

## What's happening with Sunday work in Europe?

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*EU Member States have been passing laws to regulate opening hours for shops and businesses on Sundays. However, there are also Member States where new legislation is restricting opening hours. According to the European Working Conditions Survey, the proportion of workers reporting working Sundays increased between 2010 and 2015, supporting the idea that Sunday trading is becoming increasingly common.*

### Background

Trading and working at weekends, particularly on Sundays, has traditionally been influenced by historical, cultural, religious, social and economic considerations. Standard working days in the EU are usually Monday to Friday and weekend work has been considered 'atypical' (fifth EWCS, page 41).

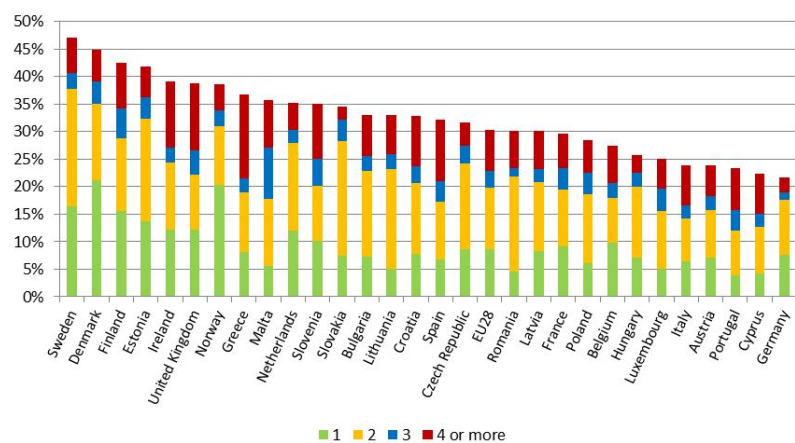
Research by Eurofound on extended and unusual working hours in European companies, based on its survey on Working time and work-life balance (2004–2005), showed that many European companies were open for business at weekends; 25% of establishments in the then EU21 (EU28 excluding Bulgaria, Croatia, Estonia, Lithuania, Malta, Romania and Slovakia) required at least 20% of their employees to work on Saturdays, and 15% required employees to regularly work on Sundays. Broken down by sector, Saturday and Sunday work was most common in sectors such as 'hotels and restaurants', 'health and social services' and the category defined by the report as 'other community, social and personal services'. Company size was also significant, where the larger the business, the higher the incidence of weekend work. By country, the UK stood out as having a high proportion of companies with employees working weekends. By and large, the importance of weekend work was above the EU21 average in countries such as Germany and Sweden. At the other end of the scale, Portugal had a particularly low incidence of weekend work; other countries with a markedly lower incidence than the EU21 average were Hungary, Poland and Spain. The research also found that Sunday work appeared to be detrimental to workers' health, with a greater likelihood of sickness and absenteeism problems in establishments that operated on Sundays, than in establishments that did not.

Eurofound's Sixth European Working Conditions Survey found that:

- a significant share of workers in the EU worked outside standard working hours;
- 54% worked at least one weekend day per month.

In 2015, more than half of all workers (52%) reported working on a Saturday, with 23% working at least three Saturdays a month. Although the incidence of Sunday work has been decreasing in many Member States since 1995, the share of workers who reported working at least one Sunday a month reached 30% in 2015, up from 27.5% in 2005 and 28% in 2010. In 2015, more than 10% of all workers worked at least three Sundays a month. The figure below shows the proportion of workers reporting working Sundays in each EU28 Member State and Norway.

**Share of employees working on Sundays, by number of times per month, EU28 and Norway, 2015**



Source: Eurofound's sixth European Working Conditions Survey 2015

## EU regulations

There are no specific EU regulations regarding weekend work. The 1993 Working Time Directive determined that the minimum weekly rest period 'shall, in principle, include Sunday'. In 1996, however, the European Court of Justice annulled this provision by ruling that:

the Council has failed to explain why Sunday, as a weekly rest day, is more closely connected with the health and safety of workers than any other day of the week.

The 2003 Working Time Directive does not refer to any specific day in relation to weekly rest periods or any other aspect of working time. Article 2 of the European Social Charter says that Member States should agree:

to ensure a weekly rest period which shall, as far as possible, coincide with the day recognised by tradition or custom in the country or region concerned as a day of rest.

# Country developments

Research has shown that the main trend in the EU in recent years has been the extension of work during Sundays, particularly in shops and cultural and leisure activities (Boulin, 2013). Recent legislative developments that create or extend the possibility of Sunday opening have reinforced this trend. In Hungary, for example, a ban on Sunday opening for shops came into force in March 2015 and was revoked one year later.

