countries does not seem clear although this may be due to the small sample size at country level (in reading the graphs below, the reader should bear in mind that not all countries of companies represented in the surveys are represented as companies from certain countries did not answer this question).

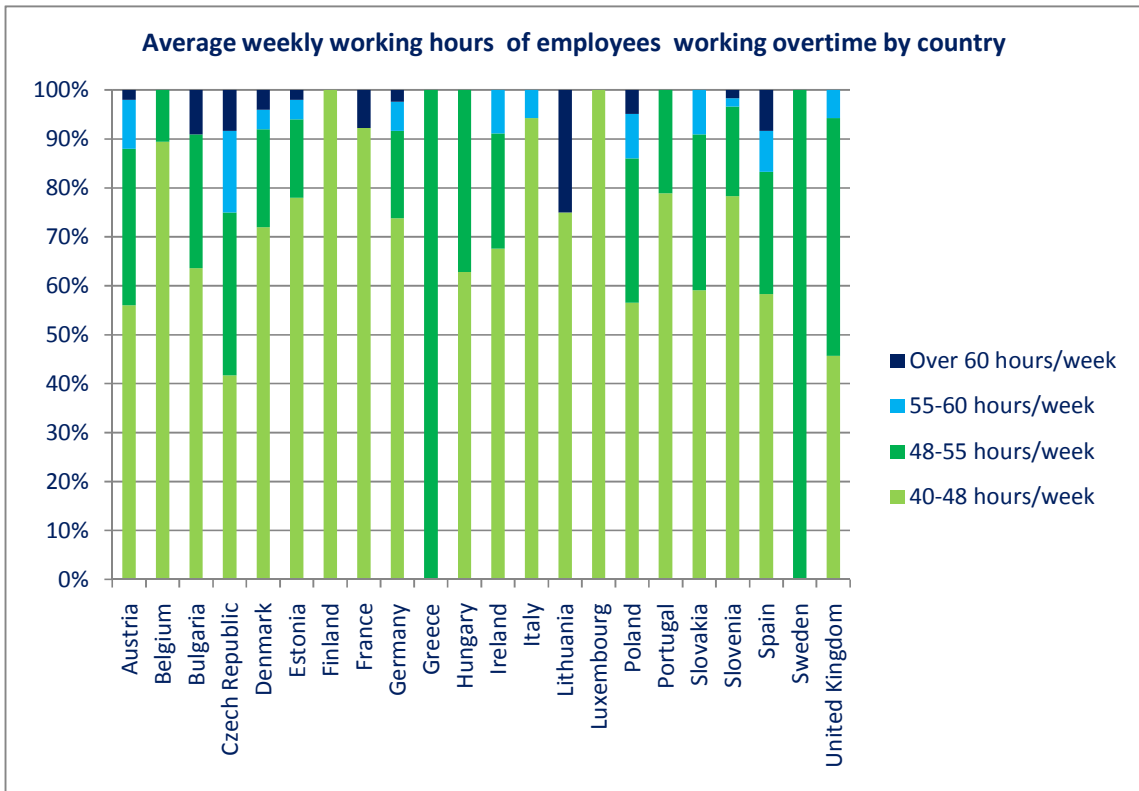


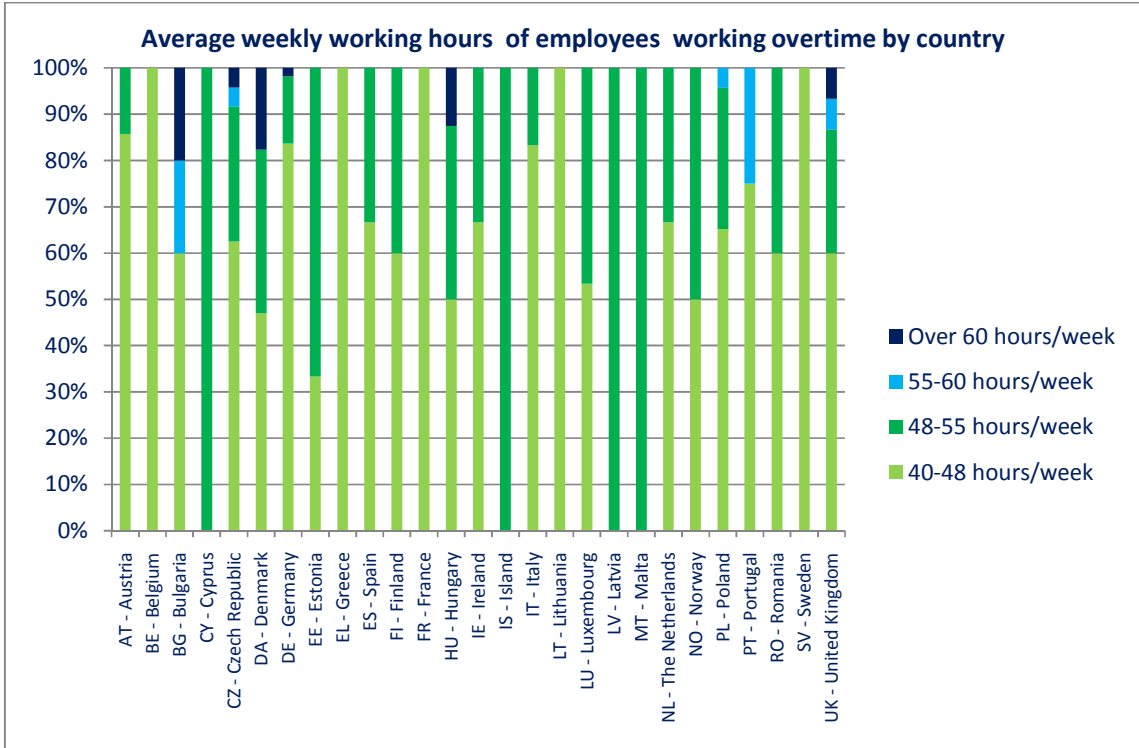
Source: LSME survey



Source: EBTP survey

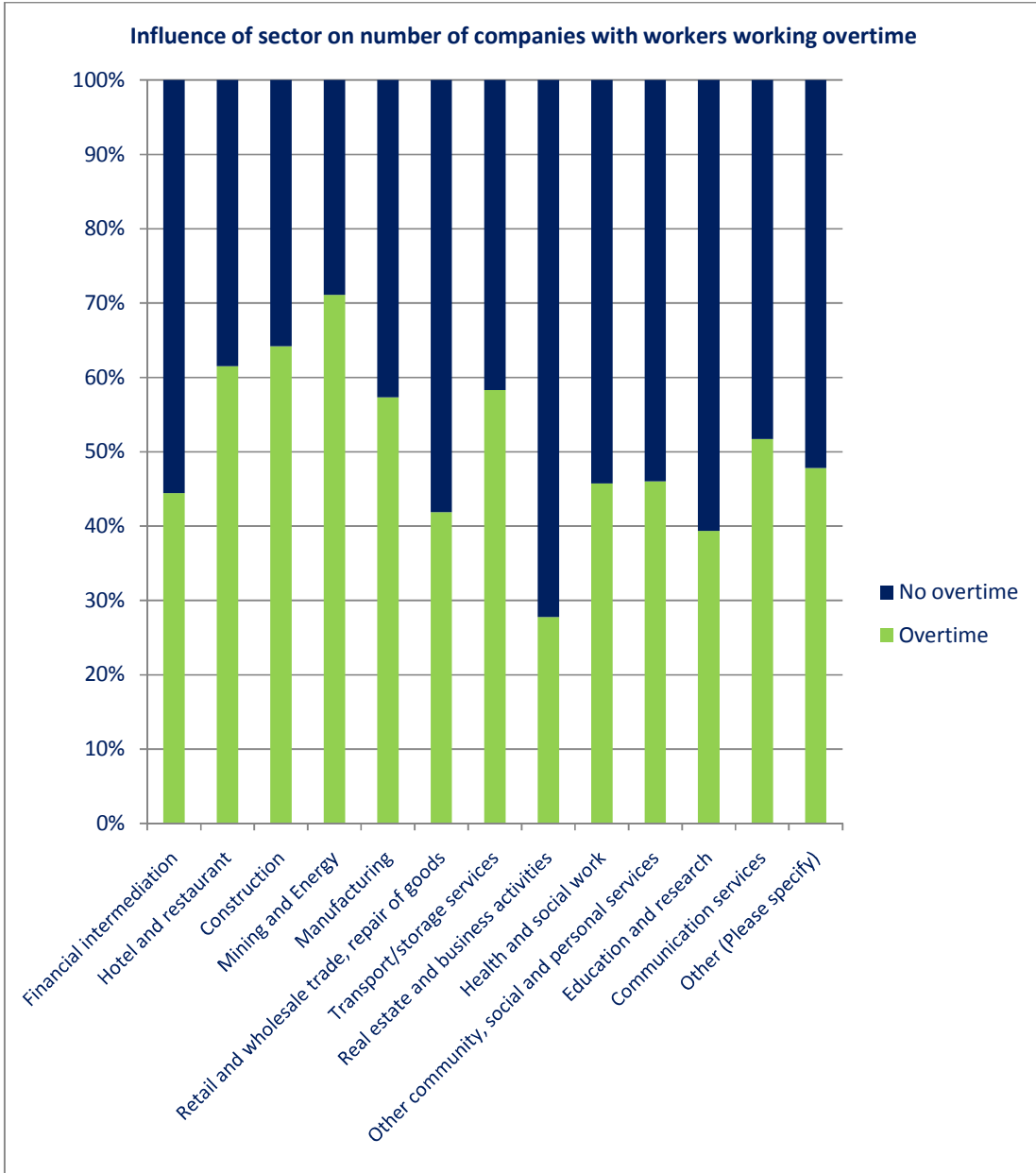
Source: LSME survey



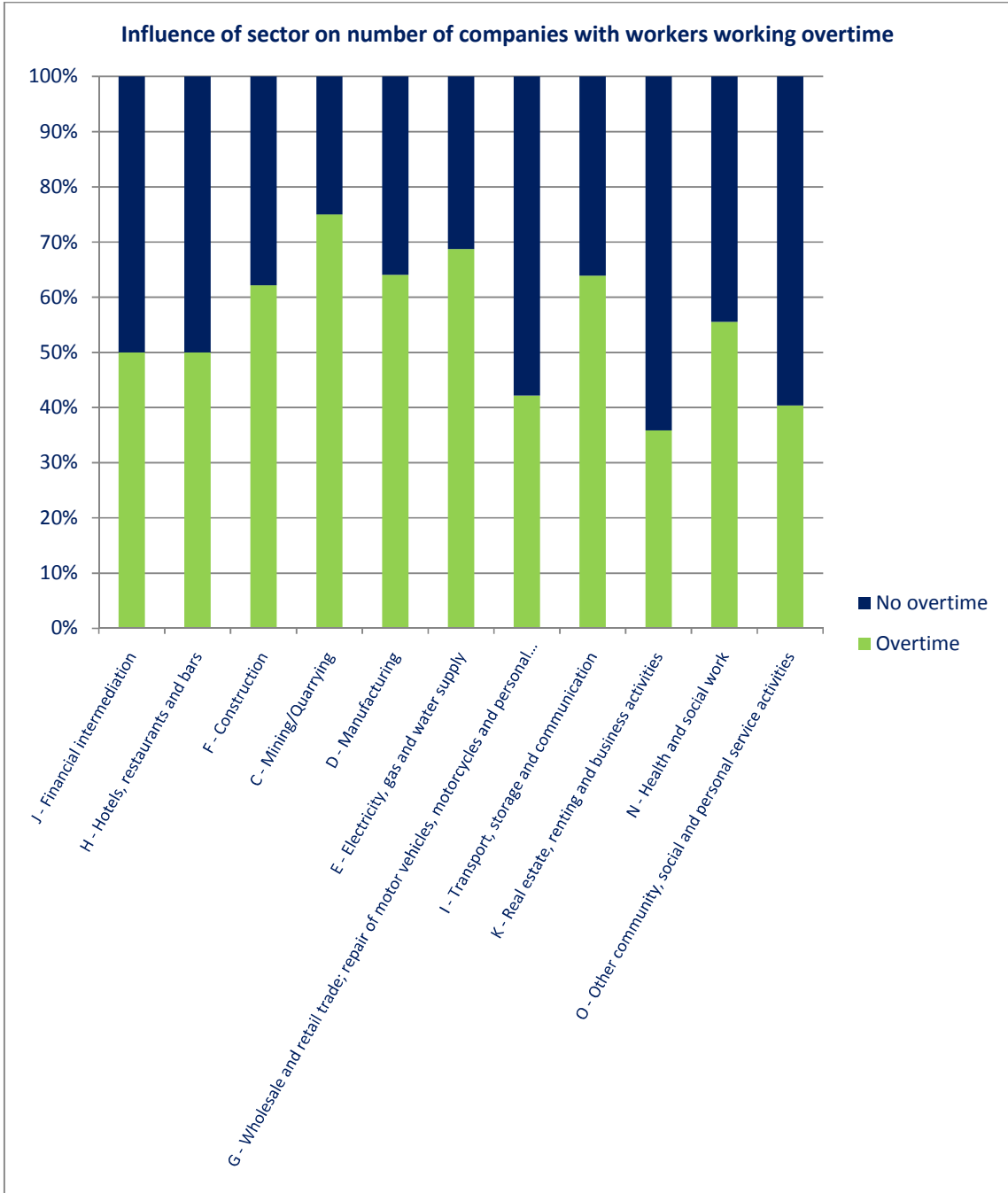


Source: EBTP survey

