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EU COURT: EMPLOYERS MUST RECORD WORKING TIME

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Employers must accurately record employees' working time to ensure compliance with laws on workers' health and safety, rest periods and maximum working hours, the Court of Justice of the EU has [ruled](#). The implications of the ruling are still being examined, but many employers will likely have to be more diligent when tracking employees' paid or unpaid working time.

COURT RULING

The case was brought by a Spanish trade union that claimed a bank was not adequately tracking employees' working hours, in violation of the EU directive on working time. The directive sets standards for maximum weekly working hours and minimum daily and weekly rest periods, night work, and minimum annual paid vacation. The court said that member states should ensure that employers "set up an objective, reliable and accessible system enabling the duration of time worked each day by each worker to be measured." Without a recording system, the court warned, workers (or their representatives) can't determine objectively and reliably how many hours, including any overtime, they've worked or when the work was done.

The court confirmed that member states have discretion to establish specific arrangements for implementing recording systems, taking into account the sector and activities concerned, and added that any financial burden imposed on employers is outweighed by the need to protect workers' health and safety. In Spain, new rules requiring employers to monitor working time took effect on 12 May 2019.

RELATED RESOURCES

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- [Text of Judgment](#) (Court of Justice of the EU, 14 May 2019)
- [Press Release](#) (Court of Justice of the EU, 14 May 2019)

- [Directive 2003/88/EC Concerning Certain Aspects of The Organisation of Working Time](#) (EURLex, 4 Nov 2003)

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- [Spain Requires Employers to Record Working Time, Offers Incentives to Hire Long-Term Unemployed People](#) (29 Apr 2019)

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