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Night Worker Ban in the EU

FINAL SUMMARY

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NIGHT WORKER BAN IN THE EU

- 1. Are there any provisions concerning night work that are more favourable to workers than the minimum requirements of Directive 2003/88/EC (as amended) concerning certain aspects of the organisation of working time?*
- 2. Are there any provisions or prohibitions of night work in national legislation in addition to the provisions originating from Directive 2003/88/EC (as amended), i.e. provisions covering subject matter other than those included in the directive?*
- 3. If so, what is the content of these provisions? What professions or occupations are targeted? Approximately how many employees are concerned by these provisions?*

Introduction and delimitations

The Research Service of the Swedish Parliament has sent a number of questions to the countries in the EU 27. In total, 19 countries have answered. The answers vary greatly in terms of scope and content. Most answers refer to regulations implemented in response to Directive 2003/88/EC. The memorandum is entirely based on the answers received. In order to make for easier reading, the Research Service has chosen to present the answers thematically.

Definition of the terms night worker and night work

The countries' definitions of the term night work are very similar. The most common form of regulation is quite simply that it has been set out in law that work between certain times of the day constitutes night work.

Belgium

The Belgian legislation is similar to Swedish legislation, in that the general rule is that night work is only permitted in exceptional cases. Night work is work occurring between 8 p.m. and 6 a.m.

The regulatory framework regarding night work has as its main purpose to protect employees in the industrial sector and working in shifts, e.g. metal workers and workers in the chemicals industry, in the healthcare sector, or in the hotel and catering business. The reference periods used to calculate average working times for night workers (see more on this below) can only be extended by the King. This can, in other words, not be done by means of collective agreements or legislation.

Bulgaria

Night work is work occurring between 10 p.m. and 6 a.m. Night workers include those who carry out at least three of their regular working hours within this period.

According to Bulgarian law, a normal night work week consists of 35 working hours. A normal night shift is 7 hours long. A shift including both night and day work shall be considered to be a night shift if at least four hours of the total working time occur during the time frame stated above. If less than four hours of the shift occur during the night, it shall be considered to be a day shift and the length of the working hours adjusted accordingly. An employee cannot work for more than 150 hours of overtime during a calendar year.

Denmark

The Danish parliamentary research service states that Danish regulations on night work¹ reflect the regulations in the working hours directive 2003/88/EC. The legislation is primarily applicable to employees not covered by any collective agreements.

Night work refers to such work carried out for at least seven hours between 10 p.m. and 5 a.m. All working time between midnight and 5 a.m. is always regarded as night work.

Night workers are those who either carry out at least three of their regular working hours during this period or who, during an average of one year, carry out at least 300 hours of night work. The average working time for an individual doing night work may not exceed eight hours per night during a total of four months. In the case of work involving special hazards or heavy physical or mental strain, working hours may not exceed eight hours in a period of 24 hours, if the work is night work.

Collective agreements may contain rules that are more favourable to employees than set out in the law.

Estonia

The Estonian parliamentary research service points out that the regulations on night work in the Working and Rest Time Act are based on Directive 2003/88/EC.

Evening work is work occurring between 6 p.m. and 10 p.m. and night work is work occurring between 10 p.m. and 6 a.m. Shifts carried out during the night are to be one hour shorter than usual (the regular working day is eight hours).

More favourable conditions can be decided in collective agreements. According to the Latvian parliamentary research service, the regulations

¹ Consolidated Act no. 896 of 24 August 2004

concerning entitlement to breaks are more generous in Estonian law than those prescribed in Directive 2003/88/EC. According to Estonian law, an employer must allow an employee a break for food after four hours of work, unless otherwise set out in a collective agreement.

Finland

The Finnish Working Hours Act (605/1996) is binding and applicable to both the private and the public sectors. The Working Hours Act is applied to employment relationships as defined in the Work Agreements Act (55/2001). An employment relationship exists when an employee has committed to personally carry out work for an employer under his or her leadership and supervision in return for a salary or other compensation.

According to Section 26 of the Working Hours Act, work carried out between 11 p.m. and 6 a.m. is night work. According to Section 27, a night shift is a work shift in which at least three hours occur between 11 p.m. and 6 a.m.