We also note that the distribution of companies using overtime amongst sectors is relatively homogeneous, with some sectors having a slightly higher reliance, although the small number of responses per sector means that yet again these results are to be treated with caution:



Source: LSME survey



Source: EBTP survey

Results of the LSME survey showed a slightly higher proportion of workers working the longest hours working between 55 and 60 hours/week as opposed to between 48 to 55 hours/week than the EBTP survey in which most workers with the longest weekly working hours work average weekly hours between 40 and 48 hours. The ranges of average working hours are distributed as follows:



11. Taking the workers who work the longest hours, what is their average weekly working time, including overtime and on-call time at the workplace?	Responses (%)
40-48 hours/week	67.2%
48-55 hours/week	24.2%
55-60 hours/week	6.1%
Over 60 hours/week	2.5%

Source: LSME survey

12. Taking the workers who work the longest hours, what is their average weekly working time, including overtime and on-call time at the workplace?	Responses (%)
40-48 hours/week	68.1%
48-55 hours/week	26.8%
55-60 hours/week	2%
Over 60 hours/week	3.1%

Source: EBTP survey

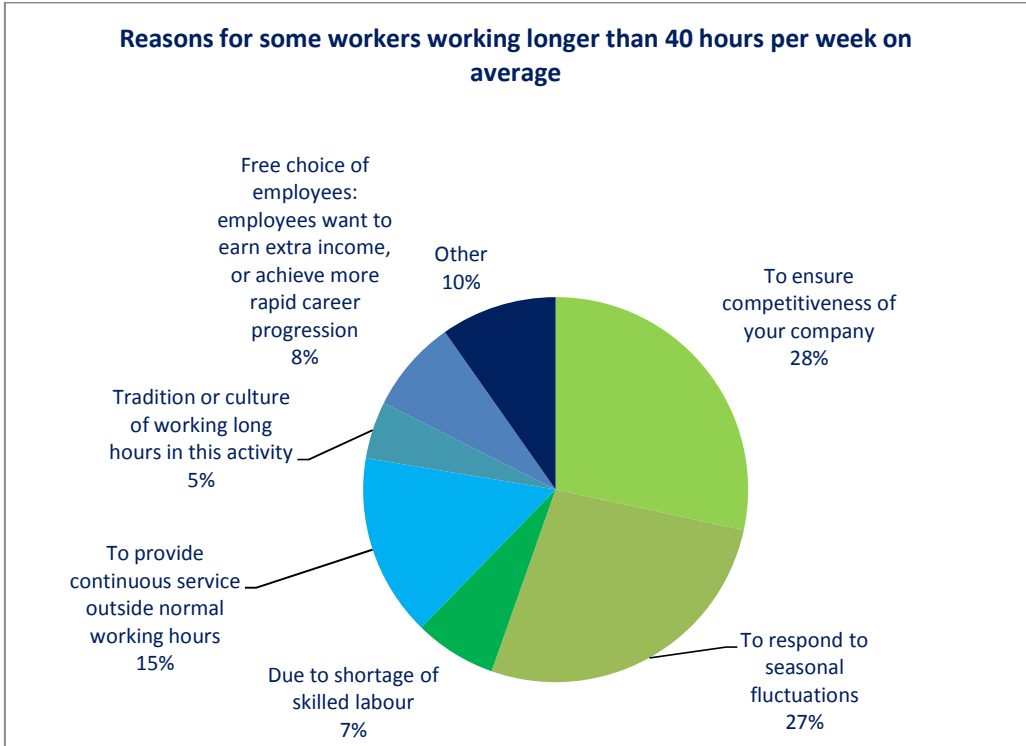
Of the main reasons cited for the existence of these long average weekly working hours, a number were relatively well aligned between the EBTP and LSME surveys:

- responding to seasonal fluctuations (27% for the LSME survey and 25% for the EBTP survey);
- providing continuous service outside business hours (15% for both the LSME survey and the EBTP survey).

