

Review of Working Time Directive
Note of Meeting in Brussels 24 June 2011 with EU Commissioner
for Employment, Social Affairs and Inclusion Mr Laszlo Andor

Present

1 The meeting with Commissioner Andor, Principal Administrator Madeleine Reid and The Commissioner's Cabinet Assistant was scheduled by the FNSPF with CTIF support and was attended by the following representatives:

France	Richard Vignon	President FNSPF
UK	Des Pritchard	Board Member CFOA
Germany	Klaus Maurer	CFO Hamburg
Poland	P Kwaitkowski	Deputy Commandant State Fire Service
FEU	Finian Joyce	Secretary
	Chris Addiers	CFO Antwerp
CTIF	Dennis Davis	Vice President

In addition the FNSPF organiser Katia Laffargue and Polish EU permanent representatives Joanna Poznalska and Malgorzata Trzcinska were present.

Introduction

2 The Commissioner opened the meeting with warm thanks and an explanation that some slight delay in advancing the WTD amendment discussions had resulted from EU trade union changes. A revised WTD was high on the priorities of the EU Commission. There was now good and he believed positive progress ongoing, including a sensitive discussion between the social partners.

3 He hoped this would be successful and that the employee and employer partners could agree to engage and negotiate since this would allow time to reach a satisfactory conclusion, something that was very important given the earlier failure to agree a new WTD position in the last Parliament. If these negotiations fail, the EU Commission will take the initiative and make decisions.

4 He also stated that resolving Health and Fire sector issues was very important to the success of the new WTD measure since both sectors provided essential public protection, along with some other services, and there was a pressing need to decide the best resolution for all workers protection in both of these sectors.

Fire Rescue Service Submissions

5 He then asked those present to comment and make statements. FNSPF, FEU and CTIF had also made written submissions and in the short presentations that followed many key points were reiterated including:

- 5.1 The scale of the FRS in the EU [2.7 million firefighters of which 2.3 million are volunteers] in protecting 450 Europeans.
- 5.2 The contribution of the FRS in protecting 85% of the European land mass
- 5.3 The cultural and diverse legacy of the FRS developed over centuries.
- 5.4 The special relationship between firefighters and the public.
- 5.5 The positive impact on demographic change that the FRS has had especially in countries like Germany.

- 5.6 The need to clarify the difference between full time, part time and volunteer firefighters
- 5.7 The negative impact that any cumulative hours legislation would have if it doesn't recognise the special needs of the FRS.
- 5.8 The fact that the number of emergencies is increasing and the nature of emergencies is changing means that the FRS needs flexibility to respond.
- 5.9 The impossible financial pressure that any change might have on public (state, municipal or local) authorities which could threaten the sustainability of the FRS in the future.
- 5.10 The huge increase in costs and devastating impact that would happen if part time or volunteer FRS had to become full time. Some specific examples were quoted by the various delegations.
- 5.11 The need to allow 24/7 duty systems that satisfied local needs.
- 5.12 The localised nature of risk and the way the FRS had evolved to meet those threats with economically viable systems.
- 5.13 The fact most firefighters are employed by national governments or municipal authorities that are generally good employers who fully support health and safety
- 5.14 Emphasis on the training, care and support given to firefighters by their employers.
- 5.15 The fact firefighters have solidarity with other workers and want laws that protected employees from poor employers
- 5.16 The contradiction that in the year of volunteers the EU might politically be seen to weaken one of the finest volunteering organisations.
- 5.17 The need to have a clear definition of on call time and the relationship between active operational duty time and inactive operational duty time on standby.

6 In final comments it was emphasised that the fire services were pleased that the latest communication recognised the special case of the FRS and that whilst ideally we would like an 'opt out' for this group we understood that might be difficult. The economic arguments were strong and public authorities were good employers that concentrated on health and safety. FRS systems were rich in diversity and public support was very strong often providing equipment by donations. It was important therefore that derogation to Member States should be considered to acknowledge the social and economic arguments and allowed them to manage the difficult cumulative hours issue for full time, part time and volunteers using methods like annualised hours with stated compensatory minimum rest periods that reflected the task of protection the public.

Commissioner's Response

7 In response the Commissioner made a number of specific comments after first placing considerable emphasis on the ongoing discussion between the social partners that was taking place in Brussels shortly. This discussion was sensitive but he was hopeful that an agreement to negotiate could be reached and if this happened more time would be available to reach a satisfactory conclusion. He then commented as follows on what he had heard:

- 7.1 He thanked those present for explaining the issues of concern from the perspective of firefighters and for differentiating between those working full time and those who volunteer or work part time.
- 7.2 Noting he had received FNSPF, FEU and CTIF written submissions he indicated he was happy to receive further details or explanations

- 7.3 The 'bottom line' for the WTD was the safety and health of all workers.
- 7.4 He was convinced that the WTD had to take into account the diversity of systems cultures and organisations that had been presented.
- 7.5 Furthermore the world of work was evolving and the WTD had to incorporate more flexibility in introducing more innovative solutions in the workplace.
- 7.6 He recognised that the difference between full and part time working was crucially important but a general approach to on call time rather than one specific to the fire sector was required to take into account other workers such as those in the health sector and he was therefore inclined to look for a more generic solution.
- 7.7 There was also great sensitivity about the legal definition between full and part time since if workers are working, regardless of whether the work is full or part time, the workers cannot be separated from their rights.
- 7.8 Although economics are important they will not be the determining factor in the case of the WTD. The WTD discussion will remain at a distance from economics in his consideration. He added that it was acknowledged that fiscal consolidation is happening but that the economic recovery has started.
- 7.9 Finding a solution that protected the ability of firefighters to maintain their readiness for duty and remain safe and healthy was central. It was a fine line to walk between protecting the public and protecting the firefighter.
- 7.10 Health and safety from fire was one of the more sensitive issues in the WTD discussion and an answer had to be found.
- 7.11 The EU greatly valued the volunteers, with his fellow Commissioner promoting their cause this year. The demographic issue worried the EU since young people were volunteering less and it was important to continue youth involvement in the fire and rescue service.

8 After this summary the Commissioner's Principal Administrator Madeleine Reid clarified that under the existing WTD the Courts had explained that unpredictable major events were exempt from the application of the WTD. This allowed fire and rescue services to manage with confidence major floods or forest fires; the Court's view being that the WTD applied to predictable and usual working circumstances. She agreed to make a copy of the Court ruling available to the members of the delegation.

9 In concluding comments the Commissioner without commitment indicated that provided the discussions between social partners progressed as he hoped then a solution might be found that helped achieve the crucial balance of protecting the public and protecting firefighters through derogation that was sustainable in meeting the service's special needs and firefighters' health and safety. In reviewing the possibility of exclusion or derogation other than that what already existed for major events, this was unlikely (in terms of evaluating the risks or benefits) as there was a greater risk with total exclusion.

10 Finally the group of representatives thanked the Commissioner for his invitation to present their views in a meeting that had lasted one hour.

Further Action

11 After the meeting with the Commissioner the group, except France who had to leave early, agreed to write collectively to the Commissioner to express thanks and reaffirm the major points of agreement and requested considerations. CFO Pritchard agreed to start this action.

12. The Commissioner's Principal Administrator Madeleine Reid acknowledged the strong position of FEU in Europe in representing professional officers from 22 countries. She asked us to provide further information to the EU Commission in relation to the structure and operation of volunteer firefighters across Europe. Mr. F. Joyce, FEU Secretary agreed to coordinate the collection of this information and return it to the Commission as soon as possible.

Finian Joyce
FEU Secretary