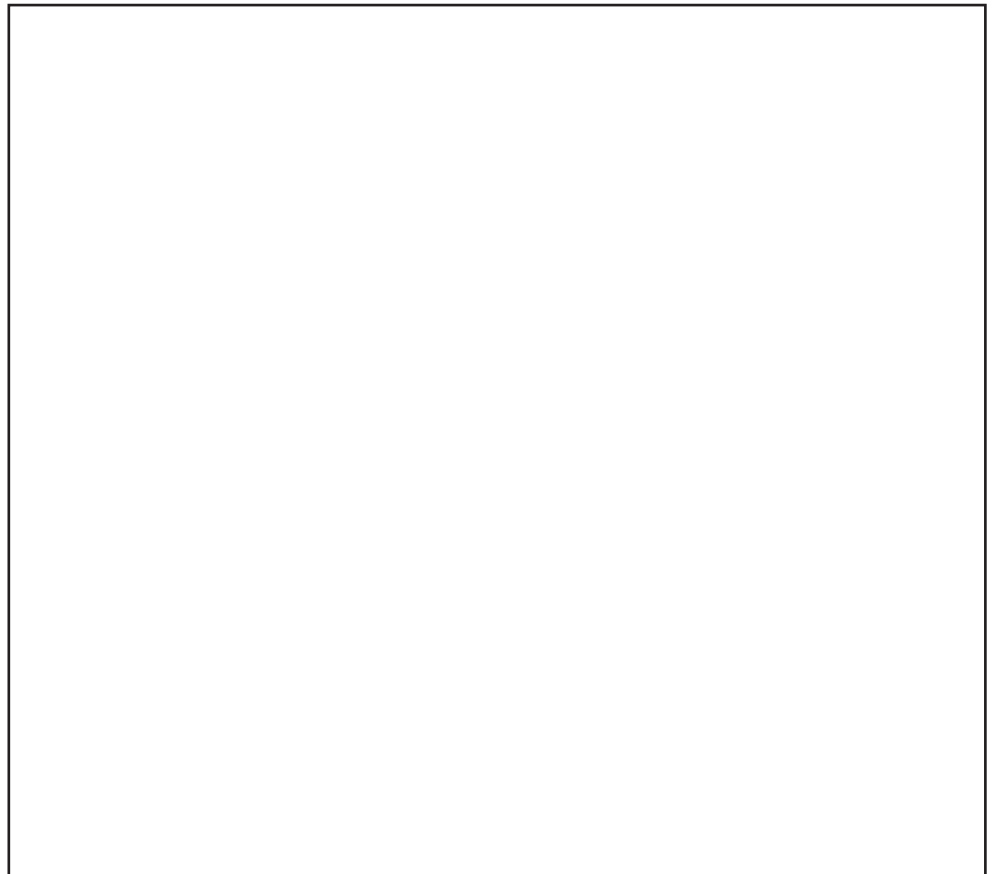




Eurofound

Time-off provisions for employee representatives in Europe

Background paper



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Introduction

Most countries give employee representatives the opportunity to fulfil their tasks. Time off is generally provided, although the number of hours varies from one country to another. This report combines an overview on the time-off provided in the legal frameworks of the different EU Member States with an analysis of what this means in practice for the employee representatives.

Eurofound collected data on time off for employee representatives in its European Company Survey (ECS) in 2009. For this, more than 6,500 employee representatives in public and private establishments were interviewed by telephone. The survey covers all European Member States (EU27), as well as the candidate countries Former Yugoslav Republic of Macedonia, Croatia and Turkey. In these interviews, information was gathered on the available amount of time off for employee representatives. For 74% of the interviewed employee representatives the available time is generally sufficient to fulfil their representative duties. There is as much time as necessary for 29% of them, while for 17% there is no right to time off (Eurofound, 2009).

Legal provisions for time off for employee representatives

In a 2008 study prepared for the European Commission, we see that in almost all EU Member States, time-off arrangements are provided by national labour law (Calvo et al. 2008). This is in line with Directive 2002/14/EC, setting the framework for information and consultation in the EU. According to Article 7 of this Directive,¹ ‘Member States shall ensure that employees’ representatives, when carrying out their functions, enjoy adequate protection and guarantees to enable them to perform properly the duties which have been assigned to them.’ A 2008 Commission working document related to the review of this Directive, states that ‘most Member States provide that employees’ representatives benefit from paid free time in order to fulfil their obligations (Austria, Bulgaria, Belgium, Germany, Estonia, Greece, Spain, France, Ireland, Italy, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, the UK).’ The amount of time-off and the way it can be taken varies from one country to the other. Also the way how the time off is provided varies. For Bulgaria, for example this is done through collective agreements (European Commission 2008). In some countries the number of hours or days is limited, while in the UK, for example, the law speaks of ‘reasonable’ time off.