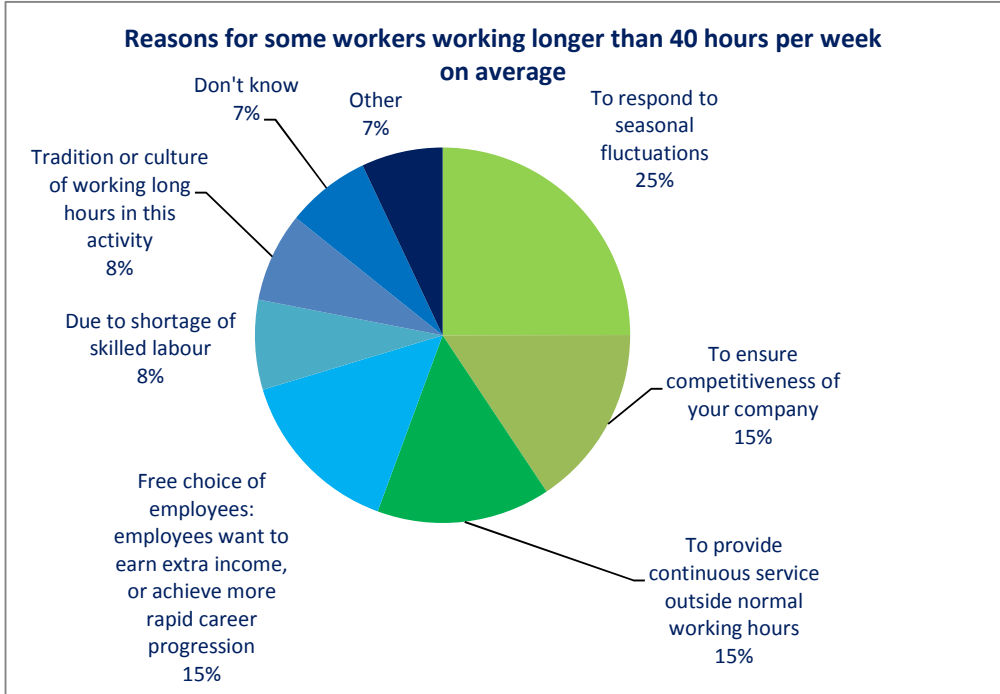
Others were significantly different between the two surveys:

- ensuring competitiveness (28% for the LSME survey but only 15% for the EBTP survey): LSME responses clearly considered this factor as more important;
- free choice of employees in order to progress faster or earn more (only 8% for the LSME survey but 15% for the EBTP survey): the LSME responses identified a much lower proportion of “voluntary overtime”.

The pie chart below presents details of the various reasons for the long average weekly working hours.



