

SOME ASPECTS OF WORKING TIME OF WORKERS IN TRANSPORT IN SLOVAK AND EUROPEAN LABOUR LAW

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Abstract in original language

Príspevok pojednáva o pracovnom čase v doprave tak ako je upravený v európskom a slovenskom práve. Poukazuje na nedostatky implementácie sekundárneho práva Únie a poskytuje návrhy, ako by bolo možné tieto problémy odstrániť.

Abstract

This contribution deals on working time in public transport as is modified in the European and Slovak law. It shows weaknesses of the implementation of the secondary law of the European Union, and provides suggestions on how it would be possible to eliminate these problems.

INTRODUCTION

Problematic of working time is one of the most challenging questions of the present. As a result of the globalization process and the high demands for the performance of employees go into the forefront the protective function of labour law, which is inter also apparent in the regulation of working hours and rest periods.

According to the provisions of Article 137 of the Treaty on European Union in order to achieve the objectives of the European Community, Community supports and complements the activities of the Member States, inter alia, in improving the working environment, working conditions, social security and social protection. To this end, the Council is acting in these areas in the form of guidelines to receive the minimum requirements for gradual implementation with regard to the conditions and technical rules adopted in each of the Member States. These directives cannot impose any administrative, financial and legal restrictions that would prevent the creation and development of small and medium-sized enterprises.

On the basis of this provision were issued several directives, which subject is regulation of working time. However, for employees in the transport, due to their special requirements of work covered by different legal regulation of working time. This group is exempt from the general matter of working time than in European law, as well as at national level, as in the length of the maximum allowable working hours, standby, work overtime and night work.

1. WORKING TIME IN GENERAL

The most important directive containing general modification of working time is the 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, which sets minimum requirements for health and safety for the organization of working time.

Directive 2003/88/EC sets out minimum requirements for health and safety for the organization of working time. Material scope of the directive according to article 1 refers to:

- a. the minimum daily rest, weekly rest periods and annual leave, breaks and maximum weekly working time,
- b. certain aspects of night work, shift work and patterns of work,
- c. to all sectors, public and private.

Directive 2003/88/EC concerning certain aspects of working time in its Article 20 provides that the mobile employees are not subject to the provisions of Articles 3 (daily rest), 4 (breaks from work), 5 (weekly rest) and 8 (length of night work).

So that the protection of employees retained to mobile employees are covered by the directives, which will be subject to the following interpretation:

- Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST)
- Directive 1999/95/EC of the European Parliament and of the Council of 13 December 1999 concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports
- Council Directive 2000/79/EC of 27 November 2000 concerning the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation concluded by the Association of European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carrier Association (IACA) (Text with EEA relevance)
- Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities
- Council Directive 2005/47/EC of 18 July 2005 on the Agreement between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector.

2. COUNCIL DIRECTIVE 1999/63/EC OF 21 JUNE 1999 CONCERNING THE AGREEMENT ON THE ORGANISATION OF WORKING TIME OF SEAFARERS CONCLUDED BY THE EUROPEAN COMMUNITY SHIPOWNERS' ASSOCIATION (ECSA) AND THE FEDERATION OF TRANSPORT WORKERS' UNIONS IN THE EUROPEAN UNION (FST)

On September 30th 1998, European Community Shipowners' Association (ECSA) and the Federation of Transport Workers in the European Union (FST) signed agreement, which included a joint application to the European Commission to implement the agreement through a Council decision on a proposal from the Commission. Such a procedure is allowed to the social partners by Article 139, paragraph 2 of the EU Treaty, under which the social partners to jointly request that the agreements concluded at Community level have been made to the Commission proposal to Council.

On the basis of the above procedure on June 21st 1999 the Council of the European Union adopted Directive 1999/63/EC, which concerns the organization of the working time of seafarers concluded by the European Community Shipowners Association (ECSA) and the Federation of Transport Workers in the European Union (FST).

