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**Hearing by the Social Affairs Committee of the European Parliament  
Intervention for the Working Time debate, 17 January 2005  
Carola Fischbach-Pyttel, EPSU General Secretary**

EPSU speaks for 8.000.000 public service workers amongst which almost half (3.5 million) are health workers.

EPSU is a crucial stakeholder in this debate. We are the leading European health union.

The issue for debate is the priority for EPSU for 2005.

If this directive passes, for the first time in the European Union's history, a formal decision will have been taken to dilute social protection for workers. What were described as minimum standards in 1993 would now be promoted to be the maximum by a perverse combination of prolonged reference periods, a new category called '**inactive time**' during on-call duty at the workplace and enhanced opt-out possibilities. This would be a serious blow to the European social model. What signal would this send to the new Member States, when compliance to the EU health and safety was made a requirement for membership? How can we convince millions of workers in the enlarged EU to support the Constitutional Treaty when at the same time a core pillar of EU social legislation is being put into jeopardy?

In my intervention I will make:

A critique, an offer, and an **image**

The European Parliament in its report of February 2004 stressed that any revision of the working time directive should improve the health and safety provisions for the workers concerned. This condition is not fulfilled with the proposed revision. The distinction between 'active and inactive' periods of on-call duty risks to permanently accept excessively long working hours for hospital doctors and other health care staff who often have to work to the point of physical and mental exhaustion. Let me also remind you that commonly, on-call duty follows a normal day's shift. These long, uninterrupted working hours imply a serious health risk for the staff. Above all, exhausted staff represents a risk for patients. Excessive working hours are one of the reasons for the very high staff turnover in hospitals. But a staff person leaving the hospital sector is also a cost factor. It is a lost investment in long years of training,

whereas investment in training more health staff is an investment in the future, an investment for safer care.

The Commission has therefore made a great tactical error in formulating this draft. The introduction of the category of 'inactive time' as a response to successive European Court of Justice rulings on on-call duty is a political scandal. The Commission's rationale for the directive apparently no longer is the core principle of health and safety, but it puts financial expediency before health and safety.

It really takes guts, to present this proposal in the December issue of the Commission's magazine 'Social Agenda' as a drive for 'fair working time'! We could ask the workers who went through all the legal instances right to the ECJ, suffering no doubt all kinds of hardship during that period, whether they believe they have been given a fair resolution to their case. We could ask Norbert Jaeger!

The **individual opt-out clause** is applied by a number of member states, also in the hospital sector. As in other sectors, employers exert pressures on staff. Hospital staff is subject to these pressures. We oppose any generalisation of the opt-out. We believe that the EP should stick with its previous position and express itself in favour of a phasing out.

The organisation of working time is first and foremost a responsibility of the social partners at all levels. It is regrettable that the European Social Partners were unable to find common grounds to start negotiations at intersectoral level. The Commission should continue to involve the social partners to find a possible compromise between their interests. We anticipate having a formalised sectoral social dialogue in the hospital sector in the second half of this year. The current revision of the working time directive is however an illustration how urgently we need such a formal social dialogue in this sector. It is entirely reasonable to think that we should be in a position to at least contribute to an adequate sectoral approach, as has been the case in the four transport sectors.

**Reflecting on this debate, the numerous arguments that the Commission and selected members of the Council have given for this proposal, want us to agree that it is reasonable; that it is modernising; and above all that it is flexible. By deduction all those who do not share this view are unreasonable, not modern and inflexible. The last point that I would therefore like to make is that the Commission's response to working time is flexible in the way a Salvador Dali clock is flexible – utterly surreal! Not in tune with the realities of the workers concerned.**