Source: LSME survey

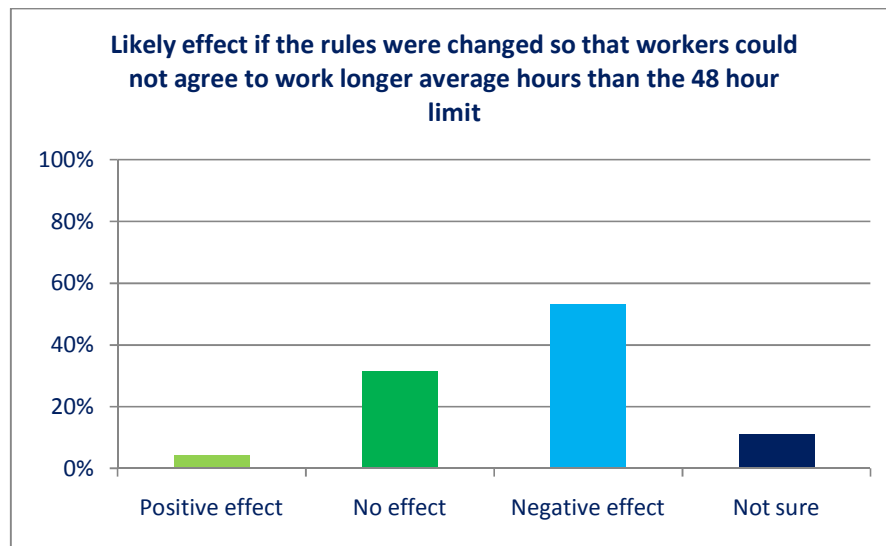


Source: EBTP survey

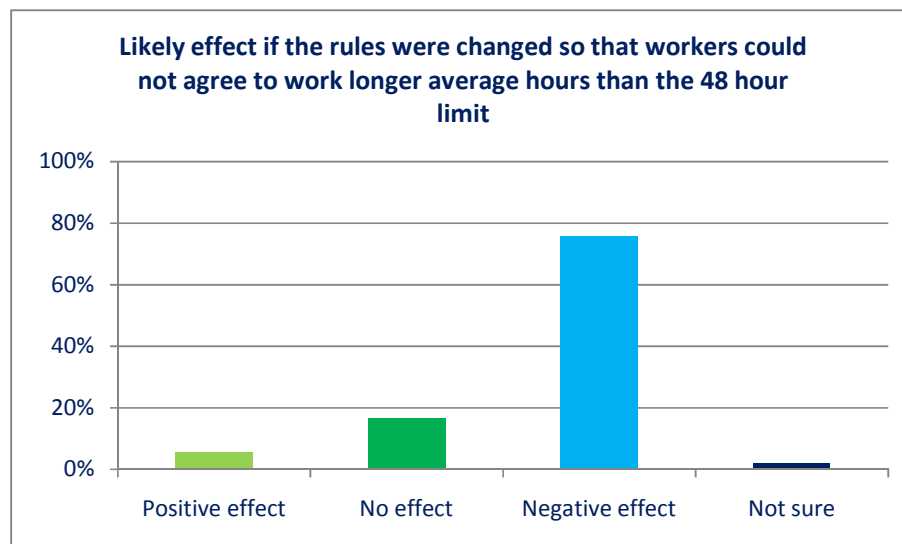
The overtime in most companies is compensated for either by pay at higher rates than regular working time (40.9% of responses) or a combination of pay and compensating time off (53.5% of responses).

In opt-out and partial opt-out countries the expressed agreement to opt-out from the workers is required by the WTD. In both surveys the highest proportion of companies mentioning they are under this regime have over 40% of workers providing such a written consent (38% of LSME respondents having mentioned workers are asked to provide the written consent before working more than 48 hours per week, and 44.4% of EBTP responses where this is the case).

When asked *what would be the effect of changing the rules so that workers could not agree to work longer average hours than the 48 hour limit*, the vast majority of surveyed companies in opt-out and partial opt-out countries (53.4% of LSME respondents using opt-out, and 75.9% of EBTP respondents using opt-out) responded that the impact would be negative, showing that the companies in these countries clearly value this regime<sup>8</sup>.



