



DEFEND CONTROL JOBS
AN INJURY TO ONE IS AN INJURY TO ALL

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TO: ALL MEMBERS

Dear Brother / Sister

EUROPEAN WORKING TIME DIRECTIVE.

The information contained within this circular is provided to explain the current consideration of matters pertaining to the Working Time Directive and comments on how the FBU responds to the current consideration and decision taking place in Strasbourg on 16-17 December 2008.

There are a number of important matters currently being considered by the European Parliament, not least the voting which is about to take place, which will revise the current Working Time Directive. You may well see a great deal of media reporting that refers to various trade unions "*opposing the opt-out*" or "*seeking the removal of the opt-out*". It is important to understand that the opt-out which the media will be referring to is the **individual opt out** (as opposed to the *collective* opt-out).

How the FBU should respond to the proposals is not a straight forward matter. The FBU has long been satisfied with the opportunity for **collective opt-outs** from some of the elements of the requirements of the Working Time Directive. This is due to the FBU commitment to where possible retaining the 2-2-3(4) shift system being operated at Wholetime stations. This support for the shift system is founded on the three points:

1. the 2-2-3(4) being popular with members, irrespective of gender, as it is conducive to good working and family life arrangements ;
2. the 2-2-3(4) having successfully delivered effective and efficient service to the public for some 30 years
3. the periodic resurgence of employers' and principal officers' predilection for alterations to shifts in order to cut costs and reduce fire cover and the overall level of effective service delivery

However, this satisfaction for the possibility of a **collective opt-out through collective bargaining** does not extend to the individual opt-out. The individual opt -out is the means by which employers can and do, at one and the same time

- Put employees especially, but not solely new or prospective employees, under pressure to agree to alternative shift systems to those agreed with trade unions; with a view to
- Undermine collective bargaining including collective agreements on shift systems

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The European Council's proposals to the European Parliament would also eradicate the implications of three important judgements from the European Court of Justice (ECJ) which provide opportunities for progress in favour of workers- known as SIMAP, Jaeger and Pfeiffer (which hastened action on the review of the Directive.)

In principle, therefore the FBU position would be to oppose the **individual opt out**. Such a position is shared by all genuine trade unions in the UK and in Europe. Rather than outline all of this in full, your attention is drawn to the documentation provided with this circular in particular the European Trade Union Confederation (ETUC) leaflet on the matter.

Few of us are particularly conversant with the institutions of the European Union or the operation of the various committees of the Commission, Council and Parliament (a matter which itself will be considered by the FBU). For that reason, some of the reporting which has taken place to date may be confusing. A summary of recent key events are listed below:

- June 2008- Employment, Social Policy, Health and Consumer Affairs Council (EPSCO)
- November 2008- European Parliament *Committee on Employment and Social Affairs*, agrees the Cercas report on the Working Time Directive by a large majority.

The "Cercas Report" refers to the proposals drawn up and presented as amendments to the proposals being voted on by the European Parliament on 17 December 2008. They have been drafted by Alejandro Cercas Alonso a PSOE (Spanish Socialist) MEP. Whilst by no means perfect, the Cercas amendments present the best option of those available on the day for European workers including FBU members. Should the amendments not be successful in achieving 393 votes or more, then the member states' (European Council) position would be adopted as the law. Cercas has the support of the Party of European Socialists (PES) and the European United Left and left-wing Greens. The Liberal, Conservative and other right wing parties' MEPs are currently divided but are expected to oppose Cercas.

Members are asked to write to their MEPs urging attendance at the European Parliament to vote for the Cercas amendments.

The wording of such a letter could read:

Dear [*Name of MEP*]

As you will be aware there is a vote to take place on 17 December 2008 at the European Parliament on the Second Reading on the Council common position for adopting a directive of the European Parliament and of the Council amending Directive 2003/88/EC concerning certain aspects of the organisation of working time.

The only defence of the UK opt-out that we have been given is that it provides 'flexibility'. What the opt-out actually provides is the opportunity for employers to abuse their workers - all the flexibility they need is already set out in other parts of the Directive which provides for the 48-hour limit to be averaged over an entire year.

It cannot be right for people to be working longer than 48 hours all year round, and indeed there is plenty of evidence that persistently working long hours is bad for people's health as well as other people's safety. This should not be a matter of choice - no one argues for an opt-out from the speed limit!

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I am aware of amendments being proposed by MEP Alejandro Cercas Alonso and would urge you to support those amendments in particular amendments 9 and 11-18.

Could I ask that you write to inform me how your vote was cast on this most important matter?

Yours Faithfully
[Signed]
[Print Name]

You can contact your MEPs by following the directions using the following weblink:

<http://www.writetothem.com/>

Members are asked to furnish copies of any letters or emails that are sent to/received from MEP's in connection with this matter, preferably electronically to their Brigade Officials.

Yours fraternally



ANDY DARK
Assistant General Secretary



ETUC WTD Leaflet
Dec 08.pdf

AD/jh