



Guidelines on working time in the sport and active leisure sector

by the European Sectoral Social Dialogue Committee for sports and active leisure (Test Phase)

In Brussels on 31st May 2013 during a Working Group Meeting of the European Sectoral Social Dialogue Committee for sports and active leisure (Test Phase), EASE and UNI Europa Sport ("the Parties") agreed to provide guidelines on working time for social partners in the European sport and active leisure sector.

The guidelines are addressed to national social partners who are called upon to review their practices to ensure they are in line with International and European minimum standards (attached), and negotiate, if necessary (within national law).

The core purpose of these guidelines on working time is to lay down minimum standards for the organisation of working time within a safe and healthy work environment which is in the interest and responsibility of both sport employers and workers. In that regard, standards on rest time will also have to be identified.

Both parties agree that international conventions (ILO), European (i.e. directives) and national labour legislation standards on working time apply in general to the sport and active leisure sector, as to any other.

Both parties underline that, due to the unique nature of some work in the sport and active leisure sector, the minimum standards set down in the abovementioned regulations should be adapted to adequately take into account the specificities of sport regarding working time while addressing the health and safety concerns in the sector. Many common practices, which may be in the interest of both social partners, represent derogations from the minimum standards that are not always, as they must be, supported by social dialogue agreements.

EASE and UNI Europa Sport call upon social partners at the national level to participate in the European social dialogue and work along these guidelines towards national agreements on working time in order to provide a legal basis for commonly practiced derogations from working time regulations.

Specific common practices shared by all the sub-sectors (not-for-profit sport, professional sport and active leisure) may include:

- Work on evenings, weekends and public holidays,
- Work during activities, training camps, events, tournaments and competitions spread over several days with the issue of daily or weekly breaks.

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Specific common practices in the professional sport sub-sector may include:

- Extended travel,
- Training and playing time,
- Rest time linked to national team/club competitions.

Specific common practices in the active leisure sub-sector may include:

- Night work.

These potential issues underscore the need for continuous social dialogue at the European level on working time in the sport and active leisure sector.

In principle, EASE and UNI Europa Sport recognise the need for great flexibility in working time and hours in the sector that must be balanced by the protection of the health and safety of workers.

The following list includes issues for social dialogue at the European level, and bargaining at the national and individual levels.

European level in the scope of the European social dialogue:

- Flexibility during events, tournaments and competitions
- Work on weekends and public holidays
- Variable weekly working times due to weather, scheduling of competitions (calendar), tourist seasons or school holidays
- Compatibility of working time with health and safety
- Health and safety conditions for competition and training periods

The following issues regarding working time should be included at the national level in the scope of national collective agreements:

- Additional definitions of the actual working time (i.e. for instance, warm-ups, time needed to implement the activity or check the equipment)
- Arrangements should be made:
 - Per day and/or per week and/or per month and/or per year: on the maximum working hours and minimum rest periods,
 - Per year: on the minimum period of rest weeks.
- Arrangements should be made on the **compensation (in time or money) of extra working hours**.
- In order to **adapt** the working time to the variations of the sporting activity, arrangements could be made:
 - to **modulate** the weekly working hours during the year,
 - to **alternate** during the year periods of working time and periods of rest.

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Individual level within the scope of individual employment contracts:

- Employers and workers should agree on **individual working time and rest periods**.
- The working time and hours should be stated in the employment contract and/or by reference to a collective agreement.

Conclusion

Due to the specificities of sport regarding working time for workers supervising the practice or practising (for example fitness instructors or professional sportsmen and –women with high risk of injury), it is necessary that these specificities and concerns be addressed in the context of a national and European social dialogue.

Brussels, 17th December 2013

The English version is the original.

On behalf of EASE:

Marcel MARTIN
EASE President

Marie BARSACQ
EASE General Secretary

On behalf of UNI Europa Sport:

Oliver ROETHIG
UNI Europa Regional Secretary

Walter PALMER
UNI Global Union Head of Sport Department



Appendix 1: Overview of European Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time

"2. This Directive applies to (a) minimum periods of daily rest, weekly rest and annual leave, to breaks and maximum weekly working time; and (b) certain aspects of night work, shift work and patterns of work" (Chapter 1, Article 1).

Of particular relevance to the parties are the following definitions:

Chapter 1 – Scope and definitions, Article 2 – Definitions

"1. 'working time' means any period during which the worker is working, at the employer's disposal and carrying out his activity or duties, in accordance with national laws and/or practice;"

"9. 'adequate rest' means that workers have regular rest periods, the duration of which is expressed in units of time and which are sufficiently long and continuous to ensure that, as a result of fatigue or other irregular working patterns, they do not cause injury to themselves, to fellow workers or to others and that they do not damage their health, either in the short term or in the longer term."

Chapter 2 – Minimum rest periods – other aspects of the organisation of working time

○ **Article 3 – Daily rest**

"Member States shall 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."

○ **Article 4 – Breaks**

"where the working day is longer than six hours, every worker is entitled to a rest break, the details of which, including duration and the terms on which it is granted, shall be laid down in collective agreements or agreements between the two sides of industry or, failing that, by national legislation."

○ **Article 5 – Weekly rest period**

"per each seven-day period, every worker is entitled to a minimum uninterrupted rest period of 24 hours plus the 11 hours' daily rest referred to in Article 3."

○ **Article 6 – Maximum weekly working time**

"Member States shall take the measures necessary to ensure that, in keeping with the need to protect the safety and health of workers: (a) the period of weekly working time is limited by means of laws, regulations or administrative provisions or by collective agreements or agreements between the two sides of industry; (b) the average working time for each seven-day period, including overtime, does not exceed 48 hours."

○ **Article 7 – Annual leave**

"1. Member States shall take the measures necessary to ensure that every worker is