



The Court of Justice of the European Union (CJEU) issued a significant ruling on the 19 December 2024, confirming employers' obligations under Directive 2003/88/EC to register their employees' working time. This decision underscores the need for EU Member States to ensure effective monitoring of working time to safeguard employees' rights.

Ruling

The CJEU had to rule on a preliminary question raised by a Spanish court. The Spanish court wanted to know whether the Spanish practice of exempting employers of domestic workers from the obligation to record their employees' working time was compatible with European law.

The CJEU answered this question in the negative and reaffirmed that an objective and reliable system for tracking working time is essential to guaranteeing employees' rights to rest periods and compliance with working time limits.

According to the CJEU, member states may consider the specificities of a particular sector, but this cannot lead to the annulment of employees' rights.

Key highlights of the ruling include:

- **Mandatory working time tracking:** Employers across all sectors must implement a system for recording daily working time, as well as the time when the work was done.
- **Specifics of the industry:** Depending on the specific industry in which the employer operates, the modalities of this time registration may change but the principal obligation cannot be waived.
- **Domestic workers:** Working time legislation also applies to domestic workers, meaning that the obligation of registering working time in an objective and reliable manner also applies in respect of those domestic workers.



Impact for Belgium

Currently, Belgian labor law does not impose a general obligation on employers to track working time, except in specific cases (e.g., flexible schedules, part-time workers, and sectors such as transportation). However, this new ruling reinforces the importance of aligning national laws with the EU Working Time Directive, potentially influencing future legislative changes.

Recent legal disputes in Belgium have highlighted growing scrutiny of working time registration. Pending the (necessary) change in Belgian legislation, some national courts have already shifted the burden of proof onto employers in overtime disputes, citing the absence of reliable tracking systems.

As Belgian legislation currently still provides that most working time provisions do not apply to domestic workers, Belgian working time legislation will also have to be amended on this point. In its ruling of 19 December 2024, the CJEU indeed confirmed that working time legislation also applies to domestic workers.



Recommendations for Belgian Employers

While Belgium has not yet introduced a general obligation for employers to register their employees' working time, employers should proactively consider the following steps to mitigate legal risks and prepare for potential regulatory changes:

- **Assess the need for a working time tracking system**
 - Consider implementing a digital time-tracking solution, particularly for employees working outside the company premises and flexible work arrangements.
 - Ensure the system is non-intrusive and focuses on compliance rather than control.
- **Review internal policies and employment contracts**
 - Clearly define working time expectations and overtime policies in company regulations.
 - Communicate transparently with employees (or their representatives) about how working time is monitored (if applicable).

- **Monitor legal developments in Belgium**
 - Stay informed about potential legislative changes following the CJEU ruling.
 - Be prepared for increased labor inspections and evolving case law on working time disputes.
- **Conduct internal audits for compliance risks**
 - Even without clear transposition into Belgian law, maintaining accurate working time records can help prevent disputes over working time, overtime and rest periods.
 - HR and management teams should review existing practices and identify areas for improvement.



Conclusion

The CJEU's ruling highlights the increasing importance of working time registration across the EU. While Belgium law does not yet provide for an explicit and general obligation for employers to register their employees' working time, companies should remain proactive and prepared for potential regulatory changes.

Taking early action can help mitigate risks, ensure compliance with evolving legal standards, and foster transparency in workplace management.

Our Employment & Benefits Practice is closely monitoring these developments. If you have questions or wish to discuss this topic in further, please contact our team.



Stefanie Tack



Marnix De Greve



Aylin Ozturk