

## PRESS RELEASE

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**Page(s)** 2  
**Subject** **CMS Business Breakfast on the subject of The  
Myth of the "12-hour day" - trust-based working  
hours - simplified time recording - mobile working  
- home office**

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### What is the trend in working hours?

**The concept of working hours is under discussion. This relates both to the "12-hour day", and above all to the concept of working hours per se: mobile working, trust-based working hours, new models of on-call duty, etc. These are all forms of working that are operated in practice, yet often inadequately implemented in legal terms. An intricate range of issues that was explored in fine detail at the CMS Business Breakfast on 15 May.**

One hot topic is the so-called "12-hour day". What could amendment of the working-hours legislation entail? How is it possible to structure mobile working models or other models involving trust-based working hours in a legally compliant manner? Might it sometimes be necessary to re-define the concept of managerial employee? And what is the proper distinction between availability for work and on-call duty? Answers to questions such as these were given to around 70 participants attending the CMS Business Breakfast by the two CMS labour law experts Christoph Wolf, Partner and Co-Director of the Labour and Social Law department, and Andreas Jöst, Senior Lawyer.

The session also covered ways of structuring the interface between the legal requirements and the operational work process using suitable working-time models. The issue of how far the 12-hour day is already a viable model was also explored. As regards flexible working, new approaches were explored that given certain conditions merely require recording the daily balance. But the two labour law experts Jöst und Wolf caution that "This is possible only if the employee has a substantial degree of autonomy in designing the workplace and allocating working time."

Another important aspect was the most recent case law of the European Court of Justice, which will have far-reaching effects on Austrian understanding of the law.

### CMS trending issues 2018

The 12-hour day and associated labour-law questions are just one of many issues in a comprehensive series of events organised by CMS for the benefit of companies seeking to be up-to-date in matters of risk assessment and prevention. But it is not just Risk &

Prevention – CMS Vienna is also organising numerous events on a second major topic stream, the Digital Economy, providing presentations and discussions on increasingly important legal questions relating to FinTechs, Cybercrime, Smart Contracts, ICO (Initial Coin Offering), etc.

A picture of Christoph Wolf is available for free use [here](#).

A picture of Andreas Jöst is available for free use [here](#).

Further events by CMS in Vienna are listed on the cms.law website under [events](#).

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