

Report of the Working Time Workshop

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1. In the limited time available, the Workshop focussed upon problems relating to Working Time and the enforcement of the Working Time Regulations.

Shift systems

2. In the nuclear industry the employer was moving from an 8 hour shift system to a 12 hour shift system (2 days and two nights). The Safety Representatives felt that a night shift of 12 hours posed a risk to the long-term health of the workers. However, many employees had welcomed the change.
3. Discussion of the case revolved around whether the WT Regulations could be used. However, it seemed that the employer was operating within the Regulations and any argument had to be based on evidence that such a shift system was damaging to health. It was suggested that there was some evidence that night workers on 12 hour shifts suffered more road accidents travelling home after such shifts. There was some evidence from America that such shifts could have long term health effects.

Driving and Working Time

4. In the water industry some workers were driving 8 hours a day and then could be called out at night. Such workers were not covered by transport regulations because the vehicles they used were not subject to tachograph requirements. Although drivers were covered by the Working Time Regulations there did not seem to be any breach. However, the good news for drivers of 'tachograph' vehicles was that the Transport Working Time Directive did not allow opt-outs.

Amalgamation of Police Authorities

5. Government plans to amalgamate police authorities were causing anxiety in the South East of England where journey-to-work times for those employed in control centres were already long (sometimes 90 minutes each way). Should police services in several counties be amalgamated control centres could be placed even further from employees homes and journey times would add considerably to the working day. The Working Time Regulations as currently framed did not seem to offer any help in this situation.

'On call' time in the Mental Health sector

6. Employees working in the mental health sector were routinely working long hours because of call-out arrangements. The nature of the job required 24 hour cover by skilled workers familiar with the patients.
7. Several cases in the European Court had determined that workers 'on call' on the employer's premises were working and that this time should be counted against their hours under the Working Time Directive. This was one of the issues under consideration in the current review of the working of the Working Time Directive. Whilst these discussions held out hope of some

improvements in the Directive, the issue of 'on call' time was holding up agreement. The European Parliament wanted this time to be counted, perhaps as a separate category of working time (e.g. 2 hours 'on call' equals 1 hour working time, or some such arrangement). However the Council of Ministers was very much opposed and wanted this time not to count.

Opt outs

8. There followed a discussion on 'opt out' requirements under the Directive. Opt outs had to be for fixed, pre-determined and not excessively long periods at the end of which employees must have the opportunity to change their mind. However, it was obvious that many employees were being put under pressure to opt out of the hours limit and this was accepted by the Government. There was a possibility of some improvement in the situation by, for example, tightening up the arrangements for opt out, but the Government was firmly opposed to the ending of opt-out arrangements.
9. The collective view of the Workshop was that there were serious deficiencies in the way the Working Time Regulations were presently operating. They did not seem to be policed or enforced even in 'high risk' sectors. The 'opt out' was particularly criticised as allowing workers to be coerced into accepting working practices detrimental to their health.
10. The Workshop thanked Paul for making his expertise and experience available to participants.