

# Domestic work and EU labour law: focus on working time

Dr. Vera Pavlou

University of Glasgow

Vera.Pavlou@Glasgow.ac.uk

# Outline

- ▶ Importance of EU working time law for domestic workers
- ▶ Brief introduction to EU working time law
- ▶ Mismatches with national law
- ▶ Role of different actors

# Importance of EU working time law for domestic workers

- ▶ Supremacy of EU law over national law
- ▶ Applicable to all workers, including undocumented migrants
  - ▶ *Tümer C-311/13*
- ▶ Broad definition of ‘worker’, autonomous EU law notion
  - ▶ Provides services for and under the direction of another in exchange of remuneration
- ▶ EU working time law important but underutilised source to challenge domestic workers’ vulnerability

# Brief introduction to EU working time law

- ▶ Not all problems can be addressed (e.g. not working enough hours) but important rights in several areas
- ▶ **Directive 2003/88/EC** concerning certain aspects of the organisation of working time (EU WT Directive)
- ▶ Health and safety dimension
- ▶ Limits to weekly working hours (average of 48 hours including overtime)
- ▶ Daily rest breaks for those who work for more than 6 hours
- ▶ Minimum daily rest (11 consecutive hours of rest)
- ▶ Minimum weekly rest period (24 hours consecutive rest in addition to daily rest)
- ▶ Paid annual leave (4 weeks)
- ▶ Special protections for night work

# On-call hours and enforcement

- ▶ Important CJEU case law: *SIMAP* C-303/98, *Jaeger* C-151/02, *Matzak* C-518/15
- ▶ When the employer requires the worker to be present at a specific place and available to respond to calls for work, even if there is possibility to rest
- ▶ Enforcement: *Federación de Servicios de Comisiones Obreras* C-55/18: employer's duty to keep records of working time is inferred from the dignitarian purposes of EU working time law

# Mismatches with national law: some examples

- ▶ Cyprus: verbatim transposition of the WTD, but special migration regime for non-EU domestic workers contains exclusions. No regulation of overtime/on-call leads to constant availability
- ▶ Sweden: special law on domestic work provisions up to 42 weekly hours of work, but can be 52 for those providing care
- ▶ Spain: 40 hours per week, but parties can agree on up to 20 extra on-call hours per week. Less daily rest for live-in domestic workers

# Role of different actors

- ▶ EU institutions
- ▶ National labour law enforcement authorities
- ▶ Local trade unions and advocates for domestic workers' rights

Thank you!