The main purpose of the directive is to realize the agreement of social partners, which is located in the Annex to the Directive, which concerns the organization of working time of seafarers. Member States may maintain or introduce provisions more favourable than the provisions of the directive.

The Agreement applies to seafarers on board every seagoing ship, whether publicly or privately owned, which is registered in the territory of any Member State and is ordinarily engaged in commercial maritime operations. For the purpose of this Agreement a ship that is on the register of two States is deemed to be registered in the territory of the State whose flag it flies.

In clause 2 the agreement defines the basic terms. For the purposes of this Agreement, the term "hours of work" means time during which a seafarer is required to do work on account of the ship. The term "hours of rest", means time outside hours of work, however, this term does not include short breaks. Seafarer means any person who is employed or engaged in any capacity on board a seagoing ship to which the Agreement applies.

The importance of the agreement lies in the provision of limits for length of working hours and rest periods. The maximum working time of the seafarer must not exceed 14 hours for 24 hours and 72 hours in any seven-day period. The minimum rest period must not be less than 10 hours for 24 hours and at the same time, 77 hours in any seven-day period.

The above-mentioned time period can be divided into a maximum of two parts, one of which must be at least six hours and the interval between two successive periods of rest shall not exceed 14 hours.

Within the limits are determined by either the maximum working time, which in the time period cannot exceed, or a minimum period of rest, which shall be provided in a given period of time. The normal standard working time of seafarers based on the eight-day working time of one day of rest per week and rest during the holidays. Member States to learn the procedure to authorize or register a collective agreement which determines the current working time more favourable than this standard.

Seafarer, younger than 18 years may not employ the work at night. This provision does not apply in the case, if there had been disrupted training of young seafarers from 16 to 18 years in accordance with established programs and schedules.

The captain of the ship is granted the right to request a seafarer that shall not be in the interest of safety of the ship, passengers or cargo on board, or to assist other ships or persons who are at sea are in an emergency situation. At the same time, it may temporarily suspend the hours of work or hours of rest and require a seafarer to perform hours of work necessary to restore the normal situation. After the renewal of the normal situation is the master must ensure that any seafarer who have performed work in a scheduled rest period was sufficient time to rest.

The Agreement identifies the area leave for seafarers. In accordance with national legislation and / or the practice of each seaman entitled to paid annual leave of at least four weeks, or on

the proportion of employment in the event of the period less than one year. With the exception of situations where there is a termination of the employment relationship, the minimum period of paid annual leave are not replaced by a financial reward.

The mechanism for monitoring and enforcement of compliance with the Directive 1999/63/EC provides Directive 1999/95/EC, which concerns the application of the provisions in respect of seafarers' hours of work on ships calling at ports in particular in order to improve maritime safety, working conditions and health and safety of seafarers on board ships. The directive reflects the provisions of ILO convention #180 on the working time of seafarers and ships' crews for each ship berth in any port of the Community, irrespective of the flag they are flying in order to identify and remedy any situation which is obviously risky to the safety or health of seafarers.

Seafarers' hours of work in the Slovak Republic is governed by Act No. 435/2000 Coll. on shipping in the provisions of § 44.

According to that law, if the length of working time member of ships' crews is not regulated by the shipowner, the law it set at 40 hours per week. The length of working time member of ships' crews, however, must not exceed 14 hours within 24 hours and 72 hours over seven consecutive days. Running the length of one cannot exceed 12 hours, including mandated overtime. Time to rest between two changes cannot be less than eight hours. These limitations do not apply in emergencies, in which the master of sea vessels ruled that there was a threat to the security of maritime vessels or cargo. Total time periods boat crew member under the law shall not be less than 10 hours within 24 hours and 77 hours over seven consecutive days. Head of a seagoing ship is authorized to order the standby in case of urgent operational needs, or if there is a threat to the safety of persons, sea-going vessels or cargo. If this is not serious operational reasons, the commander of maritime vessels are required to stay in the sea-going vessels in port to allow the boat crew member reasonably long periods by adjusting working hours and at the request of individual members of ships' crews to provide compensatory leave for overtime and on holidays.

