



Fire Brigades Union Scotland

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All Retained Firefighters SCOTLAND

16th February 2009

Dear Colleague,

The Fire Brigades Union – Working Time Directive

You may have been aware of the debate that appears to be doing the rounds regarding the European Working Time Directive and the vote taken in December to remove the UK opt-out.

The Retained Firefighters Union (RFU) in conjunction with The Grampian Fire & Rescue Service CFO (who appears to have an irrational loathing of the FBU) have conspired to make this an issue with the press & media. This has resulted in uncertainty and fear of what might happen, particularly due to the way this issue was brought to the public and media's attention. The issue has been picked up by those bastions of the trade union movement the Liberal Party who have submitted motions to both Parliaments on behalf of the 'non political' RFU and this after Liberals Member of the European Parliament (MEP) voted to end the op-out!

This is nothing more than scaremongering, opportunism and playing with peoples fears.

I thought you may find it helpful to have an update on the next steps in the process for discussions. The procedure has now entered "Conciliation" between the European Parliament (EP) and the Council of Ministers (Council), who must try to agree a mutually agreeable text:

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- The Council has up to four months (to April) to consider the EP's amendments. If and when these amendments are rejected, Conciliation is triggered.
- Thereafter, there are 6-8 weeks for Conciliation to be "convoked" (document preparation, appointment of respective delegations).
- The Conciliation committee then has 6-8 weeks to conduct negotiations.
- Finally: following the negotiations, there is a further period of 6-8 weeks for the Council and EP then to respond (adopt) the emerging text (if indeed there is an emerging text).
- Failure by the Council or the EP to endorse a text that comes out of Conciliation would result in the dossier falling. The dossier will also fall if the Conciliation process runs out of time for whatever reason.

In other words the issue reverts to the previous position in that the UK would keep an opt-out.

We have made representation to the Department for Business, Enterprise and Regulatory Reform (BERR) who are preparing specific guidance and will issued this shortly.

In practice, they will look to bring these matters to a conclusion well before the 2009 elections (which are to be held in the UK on 4 June). This timescale gives sufficient time for the Communities and Local Government (CLG) and Scottish Resilience Unit to work with the FBU in order to produce a comprehensive impact document. In fact initial discussions on this matter have taken place between the Scottish Resilience department and FBU Officials. This in turn will be raised at the National Joint Council (NJC), who govern our conditions of service, it can only be done by the FBU as the RFU refused the offer of a count of their membership and therefore did not get a seat on the NJC. Some might say that this issue is not unconnected as they are trying to scare good honest firefighters into joining them, desperate measures by a desperate people.

Clearly if the opt-out was implemented without any amendments then it may have caused problems for a number of industries our own included, however it is clear that it will **not go through un-amended**.

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The TUC have said:

- *'Excessive working time increases the risk of developing ill health and loss of concentration is associated with unnecessary accidents. The human cost of ill health and accidents is very important, but these effects also increase absence rates and make people leave their jobs. Fire fighting has enough inherent risks without exposing employees to any additional dangers.'*
- *'The directive does not apply in emergencies situation, such as when property, life and limb are at risk. No fire fighter would be stopped from doing their job, and the service would be able to waive the 48 hour week in a wide range of emergency situations, including temporary staff shortages and periods of severe weather. Obviously fire service managers would still have to plan to roster staff to try to avoid over-work, but they already do this to some extent. For example, when there is a protracted incident, such as the Buncefield oil depot fire or the Warwickshire warehouse fire, relief crews are brought in, from other brigades if necessary, so that exhausted fire-fighters can stand down.'*

The STUC have said:

The Scottish Trades Union Congress (STUC) has expressed concern at attempts to overturn the European Parliament's welcome decision to end the United Kingdom opt out of the European Working Hours Directive and questions the motives of those who have played their joker, using the falsely reported example of retained fire fighters to argue against United Kingdom workers enjoying the same protection under working time regulations as their European counterparts.

Ian Tasker, STUC Assistant Secretary said

"It is absolutely appalling that some politicians and employers play an emotional card and wrongly raise the spectre of reduced fire cover in an attempt to exploit the rights of British workers.

"This is quite clearly an erroneous and misguided attempt to persuade the public that we should continue to work longer hours in the United Kingdom than other European countries and, at the same time have less entitlement to holiday than our European colleagues.

“The minor difficulties in the current opt out being scrapped in respect of retained fire-fighters ability to provide emergency cover can be resolved through effective rostering and dialogue with the Fire Brigades Union.

“Our concern is that this is purely a smokescreen to hide the real motivation behind this nonsense which is to try and prolong the inevitable that the opt-out has to go. We will be urging MSPs and MPs to ignore lobbying attempts by any employers organisation that’s seek to use scaremongering to argue their cause without presenting the truth behind the working hours directive as it applies to emergency services.”

I hope that you have not been too alarmed at the misinformation that has been publically peddled by organisations and that if you have any questions then please get in contact to arrange a station visit to discuss further.

Contact details and “Station Visit Request” system both available on: www.fbuscotland.org

The FBU is the voice of the professional firefighter regardless of duty system - one voice, one Union.

Many Thanks



Roddy Robertson
Executive Council Member
Scotland