However, there are also examples of new restrictions on Sunday business operations. The Czech Republic recently passed legislation prohibiting sales on public holidays. An attempt by the Norwegian government to pass legislation that would have allowed shops to open on Sundays met much resistance and ended up being shelved.

## Support for Sunday work in France, Poland and the UK

In France, there is a consensus among shoppers, workers, unions and employers that the law in this area, which dates back to 1990, is complex; it allows numerous exemptions from the general ban on Sunday working. However, some polls showed that a large share of the population is in favour of Sunday work if employees were to receive double pay. The Macron Law, adopted on 9 June 2015, introduced flexible arrangements for Sunday work by giving mayors the right to select 12 Sundays per year on which shops may open for business. In specific tourist areas, however, shops may open every Sunday.

Meanwhile, French social partners at company level have started to negotiate collective agreements on Sunday work. Companies from different retail subsectors have already concluded agreements for some of their Paris establishments. For example, cosmetics retailer Sephora concluded an agreement to open its main shop on the Champs Elysée every evening until midnight, with a salary premium of 100% and financial support for employees to compensate them for travel home and childcare. Their competitor, Marionnaud, concluded a similar agreement in September which included a salary premium of around 115% for evening work. However, employees of Parisian department store BHV voted against Sunday work.

In Poland, amendments to the Polish Labour Code of 24 January 2014 expanded the list of circumstances under which work on Sundays and public holidays was allowed. The change, it was argued, would be a step towards creating more flexibility in working time organisation for employers with international operations. The rationale was that if Sundays and Polish public holidays are working days for cross-border services, such as telecommunications, then it should also be possible for employees of such service providers operating from Poland to be called on to work. Since then, trade union Solidarność has been driving efforts to propose legislation banning trade on Sundays. The union argues that, in extreme cases, employees of large retail networks do not have a single free Sunday a month.

In July 2015, the then UK Chancellor of the Exchequer, George Osborne, presented as part of the government's emergency budget, proposals to allow larger stores to open longer on

Sundays in England and Wales. Currently, shops in England and Wales with a floor area of over 280 square metres can open on Sundays for six consecutive hours between 10:00 and 18:00. (In Scotland there are no restrictions and, in Northern Ireland, shops bigger than 280 square metres can trade on Sundays for a maximum of five hours between 13:00 and 18:00.) The government hoped the measure would promote jobs and growth in the economy. However, there were fears that longer Sunday opening hours could harm smaller independent retailers and the plan was defeated in a Parliamentary vote in March 2016.

## Greek pilot scheme

A pilot scheme allowing shops to open every Sunday in 10 Greek regions, including the historical centres of Athens and Thessaloniki, was announced in 2014 by the Deputy Minister for Development and Competitiveness. The measure was prompted by suggestions made by the OECD to remove market barriers and to promote growth, competitiveness and employment, in particular among small and medium enterprises (SMEs). The ruling was welcomed by the Hellenic Retail Business Association (SELPE) and the Greek Tourism Confederation (SETE). However, in July 2014, the Hellenic Confederation of Professionals, Craftsmen and Merchants (GSEVEE), the National Confederation of Hellenic Commerce (ESEE) and the Federation of Private Sector Employees (OIYE), filed an appeal before the Council of State seeking an injunction and temporary suspension of the ministerial decision. A survey carried out by ESEE, published in July 2014, showed that 75% of merchants were dissatisfied with the Sunday opening measures, and 64% of businesses found the cost of Sunday trading prohibitive. Some 40%–50% of shops could not even afford to open.

The OIYE organised a series of rolling strikes of shop workers in 2014 in protest at the seven Sunday openings already provided for by law, and the Sunday opening hours of the all-year-round pilot scheme.

In September 2014, the Council of State allowed the appeal by OIYE, GSEVEE and ESEE, temporarily preventing the implementation of the pilot measure. The court ruled that it violated:

- formal requirements;
- the right to 'free time, to family and personal life, and to religious rights';
- the principle of equal competition.

The final decision of the Council of State, which was expected in 2015, is still pending.

## Proposal to give Malta's traders control over opening times

In September 2014, the Maltese government proposed giving shop owners the discretion to determine their own opening times. The proposal, made for public consultation, suggested allowing all shops to open on Sundays between 06:00 and 17:00, provided they remain closed on another day chosen by the shop

owner. Shops would also be able to open on any public holidays that did not fall on a Sunday. The government said shop owners were best placed to decide on opening hours since they knew what their customers wanted. The Consumers' Association – Malta welcomed this, saying a more open market would lead to more competition, higher standards and lower prices. The General Workers Union (GWU) held meetings with employees to forestall any abuses; shop workers felt it might harm their work-life balance. The government did not implement the proposal though it did include it in the 2015 budget.