Source: LSME survey



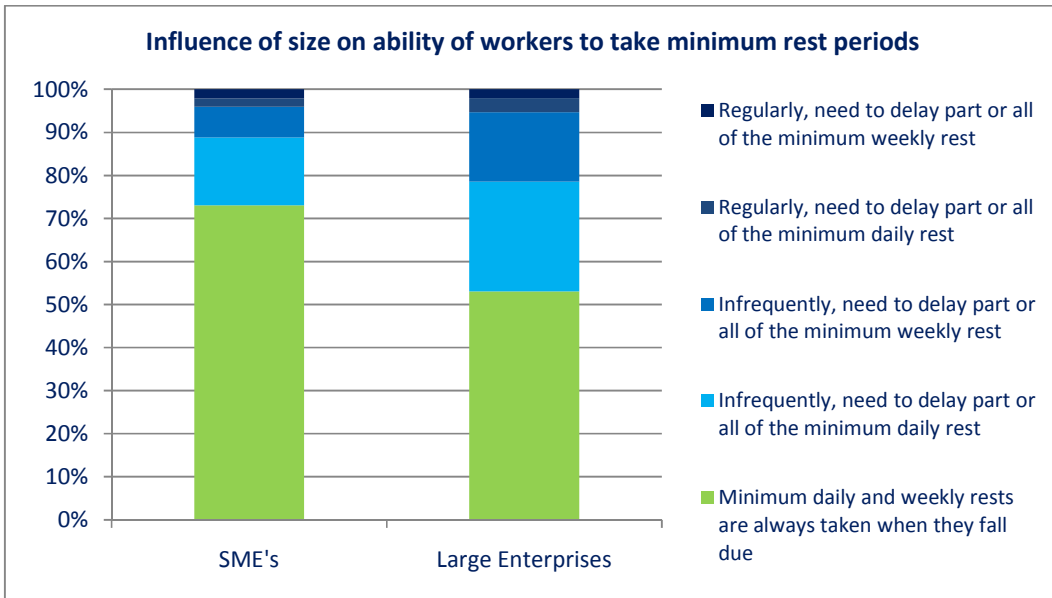
Source: EBTP survey

<sup>8</sup> Negative impact encompasses all responses mentioning a problem whether significant or not; Positive impact only takes into account responses where a positive impact is explicitly mentioned and no problem is mentioned.

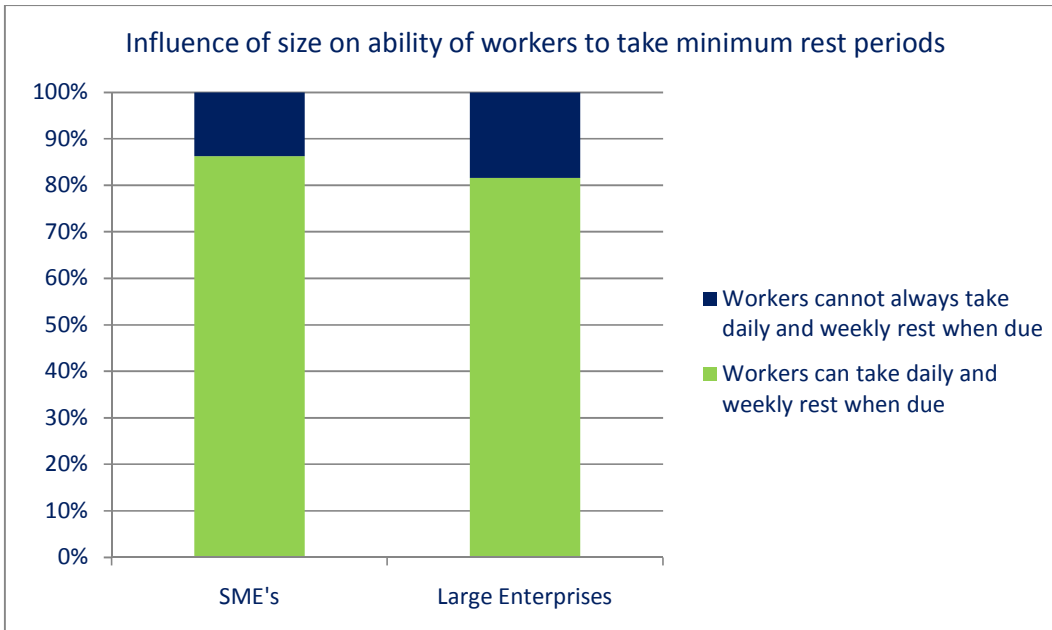
### 3.4 Minimum rest periods

According to both the LSME and EBTP surveys, workers are always able to take their daily and weekly minimum rest when it is due in the vast majority of cases (68.6% of LSME responses and 85.2% of EBTP responses). When this is not the case, minimum daily rest is affected more than minimum weekly rest (64.4% of cases where minimum rest periods cannot be taken affect minimum daily rest in the LSME survey vs. 35.6% which affect minimum weekly rest in the same survey), although generally infrequently in both cases.