Legal working time of seafarers in the Slovak Republic currently considered sufficient, although the definition does not ship crew member, like the Convention regulates the legal definition of a seaman. By law, it is a person over 18 years; their work is carried out in employment. Each member of ships' crews must be called to the boat crew members, the entry of the board confirms the top of his service on a seagoing ship, and boat crew member removal from the list of members of ships' crews confirmed the termination of his services to a seagoing ship. I consider it appropriate for the legislature to consider the legal definition of a seaman / member of ships' crews; because the scope is different personal Directive 1999/63/EC may miss effect.

Even though the law on shipping does not contain provisions on the area leave or how its implementation, in common, transitional and final provisions enshrined subsidiary scope of the Labour Code, which provides base area leave of four weeks, which corresponds to the requirements of the Directive 1999/63/EC.

3. COUNCIL DIRECTIVE 2000/79/EC OF 27 NOVEMBER 2000 CONCERNING THE EUROPEAN AGREEMENT ON THE ORGANISATION OF WORKING TIME OF MOBILE WORKERS IN CIVIL AVIATION CONCLUDED BY THE ASSOCIATION OF EUROPEAN AIRLINES (AEA), THE EUROPEAN TRANSPORT WORKERS' FEDERATION (ETF), THE EUROPEAN COCKPIT ASSOCIATION (ECA), THE EUROPEAN REGIONS AIRLINE ASSOCIATION (ERA) AND THE INTERNATIONAL AIR CARRIER ASSOCIATION (IACA)

Directive 2000/79/EC, which relates to the European Agreement on the Organization of Working Time of Mobile Workers in Civil Aviation concluded by the Association of European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carrier Association (IACA) provides more detailed requirements, minimum standards as regards the organization of working time of mobile staff in civil aviation. Even in the event of 2000/79, has been applied the same procedure as in the case of the Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST). On March 22nd 2000 concluded the Association of European Airlines, the European Transport Workers' Federation, the European Cockpit Association, the European Regions Airline Association and the International Air Carrier Association agreement on the organization of working time of mobile staff in civil aviation, according to Article 139 of the Treaty have asked for the implementation of this agreement into practice.

For the working time is by this agreement considered 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. Mobile staff in civil aviation means crew members on board a civil aircraft, employed by an undertaking established in a Member State. Block flying time means the time between an aircraft first moving from its parking place for the purpose of taking off until it comes to rest on the designated parking position and until all engines are stopped.

Mobile staff in civil aviation has a sense of entitlement to a minimum of four weeks paid leave per calendar year for which it is not possible to provide monetary compensation, with the exception of termination of employment.

Before boarding a regular basis during the course of his employment is the flying personnel entitled to free health examination. For the medical treatment is covered by medical confidentiality.

The maximum annual working hours, including standby to establish guidelines for 2,000 hours in flying time is limited to 900 hours. The employer is obliged to allocate time so that the worker of civil aviation should be available for at least seven days local leave without the services of a duty in a calendar month and 96 days leave in a calendar year, at the same time, however, that part of the leave may leave to recovery.

In the Slovak Republic is the Directive 2000/79/EC implemented in a number of laws and in particular:

- Act No. 462/2007 Coll. On the organization of working time in transport

- Act No. 311/2001 Coll. Labour Code
- Act No. 124/2006 Coll. on health and safety at work
- Act No. 125/2006 Coll. Labour Inspection
- Act No. 578/2004 Coll. on health care providers, health care workers, trade organizations in the health service

As you can see at a glance, the legislature directive, despite its severity, implemented in a large number of special laws (a total of 7), where the case law on the organization of working time in transport is still the subsidiary scope of the Labour Code. Such an implementation is in my view unnecessarily disorganized for the employer, as they require a broad overview of the number of legislation, some of which, moreover, do not belong to labour law.

