



# SHOUT!

The magazine of Hampshire Retained Firefighters Union

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**HRFU**  
Serving the local community

## The View From Here

It's back - the opt out agreement is coming back to haunt us yet again. But this time its worse than before. The loss of the Opt-Out is without doubt the biggest single threat to the continued viability of the RDS.

The EU (and incidentally the TUC and FBU) believe that you should only be allowed to work a maximum of 48 hours a week. That is, you get no choice - the most you will be able to work is under 48 hours.

Last year the European Parliament's employment committee rejected a hard-fought compromise among member states, saying it failed to include any of MEPs' amendments. Socialist rapporteur Alejandro Cercas particularly criticised the fact that the Council's common position still contains opt-out provisions allowing the UK and other countries to go beyond the agreed weekly 48-hour working cap. Cercas tabled 18 amendments to the text, calling for an end to those opt-outs, but also on including on-call-time for medical staff as working time.

### What this means for you

If you work for more than one employer, then your 48 hours is established by adding together all your working hours. So, if you're an RDS fire fighter and your employer employs you for 44 hours a week, you drill for 3 hours a week so (44 + 3 = 47 hours a week worked) you are left with just one spare hour to offer to the Fire Service.

Employers have already started to restrict their employees from having secondary employment contracts with other businesses - they are saying that if your hours are limited, your employer wants first pick!

Also it has been mentioned that the time you are at home with an alerter - not normally considered as Working Time could carry with it a % consideration of your Working Time



[www.keeptheoptout.co.uk](http://www.keeptheoptout.co.uk)

It doesn't happen very often. Both ourselves and the FBU have worked hard to build a working relationship with each other which presents the sole interest of RDS firefighters. But a large storm cloud is looming on the horizon which could seriously affect the way RDS fire fighters work throughout the country and the two unions are taking opposing views.

**Be very, very clear if you are a RDS firefighter in Full Time Employment this WILL have an effect on your RDS contract so make sure your union represents your best interests.**

*The RFU newsletter—designed to educate, inform and entertain.*

**RFU** *part of the solution not the problem*

**OPT OUT SPECIAL**



## At A Glance : Q & A

### What is the working time directive?

The directive is a European Union initiative designed to protect workers from exploitation by employers. It lays down regulations on matters such as how long employees work, how many breaks they have, and how much holiday they are entitled to. One of its main goals was to ensure that no employee in the European Union is obliged to work more than an average of 48 hours a week, however recent proposed amendments have changed this to no employee in the European Union will be allowed to work more than 48 hours.

### When did it become law and why is it in the news now?

It was first adopted at EU-level in 1993, though the UK did not implement it until 1998. It's in the news now because the European Commission proposed changes.

### What are the most contentious issues?

- (1) The opt-out. This is a measure which allows workers to agree to opt out of the 48-hour week. Employers in a number of states make use of the opt-out, but it is most widely used in the UK and Malta.
- (2) Time spent on call. The European Court of Justice has ruled that on-call time should count as working time, which has left many countries struggling to keep doctors' average weekly working hours below the agreed limit.

### Why should the UK want the Opt Out?

Other states, in particular the UK, want it to continue. They argue that labour market flexibility helps reduce unemployment. The UK does not have a veto in this area, so it could be outvoted, but so far support from Germany and Poland has helped it avoid this fate.

### What about time spent on call?

The European Commission has proposed making a distinction between "active" and "inactive" time on duty. Inactive time on duty would not count as working time. Most countries agree with this, but the European Parliament does not. The parliament does say, however, that inactive time could be calculated differently. This arguably means that a percentage time you spend at time with your alerter could be counted as 'Working Time'.

### What happens next?

If the member states ever reach agreement, the law will go back to the European Parliament for a second reading. It could take a while for the EU member states and the parliament to agree on a text. If they cannot agree, the legislation will fail.

The ETUC says about 16% of the UK labour force works more than 48 hours per week, and that two-thirds are unaware of the 48-hour limit.

France has introduced a 35-hour working week.

## Want to know more? Want to do more?

We have created a web site which provides more details about the Opt Out and gives you a choice to sign petitions, contact your local MEP

## BACKGROUND

Working time has been a long-standing issue at EU level. The 1993 Working Time Directive stipulates that workers must not work more than an average of 48 hours a week (calculated over any four-month period), although it allows for broad derogations.

However, the text needed to be revised following a number of European Court of Justice rulings. The European Commission presented its proposal for a revised directive back in May 2004, but member states only managed to reach a compromise on the issue in June 2008.

The current deal limits workers to a weekly maximum of 48 hours, but allows social partners to find 'flexible arrangements' if granted approval by the employer.

The insertion of this clause, under which workers could effectively put in up to 60-65 hours per week, was one of the UK government's main demands, while Spain and other nations lobbied heavily against it.

The European Parliament's employment committee rejected the compromise at first reading on 20 October (EurActiv 21/10/08), demanding that opt-outs must lapse three years after the directive's entry into force. This position, which upholds the 48-hour working week and recommends the abolition of all exceptions, was on 17 December 2008 upheld by an absolute majority in the European Parliament.

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