



Fédération Européenne
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European Federation
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European Commission
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News

Commission requests France to respect hospital doctors' rights to working hours limit and minimum rest periods

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The European Commission has sent a formal request to France to respect the rights of hospital doctors to a 48-hour average weekly working time and to minimum rest periods after working extra hours at night, as required by the Working Time Directive (2003/88/EC).

Under the Directive, a Member State may allow an employer to ask a worker to work hours in excess of the 48-hour limit (the so-called 'opt-out'), but only if certain conditions are respected.

French law allows this opt-out for hospital doctors, but does not comply with the required conditions laid down by the Directive. Firstly, the doctor may be required to work hours over the 48 hour limit in several situations without the doctor's individual consent, which is contrary to the Directive. Secondly, there are no guarantees to protect a doctor from being penalised if she or he refuses to work the excess hours. Thirdly, the rules for measuring working time of hospital doctors are unclear, so that in practice doctors are required to work excessive hours.

In addition, current practices in public hospitals mean that doctors who are called out at night to deal with emergencies after their normal working hours sometimes cannot take adequate rest before having to return to work (the Directive gives workers the right to a minimum daily rest period, of 11 consecutive hours in every 24).

The Commission has acted after receiving a complaint. The Commission's request to France takes the form of a '**reasoned opinion**' under EU infringement procedures. France has two months to notify the Commission of measures taken to ensure compliance with EU law. Otherwise, the Commission may decide to refer France to the EU's Court of Justice.