¹ See also, in this regard, similar provisions of other EU Directives, for example Article 10 (3) of Directive 2009/38/EC on European Works Councils.

Time-off provisions for employee representatives in Europe

Table 1: *Time facilities for employee representation foreseen in national industrial relations systems*

| Country | Time off for employee representatives |
|-----------------------|---|
| Austria | Time off paid if necessary; in plants with more than 150 employees one member is a full time representative, in plants with more than 700 employees two members, in plants with over 3,000 employees three members and per additional 3,000 employees one more employee representative is given full time off. |
| Belgium | Paid time off |
| Bulgaria | – |
| Croatia | 1) Works council (WC) meetings and other activities carried out during working hours 2) WC members entitled to compensation for six working hours weekly 3) WC members are entitled to assign each other working hours from point (2) 4) If available, a working hour fund can allow a WC president or members to obtain complete time off |
| Cyprus | Paid time off |
| Czech Republic | Paid time off |
| Denmark | Meetings counted as working hours |
| Estonia | Paid time off from 4 to 40 hours depending on the size of the workforce |
| Finland | Paid time off |
| France | Paid time off up to 20 hours per months |
| Germany | Paid time off |
| Greece | Paid time off |
| Hungary | Paid time off up to 10% of the monthly working hours |
| Ireland | Time off depending on a collective agreement |
| Iceland | Time off (only in the public sector) |
| Italy | Paid time off up to 8 hours per month In addition, unpaid days off: up to 8 per year |
| Latvia | – |
| Liechtenstein | Paid time off |
| Lithuania | Paid time off up to 60 working hours per year |
| Luxembourg | Paid time off from 2 to 40 hours per week depending on the size of the workforce up to 500 employees per delegation From 500 to 750 employees: 1 full-time employee representative with time off From 751 to 1500 employees: 2 full-time employee representative with time off From 1501 to 3000 employees: 3 full-time employee representative with time off From 3001 to 5000 employees: 4 full-time employee representative with time off Above 5000: one additional employee representative with time off per 2000 employees |
| Malta | Time off for union related work is normally included in collective agreements |
| Netherlands | Paid time off, at least 60 hours per year |
| Norway | Meetings counted as working hours. Time off as ‘necessary’ |
| Poland | Paid time off |
| Portugal | Paid time off up to 25 hours per month |
| Romania | Time off up to 5 days per month for trade union representatives Time off up to 20 hours per month for employee representatives |
| Slovakia | Time off up to 4 hours per month for one trade union representative in plants with less than 50 workers, 12 hours for one trade union representative with 50 or more employees and 16 hours for where there are 100 or more employees. |
| Slovenia | Paid time off up to five hours per month |
| Spain | Paid time off per months depending on the size of the workforce |
| Sweden | Paid time off |
| Turkey | No time off under the law but may be determined in the collective labour agreement |
| United Kingdom | For recognised unions, ‘reasonable’ paid time off |

Source: Calvo et al. (2008), *Employee representatives in an enlarged Europe Volume 1 & 2*.

Empirical data on the provision of time off for employee representatives

Time is a necessary condition for an employee representation, be it to go on training or to prepare for consultation and information talks with management and discussion with other representatives and workers. Time off to carry out these tasks during regular working hours is, in other words, an important factor for the quality of employee representation.

As part of the European Company Survey (ECS) of 2009, more than 6,500 employee representatives in public and private establishments were interviewed by telephone, in all European Member States (EU27), as well as the candidate countries Former Yugoslav Republic of Macedonia, Croatia and Turkey. These interviews give us an insight into the amount of time off for employee representatives, as well as on the percentage of employee representatives that have as much time as necessary or no time off at all (Eurofound 2009).

In the ECS, 17% of the employee representatives indicated that they are not entitled to take paid time off to carry out their duties (Table 2). For 18% of the representatives, this time resource is limited to one or two hours in a working week. By contrast, 29% of the representatives interviewed indicate that they can take as much time as necessary and 8% carry out the representational job full time. Overall, three out of four of the employee representatives consider the available time as usually sufficient to fulfil the representative duties, while 20% explicitly state that this is not the case.