### Hungarian ban over Sunday's opening revoked

In December 2014, the Hungarian Parliament passed a law forcing (most) shops to close on Sundays from 15 March 2015, the main rationale being to prevent people having to work on Sundays. The bill was opposed by the National Association of Entrepreneurs and Employers (VOSZ), the Hungarian Council of Shopping Centers (MBSZ), as well as the Hungarian Trade Association (OKSZ). It had been initially supported by the Trade Union of Commercial Employees (KASZ), but after consultation, KASZ found that 90% of its members opposed the idea because they felt it would cut their wages and increase their already excessive workload. A public opinion poll showed that 80% of respondents were also against the Sunday ban. However, the law was shrouded in controversy and, on the government's initiative, Parliament revoked the Sunday ban in April 2016 meaning that the legislation was in force for only one year.

### Restriction of store opening hours in the Czech Republic

After a long legislative process (the bill was approved by the Senate in June 2014), the Czech Parliament approved a bill on 28 June 2016 restricting the opening hours of stores during public holidays. The act, which applies to shops with a floor space greater than 200 square metres, bans sales during seven specified public holidays. The exceptions are petrol stations, pharmacies or shops at airports, railway stations and bus stations.

The Czech Chamber of Commerce (HK ČR) and the Czech Confederation of Commerce and Tourism (SOCR ČR) strongly opposed the bill. They are currently preparing an appeal to the constitutional court, as they deem the new legislation to discriminate against entrepreneurs with large stores and against the commerce sector. HK ČR and SOCR ČR consider the act to be a bureaucratic intervention in market mechanisms that goes against European trends. They further argue that such regulation will result in a drop in sales and VAT revenue, and job losses for those employees who have difficulties in the labour market and who are often among those working on bank holidays. In contrast, the Trade Union of Workers in Commerce (OSPO) supported the proposal, arguing that it would help employees reconcile their professional and family lives.

### Clearer definition of weekly time off in Romania

Law 97/2015 adopted in April 2015 (PDF) provides a new formulation of weekly time off, which is expected to stop its interpretation being abused by employers. Now 'the weekly time

off consists of 48 consecutive hours, as a rule Saturday and Sunday', whereas the previous legal provision stipulated that the weekly break consisted of 'two consecutive days, as a rule Saturday and Sunday'.

## Norway nurses against working more weekends

In 2014, the Norwegian government put forward a proposal allowing five Sundays' work in a row, but it was defeated. However, the amended Working Environment Act that came into force from 1 July 2015 includes a provision that allows employees to work three Sundays in a row. Meanwhile, the government put forward a proposal for new legislation that will allow shops to open on Sundays. This proposal met with a lot of resistance and both the trade unions and the employer organisation for retail trade argued against it. Opinion polls indicated that the majority of the population was also against the proposal. In December 2015, the government announced that the proposal would not gain a majority in Parliament and, therefore, would not be pursued. However, the government has expressed interest in seeking other ways of increasing flexibility concerning Sunday work. Currently, the only shops allowed to be open on Sundays are small grocery stores, petrol stations, garden centres and shops in designated 'tourist areas'.

The debate between the social partners in the Norwegian hospitals about weekend work continues. Nurses currently work every third weekend and the employer organisation, Spekter, is eager for them to work every second weekend. However, the law requires an agreement between the social partners to allow certain types of rotation work. The members of the Norwegian Nurses Organisation (NSF) continue to resist the inclusion of more working weekends in the agreement. NSF argues that most of its members do rotation work and that this already has negative health effects. They also say working more weekends will impact members' work-life balance.

## Commentary

While there is evidence supporting the continuation of the trend to relax restrictions on shop opening hours on Sundays, there are examples of countries legislating in the opposite direction. Working on Sundays can be limited to a few times per year and usually comes with a premium wage and/or the right to additional time off. Nevertheless, it could have a negative impact on workers' health and work-life balance if performed over long periods. Weekends have been traditionally considered as a weekly period of rest from work performed during the other days of the week. It is also seen as time to carry out activities of, for example, a leisure, family or social nature, which otherwise may not happen.

'Atypical work' is an issue across many sectors such as retail, health, emergency services, transport, and customer support services. At the same time, the move towards a 24/7 society and the growth of online shopping, mean that consumers can virtually buy goods and services at any time and from anywhere. However, these practices also raise important questions about the working conditions of workers involved in 'online' and 'offline' trading. For example, workers processing orders, packaging and

delivering goods ordered online, might not be located in the same country, nor covered by the same regulations as, for example, workers in the same retailer's high street branches.

## Reference

Boulin, J.Y. (2013), 'Working on Sunday: regulations, impacts and perceptions of the time use practices', in Henckel, D., Könecke, B., Zedda, R. and Stabilini, S. (eds.), *Space-time design of the public city*, Springer, pp. 21–35.

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