

By PwC Deutschland | 07 March 2023

ECJ: Right to limitation of maximum working hours and to daily and weekly breaks

Daily rest for workers is in addition to the weekly rest period even when it directly precedes the latter. According to the decision of the European Court of Justice (ECJ) this also applies if the national legislation grants weekly breaks that exceed the weekly rest period provided by EU law.

Background

A train driver employed by MÁV-START, the Hungarian national railway company, challenges before the local court the decision of his employer not to grant him a daily rest period of at least 11 consecutive hours (which the worker must be granted during each 24-hour period under the Working Time Directive) when that period precedes or follows a weekly rest period or a period of leave. MÁV-START claims that since the collective agreement applicable to the case grants a minimum weekly rest period (of at least 42 hours) which is well above of the one required by the Directive (24 hours) its employee is not in any way in an unfavorable position.

ECJ judgement

In its decision the ECJ notes that daily and weekly rest periods constitute two autonomous rights, which pursue different objectives. Daily rest allows a worker to remove himself or herself from his or her working environment for a specific number of hours, which must not only be consecutive but must also directly follow a period of work. Weekly rest allows a worker to rest during each seven-day period. Consequently, workers must be guaranteed the actual enjoyment of each of those rights.

Thus, a situation where daily rest formed part of weekly rest would render meaningless the right to daily rest, by depriving the worker of its actual enjoyment where he or she benefits from his or her right to weekly rest.

The Court also notes that the more favorable provisions laid down in Hungarian law, in comparison with the Directive, in respect of the minimum weekly rest period cannot deprive a worker of other rights which that directive confers on him or her, and in particular of the right to daily rest. Therefore, daily rest must be granted irrespective of the length of the weekly rest period provided for by the applicable national legislation.

Source:

ECJ judgment of 2 March 2023 in the case [C-2477/21 MÁV-START](#). - A summary of the ECJ-decision to be found in the ECJ's [Press Release No. 39/23](#).

Keywords

employees