

***Statement of Interpretation on Article 2§1 – The right to just conditions of work – maximum working time***

The Committee notes that the Charter does not expressly define what constitutes reasonable working hours and situations are assessed on a case-by-case basis. However, the Committee recalls that the daily working time should in no circumstances (except for extraordinary situations) exceed 16 hours, even if, in compensation, results in a reduction of the weekly working time (Conclusions 2014, Armenia). The Committee also recalls that a total working week (usual hours plus overtime) which, within the framework of “flexibility regulations”, may exceed 60 hours per week is unreasonable (Conclusions XIV-2 (1998), the Netherlands).

The Committee wishes to clarify its approach to the maximum daily and weekly working time.

As a general rule, the Committee considers that its case law on the maximum limits of daily and weekly working time is still to be followed. However, the Committee considers that in certain sectors and in exceptional circumstances, workers performing specific functions may be allowed to exceed the 16 daily working hours limit or 60 weekly working hours limit. These sectors are, for example, healthcare; emergency and security services; military; sectors necessary for the uninterrupted functioning of services essential for the State (such as power plants, transport control centres) and the functions concerned are those that are essential for the functioning of the sectors mentioned. Circumstances that can be considered exceptional in those sectors are natural disasters, situations of force majeure, public health emergencies, situations of state of emergency.

The Committee further notes that, even in those sectors and exceptional circumstances, certain safeguards must exist. These safeguards include adequate rest periods and compensatory rest in case ordinary rest periods are missed due to exceptional situations, reasonable reference periods for calculation of average working hours (Statement of Interpretation on Article 2§1, Conclusions XIV-2 (1998)). Furthermore, employers must keep record of working hours and appropriate authorities must supervise that the working time limits are respected in practice; also, employers must ensure regular medical supervision of workers who exceed maximum limits of working time in exceptional circumstances.