At the request of the Occupational Health and Safety Authority, the employer shall provide information as to whether night work is carried out on a regular basis.

Night work may be carried out in the following cases:

- 1) work at periodic intervals;
- 2) work involving three or more shifts;
- 3) work involving two shifts, but until no longer than 1 a.m.;
- 4) maintenance and refuse collection work on public roads, streets and airfields;
- 5) work at pharmacies;
- 6) work at newspapers and journals, at news and picture agencies, other media work and newspaper delivery;
- 7) service and repair work and other work necessary for the maintenance of the regular activities of an enterprise, association or foundation that cannot be carried out at the same time as regular activities, or service or repair work necessary for preventing or limiting damage;
- 8) work with peat during the peat-digging season;
- 9) work at sawmill driers;
- 10) work involving the heating of greenhouses and drying plants;
- 11) at the consent of the employees in connection with urgent sowing and harvesting work, work directly connected with animal birth or treatment of sickness among pets and other such agricultural work which, on account of its nature, cannot be postponed;
- 12) at the consent of the employees in bakeries, although the employees' consent is not required for work carried out between 5 and 6 a.m.;
- 13) work which, on account of its nature, is almost only carried out during the night; and
- 14) at the consent of the Labour and Occupational Safety Districts' Occupational Safety Offices and on the terms they establish, where the technical nature of the work or other special reasons so require.

Night work may also be required in the case of other occupations. This must, however, be regulated in a collective agreement. In the case of work involving special hazards or heavy physical or mental strain, working hours may not exceed eight hours per 24-hour period, if the work is night work.

In shift work, shifts are to change at regular intervals and at previously agreed times. In periodic work, an employee may carry out night work for a maximum of seven consecutive shifts according to a work-shift schedule.

France

As in Swedish law, it is emphasised that night work is an exception. Night work is therefore regulated in collective agreements. The agreement should state the reasons why night work is necessary, services rendered in return such as compensatory leave for overtime or pay supplements to be granted by the employer, the measures to be taken to improve the working environment for those working nights (for example, that the employer ensures that there is suitable transport for the employees). If an agreement cannot be reached, the employer can apply for a night work permit from the equivalent to the Swedish Work Environment Agency. The employer must, in this case, be able to show that he/she has done what he/she can to reach an agreement with the employee organisation.

According to the *Code du travail*, night work is defined as work occurring between 9 p.m. and 6 a.m. the following day. It is possible to change this definition by means of a collective agreement. However, work carried out between midnight and 5 a.m. must always be classed as night work. For certain sectors, night work is instead defined as work occurring between midnight and 7 a.m. the following day (e.g. at printing works, cinemas, in media, etc.).

Night workers are those who, at least twice a week, regularly carry out shifts of which at least three hours occur during one of the above-mentioned periods, or who during twelve consecutive months work at least 270 night hours. The average weekly working time for an individual working nights may, during a period of 12 consecutive weeks, not exceed 40 hours per week. By means of a collective agreement, this average maximum limit for weekly working hours can, however, be extended to 44 hours.

A night shift may not exceed eight hours. In exceptional cases, however, a night shift may be extended to a maximum of 12 hours. However, this must be agreed in a collective agreement. An exception to the eight-hour rule may only apply to employees in such occupations as are stated in law, such as security staff. In addition, night shifts may, in exceptional cases be extended with the consent of the equivalent to the Swedish Work Environment Agency. In both cases, the employee must, as soon as possible, be granted compensatory leave corresponding to at least the additional number of hours he or she has worked.

A fine may be imposed on an employer that fails to comply with legislation concerning night work.

Greece

On average, night work may not exceed more than eight hours per day during a period of one week. However, it is possible to make exceptions to this rule by means of collective agreements, if these are reached with a central employee organisation.

Italy

The Italian parliamentary research service points out that the rules concerning night work in Italian law are based on Directive 2003/88/EC and largely reflect the rules set out in the Directive. There are, however, certain deviations concerning protective legislation for pregnant women (see below).

