



FIRE BRIGADES UNION**Brigade Secretary : Dave Williams**

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Jane Nixon
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Dear Jane,

Re: Working Time Regulations 1998

Thank you for a copy of the 'draft policy' SIS Working Time Regulations 1998 and in response, we wish to make the following observations in addition to our comments and questions raised at our consultation meeting;

Firstly we welcome the policy and support a proactive approach to ensuring that employees within CF&RS do not work in breach of the Regulations.

The rights of employees under the Regulations are not restrictive to the employer and should not prevent CF&RS ensuring all employees are afforded those rights.

We do take issue with the policy statement and question the commitment of Cheshire Fire Authority, to ensure the regulations are adhered to. This statement repeatedly uses the term 'where possible' suggesting the Authority will require its employees to work in breach of this policy. The excuse is used for 'unusual and unforeseeable events' which are beyond the control of the Authority'. We believe this is wholly unsatisfactory for an emergency service that must plan and be able to deal with events that are described here as 'unusual and unforeseen'.

In any case allowances are made in the regulations for emergency services to cover those events, in the way of averaging out hours and compensatory rest. Dealing with emergency calls should not require CF&RS employees to come into conflict with the Regulations.

CF&RS should not attempt to hide behind the fact we are an emergency service and condone or encourage its staff to work in breach of these regulations. Policies should be put in place to ensure compliance.

Unity is Strength

We do appreciate some difficulties with providing emergency cover in the Retained Station areas, but we believe these can be overcome with effective recruitment and retention policies.

The policy should be used as a communication to the Authority and employees that; although these Regulations are seen as guidance both the Authority and employees have a duty of care to comply with these Regulations under the Health, Safety and Welfare Act 1974.

The policy states the Authority will monitor hours. We wish to see robust systems in place to ensure effective monitoring, recording and communication of any working time issues to managers and employees.

The Authority as a public body should not be promoting a long hour's culture. There will be a consequential detrimental effect, on work efficiency, safety, welfare of staff and is contrary to promoting an improved work life balance.

We do not find it acceptable that senior managers are expected to work in excess of the 48 hour weekly limit and would be invited to sign opt out agreements. This is denying their rights as employees under the Regulations and condoning long hours for individuals with a great deal of responsibility for the safety of crews at emergency incidents.

In general we also believe too much emphasis is placed on the ability of the individual to sign opt outs. As stated we do not believe these Regulations to be in any way restrictive to providing an emergency service and CF&RS employees should not have to work long hours, particularly with consideration to the risk critical nature of some of the work involved.

Should you require further clarification regarding our response, please do not hesitate to contact a Brigade Official.

Yours sincerely,

Dave Williams.