Employees of civil aviation, according to paragraph 2 of the Law on the Organization of working hours in transport deemed to mobile employees who fall within the scope of the personal law. Act in its paragraph 17 provides for a maximum working time of employees in air transport for 900 hours during a calendar year, 110 hours during a calendar month or for 30 consecutive calendar days, 12 hours consecutive for the long-haul flights and 10 hours for 24 consecutive hours for other lines. The total sum of the total working hours and standby at the workplace as well as standby outside the workplace must not exceed 2,000 hours in a calendar year. For maximum daily working hours, the time for 24 consecutive hours must not exceed 12 hours, if the aerial work, or if the number of take-off the ground crew is more than six; 14 hours, if the number of take-off crew base is more than six; 16 hours If the enhanced crew or 18 hours, when the twin crew.

The law allows an extension of flight time in the incident, which occurred during a flight up to the completion of a safe flight. The employer, however, such an extension should not be planned in advance.

For the acreage of annual leave will be subsidiary used provisions of the Labour Code, which provides base area leave at least four weeks. In addition, under the Act, any member of the crew is entitled to continuous periods without a standby for a period of 7 days in the local calendar month and 96 days in the local calendar year.

As an imperfect I consider a partial transposition of the provisions relating to medical examination prior to boarding and at regular intervals. In any piece of legislation explicitly not the obligation to the employer in civil aviation to ensure the implementation of regular medical examinations of employees in civil aviation. Such an obligation, then we need to look for in the law on occupational safety and health at work, which requires employers to ensure the implementation of health surveillance, including preventive examinations at regular intervals with respect to the nature of work and working conditions.

4. DIRECTIVE 2002/15/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MARCH 2002 ON THE ORGANISATION OF THE WORKING TIME OF PERSONS PERFORMING MOBILE ROAD TRANSPORT ACTIVITIES

Common rules on driving times and rest periods for drivers down the Council Regulation EEC No. 3820/85 of 20 December 1985 3820/85 on the harmonization of certain social legislation relating to road transport, which, on the other hand, does not apply to other aspects

of working time in transport. And therefore the Directive 2002/15/EC applies to mobile employees employed by the Member States participating in road transport activities covered by Regulation 3820/85, or otherwise, the agreement on the work of crews of vehicles engaged in international road transport (AETR) . The directive also states that the mobile employees who are excluded from the scope of this directive are subject to the provisions of Directive 2003/88/EC.

The Directive will make it aims to set out the minimum requirements in relation to working time, in order to improve the health and safety of persons performing mobile road transport activities in order to improve road safety and to harmonize the conditions of competition.

Like other Directives, Directive 2002/15/EC, in its introduction provide basic definitions. The working time directive for the purpose in the case of mobile employees mean time from start to finish the work, during which the mobile employee to his workplace the employer's disposal and carrying out its functions or activities, and to the time devoted to all transport operations or the period during which the mobile staff cannot dispose freely of his time and is required to be at his workstation, ready to take up normal work, with certain tasks associated with their service, particularly during the period of waiting for loading or unloading where their foreseeable duration is not known in advance, t. j. either before departure or just before the actual beginning of the period in question or in general terms agreed between the social partners and / or under the terms of the Member States.

For the on-call time is considered to be a different time than the breaks and rest periods, during which the mobile employee is not required to remain in the workplace, but must be available to respond to the call to start or resume driving or to perform other work. Such periods of availability, include the time during which the mobile worker vehicle, which is carried by the ferry boat or train, as well as waiting times at borders and time associated with the transport bans. On call is the time spent sitting next to the driver or in a cabin for sleeping during the movement of the vehicle.