Latvia

According to Latvian law, night work is work occurring between 10 p.m. and 6 a.m. the following day. Shifts occurring during the night should be reduced by one hour. Night workers are those working in shifts according to a timetable and who thus work nights on a regular basis, or those who work nights for at least 50 days during a calendar year.

Lithuania

According to Latvian law, night work is work occurring between 10 p.m. and 6 a.m. the following day. Shifts occurring during the night should be reduced by one hour. Night workers are those who carry out at least three hours of their regular working hours during the above-mentioned timeframe.

Poland

Night work is regulated in the *Labour Code*, according to which night work is defined as an eight-hour period occurring between 9 p.m. and 7 a.m. Night workers are those who either work at least three of their regular working hours or $\frac{1}{4}$ of their total working hours during this period. In such the case of work involving special hazards or heavy physical or mental strain, a night shift may not exceed eight hours.

Portugal

What is to be regarded as night work is primarily regulated in collective agreements. Night work is normally a working period not shorter than seven hours and not longer than eleven hours. The period must include working hours between midnight and 5 a.m. When not specifically defined in a collective agreement, night work refers to working hours occurring between 10 p.m. and 7 a.m. The Riksdag Research Service interprets this to mean that this is how night work is defined in law.

Night workers are those who either carry out at least three of their regular working hours during one of the above-defined periods or who, in the period of one year, have worked an average of at least three hours per night.

Romania

According to the *Labour Code*, night work is defined as work occurring between 10 p.m. and 6 a.m. The Research Service interprets the answer to mean that for employees working in especially demanding conditions, a night shift may not exceed eight hours.

According to the *Government Emergency Ordinance no. 55/2006*, an individual who carried out at least three hours of his or her regular working hours during the above-mentioned period shall be regarded as a night worker. The same applies to those who carry out at least 30 per cent of their working hours scheduled during these times. The average working time for night workers may not exceed eight hours per night during a total of three months. Shifts occurring during the night are, without any reduction in pay, to be reduced by one hour in relation to daytime working hours.

Slovakia

Working hours are regulated in the *Labour Code*. The Riksdag Research Service interprets the answer to mean that the regulations in this code correspond to regulations in Directive 2003/88/EC. Average working hours may not exceed eight hours per day, during a period of four consecutive months. When the average working hours are calculated they should be done so on the basis of a five-day working week.

Further, the Slovakian Research Service has listed a number of provisions additional to the provisions originating from Directive 2003/88/EC. These provisions are referred to below in the section “Protective legislation for certain groups”.

Slovenia

Working hours are regulated in the *Employment Relationships Act*. According to this law, night work is work occurring between 11 p.m. and 6 a.m. A nightshift normally consists of eight consecutive hours of work occurring some time between 10 p.m. and 7 a.m. the following day.

Night workers are those that carry out at least three of their regular working hours during this period, or at least one third of their total annual working hours during a corresponding period. The average working time for individuals working nights may not exceed eight hours per night during a total of four months. In the case of work involving special hazards or heavy physical or mental strain, working hours may not exceed eight hours per 24-hour period, if carried out during the night.

Once a year, the employer is obliged to consult employee organisations regarding the definition of night work, how work is to be organised and various safety aspects.

Sweden

Working time is regulated by *The Working Hours Act (1982:673)*. In principle, the Act applies to all activities in which an employee performs work on behalf of an employer. Exemptions from the implementation of

the whole of the Act or deviations from certain provisions of the Act may be made by way of collective bargaining agreements concluded or approved by a central employees' organisation. Such an exemption may be made only under the precondition that they do not entail that less favourable conditions are applied to the employees than prescribed by the Directive 2003/88/EC. An agreement is invalid to the extent it entails that less favourable conditions shall be applied to the employees than as prescribed by the Directive.

According to section 13 of the Act the hours between 00.00 and 05.00 shall be included in the daily rest period that all employees are entitled to. Deviations may be made if the work, having regard to its nature, the needs of the general public or other special circumstances, must be carried out between 00.00 and 05.00. The provision amounts to a general prohibition against night work. Deviations may however be made under the circumstances reiterated above. Work fulfilling these circumstances is directly exempt from the prohibition.