Table 2: *Time facilities of employee representation (%)*

| Entitled to paid time off on weekly average basis | % |
|---|----|
| No right | 17 |
| 1 or 2 hours a week | 18 |
| Half a day a week | 13 |
| 1 day a week | 9 |
| Part time | 6 |
| Full time | 8 |
| As much time as necessary | 29 |
| Available time sufficient to fulfil representative duties | |
| No | 20 |
| It depends | 7 |
| Yes | 74 |

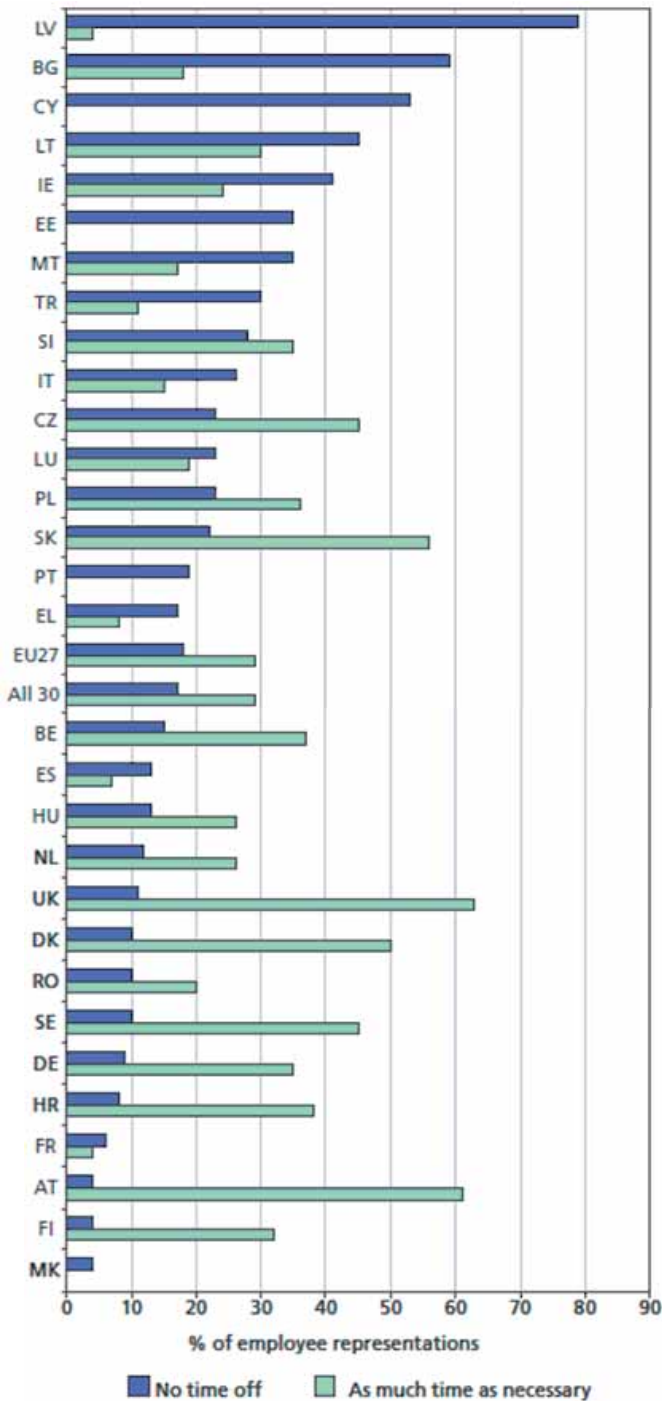
Source: *ECS 2009, employee representative interviews*

Not surprisingly, the available time resources are more limited in smaller establishments. The group that has as much time as necessary is evenly spread. However, in the small enterprises, about 25% of employee representatives indicate that they have no right to time off, whereas in the very large establishments only 9% of representatives state this. In these large enterprises, 26% of the employee interviewees are fulltime representatives. Industrial sectors provide the largest time facilities for employee representatives. Time off for representative duties is less available in the education sector, where 34% report having no such right. However, this finding may be related to how working time is accounted for in this sector – that is, only the course time and not the whole workload.

Country-wise, the facility to take time off is less widespread in Latvia, Bulgaria, Cyprus, Lithuania, Ireland, Estonia, Malta and Turkey (Figure 1). It is more established in Austria, Finland, the Former Yugoslav Republic of Macedonia, France, Croatia and Germany. In the UK, only 11% of employee representatives report having no right to time off and 63% can take as much time as necessary. By contrast, 79% of the employee representatives in Latvia state that they have no right to time off and only 4% say that they can take as much time as necessary.

With regard to the question whether the available time is sufficient to fulfil the duties, it is the representatives in the larger establishments who report more time problems than those in the smaller establishments. Although the time facilities are better, these representatives of larger establishments still experience more time constraints. By sector, the public services stand out with a higher proportion of representatives experiencing time constraints. Around 30% of the representatives in health and social work, education and the civil service indicate having insufficient time to fulfil the representative duties.

Figure 1: Entitled to time off for employee representation on weekly basis, by country (%)



Source: ECS 2009, employee representative interviews

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