Although Directive 2002/15/EC for the mobile worker considers each worker forming part of the travelling staff, including trainees and apprentices, which is in the service of a company engaged in passenger or freight services for hire or reward or on its own account, I would bring to attention the Court's jurisprudence in matters Bowden, Champan, Doyle against Tuffnells Parcel Express and Pfeiffer against the German Red Cross. In the first case, the Court concluded that the scope of Directive 93/104/EC, now superseded the abovementioned Directive 2003/88/EC, the exclusion of all employees of road transport, including office staff. Administration therefore falls within the scope of the organization of the working mobile transport, although the Directive 93/104/EC as mobile employees expressly stated. In the latter case, the Court was confronted with a preliminary question whether the scope of Directive 93/104/EC not only transport activities, which is the essence of overcoming large distances and which are not pre-determine the length of daily work time with respect to any unforeseen complications, but on the contrary, if the term refers to land rescue service, which includes the management and accompany the patient during transport. Since the main purpose of such activity is to provide first aid for sick or injured and cannot carry out activities falling within the transport sector, the Court concluded that the concept of road transport within the meaning of Directive 93/104/EC must be interpreted in such a way that does not apply to the work of emergency services, even if such a rescue operation is based in part on the use of the vehicle and accompanied by the patient for the transport to the hospital. The exercise of emergency operation in the transport sector does not.

The directive lays down the average maximum weekly working time to 48 hours per week. The maximum weekly working time cannot exceed 60 hours, but only on condition that the average working time in four months does not exceed 48 hours. In contrast to the general scheme of maximum working hours, the hours of work for different employers is the sum of the working hours.

Employees who perform mobile road transport activities may not work without a break of more than six consecutive hours. An employee who performs work for a period of six to nine hours, it is a break of 30 minutes. If the employees work time exceeds nine hours, an employee for the break in the work of at least 45 minutes. In contrast to the normal system breaks, breaks employees performing mobile road transport activities can be divided into shorter periods, each of which lasts at least 15 minutes.

Working hours in the case of night work shall not exceed ten hours in any 24-hour period. Night work means any work carried out during night time, which means any period defined by national law in time of at least four hours from 00.00 to 07.00. Compensation for night work can be provided in accordance with national legislation, collective agreements between partners or national practice, provided that such compensation will not endanger safety on the roads.

The Directive also allows exemptions relating to the maximum weekly working time and night work, as long as they are justified by technical reasons or reasons relating to the organization of work. Exceptions can be adopted by means of collective contracts, agreements between the two sides or if it is not possible, the laws, regulations and administrative provisions, provided that they shall be discussed with representatives of employers and employees. However, such an exception in the calculation of the average weekly working time of 48 hours may lead to the establishment of a reference period exceeding six months.

For the implementation of Directive 2002/25/EC into Slovak law, the basic rules are based on the organization of working time in transport, which is *lex specialis* to the Labour Code, which he dedicated to the provisions of paragraph 6 to paragraph 11. The Directive is also implemented before the Act No. 575/2001 Coll. on the organization of the Government's activities and organization of the central government, as amended.

Working time employee in the mobile road transport, according to the law on the organization of working time in transport time from the start of work by the end of work, during which the employee in the workplace, the employer's disposal and carrying out its functions or activities, in particular the time devoted to transport operations and the time during which the employee cannot dispose freely of their time and it is essential that the work is ready to take their work-related tasks associated with the service.

The average weekly working time by a mobile 8 shall not exceed 48 hours. The maximum weekly working time can be extended up to 60 hours; if for four consecutive months of weekly working time shall not exceed an average of 48 hours. The fact that the time for different employers is the sum of the working hours, legislature modified confusing when it is enshrined in the provisions of paragraph 9, which deals with the standby and not in paragraph 8, which limits the maximum working time.

The employee is entitled to a break in the work of 30 minutes, when the time is at least six hours, but less than nine hours. If the daily working time employee for more than nine hours, the mobile employee is entitled to a break of at least 45 minutes. In contrast to the normal

system enshrined in the Labour Code, in the case law on the organization of working time in traffic can be a break in the work be divided into shorter periods, each of which lasts for at least 15 minutes.

Period during which the mobile employee is not required to maintain its work, but that was available and to respond to the call to start or resume driving or to perform other work of the designated weekly working time, if the time and the foreseeable duration of mobile employee knows in advance, the time of standby. Standby time is not the time breaks, or rest time employee.