Examples of situations where the *nature of the work* justifies an exemption are, for instance, work conducted in ironworks, glassworks, production of paper pulp and the chemical industry, where it would take 3-6 hours to restart the machines. Examples of situations where the *needs of the general public* justify an exemption are, for instance, public transport, medical services (health care) postal services, hotels and restaurants.

Pursuant to section 13 a of the Act, night work may not exceed eight hours on average for every period of twenty-four hours during a calculation period of at most four months. [...]. Annual leave and absence on account of sickness during times when the employee would otherwise have worked should be equated with working hours performed.

UK

Working hours are regulated in the *Working Time Regulations 1998*. The UK parliamentary research service states that the provisions in the law do not appear to contain more comprehensive protection than that given in Directive 2003/88/EC. Work occurring between 11 p.m. and 6 a.m. is normally regarded as night work, but employees and employers can agree on other times. Night work is in any case a period of work not shorter than seven hours. The period must include working hours between midnight and 5 a.m.

Night workers are those who carry out at least three of their regular working hours during this seven-hour period, those whose working hours have been defined as night work in a collective agreement, or those who work nights so often that this may be regarded as a routine. The average working time for individuals working nights may not exceed eight hours per night during a total of 17 weeks.

In the case of work involving special hazards or heavy physical or mental

strain, working hours may not exceed eight hours per day, if carried out during the night.

Employees and employers can, to some extent, agree on rules other than those given above, by means of a collective agreement or a workforce agreement. Such an agreement must be in writing, it must have been circulated in the form of a draft to all employees to which it applies and have been signed by all employee representatives or – in enterprises with fewer than 20 employees – by everyone to whom it applies or a majority of these.

Czech Republic

A night shift should not exceed eight hours during a period of a total of 24 hours. If this is not possible, the average working hours for those working nights may not exceed eight hours per night during a period of a total of 26 consecutive weeks.

Germany

Rules regarding working hours are primarily found in the *Arbeitszeitgesetz* (The Working Hours Act). According to this law, night work is work occurring between 11 p.m. and 6 a.m. For night workers employed at a bakery or patisserie, night work is defined as work occurring between 10 p.m. and 5 a.m. the following day. The parties can, to some extent influence the time limits by means of collective agreements. It is, for example, possible by means of a collective agreement, to decide that night work shall start from midnight.

Night workers are all employees that, as a result of shift work, regularly carry out night work or who carry out night work for at least 48 days per calendar year. A shift is to be regarded as night work if more than two hours of the shift occur some time during the above-mentioned timeframe.

A night shift shall normally not exceed eight hours, but can in certain cases be extended to ten hours, as long as the average working hours do not exceed eight hours per shift during a total period of one calendar month or four consecutive weeks.

According to law, the employee is entitled to compensatory leave or a pay supplement for the time he or she has worked nights. It is common for employees who have reached a collective agreement to be entitled to both.

Sectors that are exempt from the rules

There are examples of sectors or branches that have been exempt from the legislation on night work.

Estonia

The *Working and Rest Time Act* is not applicable to employees in managerial positions, employees who are free to decide their own working times or employees serving at religious establishments.

Finland

The Working Hours Act is, according to the same act, not applicable to:

- 1) cases in which, owing to the responsibilities of the job and the employee's position in general, it may be regarded that the employee leads a company, an association, a foundation, or an independent part of one of these, or manages an independent task that can be equated with such leadership;
- 2) employees serving at religious establishments within the Evangelical-Lutheran church, the Orthodox community or some other religious community;
- 3) work that the employee carries out from home or otherwise in such conditions that it cannot be regarded to be the employer's responsibility to monitor how the employee's working hours are organised;
- 4) forestry, forest improvement and floating work or work connected with these activities, with the exception of mechanical forestry and forest improvement work, as well as mechanical local transports of timber within the forest;
- 5) registered childminding in accordance with the Act on children's daycare;
- 6) work carried out by an employer's family members;
- 7) reindeer husbandry;
- 8) fishing and handling of the catch immediately thereafter;
- 9) work to which special regulations on working hours are applied or work belonging to the scope of application of some other working hours act and which, through regulations in this act, has been freed from limitations on working hours; or
- 10) work carried out by officials to which the scope of the act on working hours for officials in the defence services or work carried out by officials in border control services, unless otherwise prescribed in an ordinance.

