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Press and Information

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Judgment of the Court of Justice in Case C-484/04

Commission v. United Kingdom

**THE UNITED KINGDOM GUIDELINES ON WORKING TIME INFRINGE
COMMUNITY LAW**

The guidelines are liable to render the right of workers to daily and weekly rest periods meaningless because they do not oblige employers to ensure that workers actually take the minimum rest periods.

Under the Working Time Directive,¹ Member States are required to take the measures necessary to ensure that every worker is entitled to a minimum daily rest period of 11 consecutive hours per 24-hour period and, per each seven-day period, to a minimum uninterrupted rest period of 24 hours plus the 11 hours' daily rest.

The Directive was transposed in the United Kingdom by a statutory instrument (Working Time Regulations 1998 (WTR)). In order to help people understand the WTR, the Department of Trade and Industry published a set of guidelines. According to those guidelines, 'employers must make sure that workers can take their rest, but are not required to make sure they do take their rest'.

As it took the view that the guidelines endorse and encourage a practice of non-compliance with the requirements of the Directive, the Commission initiated proceedings before the Court of Justice.

The Court points out, first of all, that the purpose of the Directive is to lay down minimum requirements to improve the living and working conditions of workers by ensuring that they are entitled to minimum rest periods. Those principles constitute particularly important rules of Community social law from which every worker must benefit as a minimum requirement necessary to ensure protection of his safety and health.

¹ Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time (OJ 1993 L 307, p. 18).

In order to ensure that the rights conferred on workers are fully effective, Member States are under an obligation to guarantee that the right to benefit from effective rest is observed. A Member State which indicates that an employer is nevertheless not required to ensure that workers actually exercise such rights does not guarantee compliance with either the Directive's minimum requirements or its essential objective.

By providing that employers must merely give workers the opportunity to take the minimum rest periods provided for, without obliging them to ensure that those periods are actually taken, **the guidelines are clearly liable to render the rights enshrined in the Directive meaningless and are incompatible with its objective.**

The Court therefore rules that the United Kingdom has failed to fulfil its obligations under the Working Time Directive.

Unofficial document for media use, not binding on the Court of Justice.

Languages available: CS DE EN EL FR HU NL SK

The full text of the judgment may be found on the Court's internet site

<http://curia.eu.int/jurisp/cgi-bin/form.pl?lang=EN&Submit=rechercher&numaff=C-484/04>

It can usually be consulted after midday (CET) on the day judgment is delivered.

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