Furthermore, both surveys show that minimum rest periods are always taken when due in a larger proportion of SME's than large enterprises:



Source: LSME survey



Source: EBTP survey

The main reasons given by companies to sometimes delay minimum rest periods are the following:

19. What is the main reason your company sometimes needs to delay minimum rests?	Responses (%)
Unpredictable fluctuations in level of demand for our product or service	44.3%
Seasonal variations in demand for our product or service	17.4%
Unable to recruit additional staff with the necessary skills or experience	6.6%
Extra costs of recruiting more staff	4.9%
Staff preference for more flexible timing of rest periods	12.7%
Other	14.0%

Source: LSME survey

19. Main reasons companies sometimes needs to delay minimum rests?	Responses (%)
Unpredictable fluctuations in level of demand for our product or service	46.6%
Seasonal variations in demand for our product or service	15.1%
Staff preference for more flexible timing of rest periods	13.7%
Unable to recruit additional staff with the necessary skills or experience	4.1%
Other	20.5%

Source: EBTP survey

In both surveys unpredictable fluctuations in the level of demand for the product or service was by far the most frequent reason to delay the minimum rests.

### 3.5 Other working time rules

Finally, most surveyed companies (67.4% of LSME responses and 64.9% of EBTP responses) responded that other EU working time rules (all workers are entitled to at least four weeks' paid annual leave; normal hours of work for night workers should not exceed 8 hours per night on average; in particularly stressful or dangerous work, night workers should not work longer than 8 hours in any night; night workers suffering from health problems linked to their night work may transfer where possible to suitable daytime work) have no important impact on them. The two tables below clearly show this:

20. Has any of the following EU working time rules had an important impact on your company? If so, please indicate which one(s).	Responses (%)
All workers are entitled to at least four weeks' paid annual leave	22.0%
Normal hours of work for night workers should not exceed 8 hours per night on average	5.1%
In particularly stressful or dangerous work, night workers should not work longer than 8 hours in any night	1.9%
Night workers suffering from health problems linked to their night work may transfer where possible to suitable daytime work	3.7%
No important impact	67.4%

Source: LSME survey

20. Important impact of other EU working time rules	Responses (%)
All workers are entitled to at least four weeks' paid annual leave	25.2%
Normal hours of work for night workers should not exceed 8 hours per night on average	8.5%
Night workers suffering from health problems linked to their night work may transfer where possible to suitable daytime work	6.9%
In particularly stressful or dangerous work, night workers should not work longer than 8 hours in any night	3.7%
Other	5.5%
No important impact	64.9%

Source: EBTP survey

Nonetheless, between 22% and 25% of respondents to both surveys consider that the rule imposing four weeks' paid annual leave has an important impact on their company. This is indeed obviously the rule with the broadest and most significant financial impact on respondents.

We can interpret these results as a positive integration of the health and safety rules in the surveyed companies.

## 4 Conclusions

Overall, the results of the LSME and EBTP surveys show much the same thing, and are globally in line with the Commission's previous proposals to adapt the WTD. The main conclusions on the topics covered are:

- For the **measurement of weekly working time**:
  - the majority of companies measure weekly working time, although a non-negligible minority do not;
  - the highest proportion of companies tracking average weekly working time use a reference period of 4 months;
  - most companies believe that a regulation change to have the option to calculate average weekly working time over up to 12 months by law would be useful;
- For the **treatment of "on-call" time**:
  - the "expected" impact on the companies using this of counting all "on-call" time at the workplace as working time (which is already the case as per the SIMAP-Jaeger rulings) is negative, with substantial problems requiring a major reorganization of work patterns being the most often cited impact. This tends to indicate companies are not fully in line with the current regulation;
  - "on-call" time seems to be linked to a greater flexibility in the compensation of overtime as a higher proportion of companies using "on-call" time allow compensation both financially and by the recovery of worked time. This may also indicate potential focus areas for other adaptations to WTD rules for companies using "on-call" time.
- For **average working hours**:
  - a significant proportion of companies use overtime. While there are sectoral differences, there does not seem to be a country effect in this, linked to the opt-out system which is only applicable in some EU countries;
  - the most often cited reasons for having workers work average weekly hours above 48 are to ensure competitiveness and to respond to seasonal fluctuations. There are sectoral differences which tend to fit the findings on the inverse link between long hours and productivity in the financial intermediation sector as less companies mention ensuring competitiveness through the longer hours in this sector;
  - Companies in countries using the opt-out or partial opt-out perceive its potential elimination negatively, showing they value this measure and would potentially be against its' abolishment.
- For **minimum rest periods**: minimum rest periods can be taken when due in most cases tending to indicate further flexibility might not be a priority for businesses;
- For **other working time rules**: most companies do not have significant impacts from other working time rules of the WTD. The other working time rule with the most impact is the rule entitling all workers to at least four weeks' paid annual leave.