Neither is the act applied to the work of motor vehicle drivers, if this work is covered by Council Regulation (EEC) 3820/85 on the harmonisation of certain social legislation relating to transport.

France

There are sector-specific night work regulations applying to certain employees. This includes transport workers working on trains or with road transport, or shipping on rivers or lakes. In these cases work occurring between 10 p.m. and 5 a.m. is night work. By means of a collective agreement, a seven-hour period between 9 p.m. and 7 a.m. can be defined as night work. The agreed period must in any case include the period between midnight and 5 a.m.

Poland

The rule that a night shift may not exceed eight hours in cases involving special hazard or heavy mental strain does not apply to employees in managerial positions or during emergency situations involving a risk to life or health, or when there is a risk of damage to the environment or to property.

Slovenia

The following persons are exempt from working hour regulations as regards night work; employees in managerial positions, supervisors who need to take independent decisions, individuals working from home, or in such cases where working hours cannot be predicted or the employee is free to choose his or her own working hours.

Sweden

Exceptions from the general rule of daytime working hours may be made if the work, having regard to its nature, the needs of the general public or other special circumstances, must be carried out between 00.00 and 05.00. Work fulfilling these circumstances is directly exempt from the prohibition. Examples of situations where the *nature of the work* justifies an exception are, for instance, work conducted in ironworks, glassworks, production of paper pulp and the chemical industry, where it would take 3–6 hours to restart the machines. Examples of situations where the *needs of the general public* justify an exemption are, for instance, public transport, medical services (health care), postal services, hotels and restaurants.

In addition to the professions directly exempt from the prohibition, The Swedish Work Environment Authority may allow deviations from the general prohibition of night work, provided that such a deviation does not entail that less favourable conditions apply to the employees than prescribed by the Directive 2003/88/EC of the European Parliament and of the Council. In order to obtain such a permission, an application has to be filed with the Work Environment Authority.

Permission to deviate from the general prohibition is normally not granted if the application is based solely on arguments of an economic nature. According to the Swedish Work Environment Authority economic reasons have to be balanced against the strain that night work causes the employees. The Authority has been restrictive when using the possibility to grant an exemption to the Working Hours Act. For example, applications for exemptions concerning work in a car-wash, harvest of peas and peat-digging have been denied. Permission has been granted for certain work (i.a. information technology-support), where the customers may be located in other time-zones.

UK

The Working Time Regulations do not apply to the self employed. Further, there are employees to which sector-specific rules apply and who are not covered by this law for this reason. This applies, for example, to employees working at sea, transport workers working on rivers or lakes, fishermen and workers working with such air transport as is covered by Directive

2000/79/EC. Other employees are only covered by parts of the law, e.g. road transport workers.

There are also certain exceptions regarding employees normally covered by the Working Time Regulations. The time frames for night work and entitlement to rest and breaks under Directive 2003/88/EC are not, for example, applicable to employees working far from the home (e.g. offshore) or who move between different workplaces. Neither are the rules applicable to employees whose work includes supervision and protection of persons or property or employees whose work requires 24-hour staffing (e.g. hospitals, prisons or work in industry that cannot be interrupted for technical reasons). It is also possible to deviate from the rules in times of heavy peaks in the workload or in emergency situations or unforeseen circumstances. Finally, transport workers working on trains and whose working hours are connected with timetables etc. are not covered. In all these cases (except the offshore sector) the reference period for the average permitted working time may be extended from 17 to 26 consecutive weeks. These employees are entitled to compensatory leave.

Protective legislation for certain groups

In accordance with provisions in Council Directive 92/85/EEC², all member states should have implemented the Directive's minimum rules. The Research Service of the Swedish Parliament has gone into the provisions of the Directive in further detail here. In this context, however, it can be noted that there are certain countries whose legislation goes considerably further as regards the regulation of night work for parents with children. In addition there appears to be protective legislation regarding night work by minors in most member states (presumably in all countries, although this has not always been stated in the replies).