In the case of night work mobile employees law on the organization of working time in the transport average working time should not exceed ten hours for six consecutive months. As in the Labour Code, night work means the work performed in night-time between 10 pm and 6 am. In the case of night work, the legislature guilty of a lack of implementation of the follow-up for night work follows the timetable period of six months, in contrast to the Directive 2002/15/EC, which sets a limit on night work for each night. Although the Directive allows the possibility to extend the exemption from the provisions on night work, but only in case of technical reasons or reasons concerning the organization of work, as in this case did not happen. It may thus be that the working time for employees during the period, while meeting the requirements of the Slovak legislation, but does not meet the requirements of the Directive, since the days the employee 10 hours to exceed the limit of night work. Especially in the winter months, when there is a lack of sunlight, such treatment can endanger the health and lives of mobile employees, as well as other road users.

5. COUNCIL DIRECTIVE 2005/47/EC OF 18 JULY 2005 ON THE AGREEMENT BETWEEN THE COMMUNITY OF EUROPEAN RAILWAYS (CER) AND THE EUROPEAN TRANSPORT WORKERS' FEDERATION (ETF) ON CERTAIN ASPECTS OF THE WORKING CONDITIONS OF MOBILE WORKERS ENGAGED IN INTEROPERABLE CROSS-BORDER SERVICES IN THE RAILWAY SECTOR

On January 27th 2004 was closed agreement between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services. The agreement included a joint request to the Commission of European Communities to implement the Agreement by the decision of the Commission proposal in accordance with Article 139 (2) of the Treaty, which was made on July 18th 2005 adoption of the directive 2005/47/EC, which aims to carry out the aforementioned agreement of social partners.

The agreement, which has become an integral part of it relates to the mobile rail employees who are assigned to interoperable cross-border transport by railway undertakings. For the employees who engaged in interoperable rail services are not covered by Directive 93/104/EC, in cases where the agreement contains specific provisions. The application of this Agreement is optional for local and regional cross-border passenger traffic, cross-border freight traffic travelling no further than 15 kilometres beyond the border, and for traffic between the official border stations. The agreement does not apply to trains running on cross-border routes that begin and end on the territory of the Member State concerned and pass through another Member State, without a stop. Interoperable cross-border services, according to the agreement means a cross-border traffic, for which the Directive 2001/14/EC of the railway companies require at least two safety certificates.

A staff member who is a member manning the train and one is assigned to interoperable cross-border traffic for more than an hour is by mobile employees involved interoperable cross-border services. His work time is any period during which the employee works at the employer's disposal and carrying out his activity or duties in accordance with national legislation and / or practice. The rest period is any period which is not working time.

The agreement distinguishes between two kinds of daily rest periods and to a daily rest at home and the daily rest periods away from home. Daily rest at home must be for at least twelve consecutive hours within 24 hours. Once every 7 days may be reduced to at least 9 consecutive hours. Hours corresponding to the difference between the reduced rest and twelve hours will be added to the next daily rest at home. The daily rest periods away from home is set to at least 8 consecutive hours in any 24 hour period. After a day of rest outside the home must be followed by rest at home.

In the case of breaks from work, agreement take into account the position of the staff working when the distinction between the driver and the other members of train crews.

Drivers, whose working hours are longer than 8 hours for the break in the work of at least 45 minutes, if his work period is at least six but not more than eight hours, it will be its break of 30 minutes. In both cases, the timing and duration of breaks must be effective enough to relax and in part should be provided between the third and the sixth hour. If there is a second driver, referred to provisions of the breaks do not work and Member States to provide conditions for the work the breaks may be provided by Member States. The other members of train crews, the working time exceeds six hours is given a break in the work of at least 30 minutes.

Any employee who performs work in a cross-border interoperable service over the seven days of continuous entitled to a weekly rest of 24 hours, which is still attached 12 hours of daily rest. Every such employee has 104 rest periods of 24 hours a year, including 52 weekly rest periods of 24 hours.