Belgium

There are special protective rules regarding night work by minors and pregnant women. Pregnant women are not permitted to work nights during the eight weeks immediately preceding the due date. Further, women who have recently returned after maternity leave may not be given night work during the first four weeks. Minors are not permitted to carry out night work. There are certain limited exceptions for young people over the age of 16. In exceptional cases, these are permitted to work until 11 p.m., for example, in emergency situations or when urgent measures need to be taken to prevent serious disturbances in production.

Bulgaria

Employees under the age of 18 and pregnant women are not permitted to carry out night work. Women employees with children under the age of six

² Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding

or with a child with a disability, irrespective of the age of the child, may only work nights if consented to by the employee.

Estonia

Night work may not be carried out by employees under the age of 18, pregnant women or employees who for medical reasons have a statement to the effect that they may not work nights. A person with a child under the age of 12, or who is responsible for a disabled child or otherwise responsible for a person who is unable to work, can only be assigned night work at the consent of the employee.

Employees between the ages of 13 and 14 may, in certain circumstances, carry out work until 8 p.m. Employees between the ages of 15 and 17 may, in certain circumstances, carry out work until 11 p.m.

Finland

According to the *Young Workers Act*, a person over the age of 15 can agree to a maximum of 80 hours of overtime during one calendar year. Working hours for underage employees must otherwise occur between 6 a.m. and 10 p.m. Working hours for employees under the age of 15 must occur between 8 a.m. and 8 p.m.

If an unforeseen circumstance has caused an interruption in ordinary operations, or involves an imminent risk of such an interruption, a person over the age of 15 may be asked to carry out emergency work, only if there is no available employee above the age of 18 to carry out the work. Working hours for underage employees may not exceed nine hours per day or 48 hours per week.

France

There are special protective rules on night work for persons under the age of 18. The same rules apply to both women and men.

Greece

There are special protective rules on night work for minors and pregnant women.

Italy

Pregnant women may not carry out night work between midnight and 6 a.m. This prohibition applies until the child is one year old. For the following two years, the mother, or in exceptional cases the father, may be relieved from any obligation to carry out night work. This also applies to single parents with children under the age of 12, or employees responsible for a person with a disability. Other exceptions to the obligation to carry out night work can be made by means of a collective agreement.

Latvia

There is special protective legislation for persons under the age of 18, for pregnant women and for women with children under the age of one. These categories may not carry out night work. The period can be extended to

apply to the entire time the mother is breastfeeding the child, if medical reasons exist. An employee with a child below the age of three can only be assigned night work at the consent of the employee.

Lithuania

Persons under the age of 18 may not carry out night work. Pregnant women or women who are breastfeeding, as well as employees with children under the age of three, single parents with children under the age of 14 or a child with a disability who is under the age of 18, can only be assigned night work at the employee's consent.

Poland

Pregnant women may not carry out night work. An employee who is responsible for a child under the age of four may only carry out night work if he or she consents to it. A person between the ages of 16 and 18 may not work between 10 p.m. and 6 a.m.

Romania

Persons under the age of 18 may not carry out night work. There are also special protective rules applying to pregnant and breastfeeding women.

Slovakia

An employer is obliged, if so requested, to ensure that a woman taking care of an infant under the age of nine months, or a pregnant woman working nights receives a free health check.

Persons under the age of 16 may not be assigned night work. Persons between the ages of 16 and 18 may carry out night work for a maximum of one hour per night, if the night work constitutes a necessary part of their education/training.

Slovenia

There are special protective rules concerning night work for persons under the age of 18, pregnant women, for women up to one year after childbirth and for breastfeeding women. Employees under the age of 18 may only carry out night work in connection with force majeure.

The right to night work is highly limited for women in the manufacturing and construction industries.

UK

There are special protective rules on night work for minors. As a rule, minors are not permitted to work nights, but there are certain exceptions to this rule (not specified in the answer).