The agreement does not provide the maximum weekly working time of mobile employees, it is limited to limit the maximum driving time of between two daily rest periods may not last more than 9 hours during the day shift and 8 hours during the night shift. Night shifts, each shift of at least 3 hours of work during the night time, which means any period of at least 7 hours, which must in any case the period between midnight and 5 am. The maximum length of time driving for a period of 2 weeks is limited to 80 hours.

The working time of employees performing work in cross-border interoperable services is governed by the law on working hours of employees in the transport, for which it is possible to use alternative provisions of the Labour Code. The adjustment is that it is not sufficient when working hours in cross-border interoperable services is dedicated to only one section, which is in addition to the interpretation of the concept of interoperable cross-border traffic and anchoring employer's obligation to keep records of hours of work and rest of the staff mentioned that "the time lines runway vehicle, the breaks and a rest period of mobile employees in interoperable cross-border traffic in the rail transport will be covered by the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services. "Such an adjustment, with reference to the agreement without implementation of the directive, must be regarded as being absolutely poor, the legislature did not use instruments for the implementation of which the European law provides. Similarly, the legislature has not implemented the provisions on night work, where

the staff member working at night under the Labour Code is considered an employee, who carries out the work, which requires that they should carry out at night for at least three consecutive hours as opposed to the directive, which the night shift is considered each change involving at least 3 hours during the night time.

6. CONCLUSION

Till the entry into force of Act No. 462/2007 Coll. on the organization of working time in transport, regulation of working time of mobile employees was provided Act No. 121/2004 Coll. on the working time and rest in transport, as amended. This act regulated working hours and rest periods of employees in the transport and the many other breaks from work, job readiness and night work, some groups of employees in road transport, rail transport, aviation and water transport (in inland navigation), an employer operates transportation, is a road or operators of transport infrastructure. On the other relationships was subsidiary scope of the Labour Code.

Act No. 462/2007 Coll. on the organization of working time in traffic is intended to respond to the new situation that has occurred in the Slovak Republic after its accession to the European Union, the Council Regulation (EEC). 3820/85 of 20 December 1985 on the harmonization of certain social legislation relating to road transport, and which sought to harmonize the conditions of competition between modes of inland transport and to improve working conditions and road safety are directly became part of English law and order and for the enforcement of the law was no longer required .

The new act also has as the goal to transpose into Slovak law the Council Directive 2000/79/EC of 27 November 2000 concerning the European Agreement on the Organization of Working Time of Mobile Workers in Civil Aviation concluded by the Association of European Airlines (AEA), European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carrier Association (IACA) and Council Directive 2005/47/EC of 18 July 2005 Agreement between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector. The new act in accordance with those directives and with the regulation regulates the minimum requirements for the organization of working time for workers in transport, carrying out roadside checks and inspections at the premises of the technical base of road transport and the competence of the government. Organisation of working time for workers in transport is the adjustment of maximum weekly working time and standby time, the minimum daily rest and weekly rest breaks at work and annual leave and the rules of night work, shift work and patterns of work.

Looking at the level of transposition of European law on working hours in traffic, the legislature its target more or less fulfilled. As the most significant shortage we can identify a lack of transposition of the Directive 2005 /47/EC, in which the legislature only appealed to the text of that directive is carried out. Equally, incorrectly legislature incorporated the provisions of the said Convention on the definitions of night time and night work, which the law on the organization of working time and fails to apply the definitions contained in the Labour Code.

In the case of road transport is difficult as it appears again the implementation of the provisions on night work, the follow-up of night work for the law follows the timetable period

of six months, in contrast to the Directive 2002/15/EC, which sets a limit on night work for each night. Such arrangements may be a threat to road safety, as well as for employees.

Given the above, I think that the legislature should consider the impact of the shortcomings referred to the implementation in practice and put these weaknesses into line with European law.

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