Czech Republic

Pregnant employees, employees with children under the age of nine months and breastfeeding women are entitled to be temporarily relocated to a suitable day job with the same pay. The employer is obliged to take into consideration parents with children when preparing the timetable for shift work. A woman employee who: a) has a child under the age of 15; b) is

pregnant; or c) can show that she has the main responsibility for a sick relative, is entitled to be granted part-time work or other appropriate adaptations of her working hours unless this is not possible for business reasons.

Germany

A woman who is pregnant or breastfeeding may not carry out night work between 8 p.m. and 6 a.m. There are certain limited exceptions stated in law. Underage employees may not carry out night work between 8 p.m. and 6 a.m.

Right to a medical examination

In accordance with the provisions of Directive 2003/88/EC, most countries that have answered the questions state that night workers are entitled to a free medical examination before they start their employment, and are thereafter entitled to regular health checks. Similarly, night workers with health problems are entitled to be relocated to suitable day work if it can be proven that their ill health is connected with their night work.

It can be pointed out that employees over the age of 50 in certain countries are entitled to more regular health checks (e.g. in **Germany**).

Longer holidays or other benefits

Below are some examples of such benefits mentioned by the countries in their answers.

Bulgarian night workers are entitled to "hot food, refreshments and other facilities". Further, they are entitled to pay supplements for night work.

According to **French legislation**, night workers are given first priority to daytime positions with the same employer.

In **Lithuania**, overtime or night work entitle employees to at least one and a half times the pay of daytime work.

According to **Polish law**, night workers are entitled to a 20% pay supplement per hour of night work.

According to **Romanian law**, night shifts are, without any reduction in pay, to be reduced by one hour in relation to daytime working hours. Night workers are entitled to a 15% pay supplement per hour of night work.

In addition to pay supplements, night workers in **Slovenia** are entitled to longer holidays and the employer is obliged to ensure that they have access to suitable food. Further, the employer may not assign night work unless suitable transport to and from the place of work is arranged.

Night workers in the **Czech Republic** are entitled to adequate services, especially the possibility of refreshments. Furthermore, the employer is obliged to ensure that there are first-aid kits at the workplace and that it is possible to make emergency telephone calls. The same applies in **Slovakia**. In addition, Slovakian employers are obliged to discuss with the employee organisation how night work is to be organised.

Number of employees to whom the night work regulations apply

Most countries have not answered this question. **Denmark and Finland** state that they do not have any statistics on the number of night workers.

Belgium

The Belgian parliamentary research service estimates that there are hundreds of thousands of night workers in Belgium. The working population in Belgium is estimated to be approximately seven million persons.

Germany

According to the German parliamentary research service, there are no specific statistics relating to night work. According to information from the Statistische Bundesamt, there were between January and March 2004, a total of 17.3 million people in gainful employment who always, regularly or occasionally worked weekends, nights and/or shifts. The percentage of employees with non-traditional working hours is increasing in relation to the total working population. This increase is evenly spread among men and women. In early 2004, 53 per cent of men and 43 per cent of women had working hours that deviated from regular working hours.

Italy

In 2007, the working population was just over 23 million persons. Of these, approximately 7.7 per cent carried out night work twice a week or more, and a further 3.2 per cent carried out night work less often. The remaining part of the working population did not carry out night work.

Portugal

According to statistics from the Portuguese parliamentary research service, there were a total of 889,000 night workers in Portugal in the third quarter of 2008, including 591,000 men and 298,000 women.³ However, it is not stated which sectors these workers were employed in.

Sweden

Approximately 76 per cent of all employees work daytime only. The share is somewhat higher among men (77,6%) than among women (74,5%). The share of employees that work daytime only is falling while the share of those that work according to schedules and/or shifts is increasing. The reduction of

³http://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_indicadores&indOcorrCod=0000401&Contexto=bd&selTab=tab2.&xlang=en

daytime work is to a large extent due to the fact that today's youth, the 16–24 year olds, works mainly daytime but is employed to a relatively small extent.

UK

In the most recent survey in April-June 2008 carried out by the Office for National Statistics, 2.8 million people have replied that they often work nights.