

EPSU UK affiliate GMB slams Blair government as 'Enfant Terrible' of working time debate

In a strongly worded letter to Employment Minister **Alan Johnson MP**, GMB acting **General Secretary Paul Kenny** has called on the UK Government to deliver on its pledge to listen to UK citizens. "We were dismayed to see the Government and the EU Commission quickly announce that they rejected the position taken by the European Parliament", stated Mr. Kenny, "particularly on the opt-out and on-call time. GMB is alarmed that a democratically achieved position can be so will fully ignored, and the **European Parliament's powers so wrongfully "undermined"**. The British trade union movement needs to see early and genuine assurance from the Government that it is committed to the European Social Model. Changing its position on working time is a necessary starting point.

Rt Hon Alan Johnson MP

Secretary of State for Trade and Industry

1, Victoria Street

London SW1H 0ET

27 May 2005

Dear Alan,

Revision of the EU Working Time Directive

Congratulations to you in your new role, and we look forward to working closely with you in the coming months and years, but more immediately on the current revision of the EU Working Time Directive, an issue causing considerable concern to GMB members.

I know, Alan, you are aware of the issues at stake here, and will understand our unhappiness with the current EU Commission proposals, which attempt to deregulate health and safety rights. GMB was, therefore, understandably pleased to see the European Parliament give convincing support to the Cercas report vote on 11th May, amending the worst aspects of the proposals.

However, we were dismayed to see the Government and the EU Commission quickly announce that they rejected the position taken by the European Parliament, particularly on the opt-out and on-call time. GMB is alarmed that a democratically achieved position can be so willfully ignored, and the European Parliament's powers

so wrongfully undermined.

I listened with interest on election night when both Tony and Gordon acknowledged that the election result showed that the Government needed to listen more to the people. On employment and social rights, that must not mean just listening to the people at the CBI.

The Government needs to reflect a greater balance between social and employment protections and labour market flexibility in its negotiations on European social and employment rights. British workers are already second class citizens in Europe in this area, and British trade unions are ashamed that our Government has become the “enfant terrible” of the European Socialist Movement on these issues.

The European Parliament report offers all the flexibility respectable employers will need to accommodate shifts in demand and fluctuations in production/service provision, and many employers admit they do not need to use the opt-out. Furthermore, the Trade and Industry Select Committee concluded that “we are not convinced of the necessity of maintaining the opt-out”. The Government should not jump every time the CBI cries wolf, and we want to see more inclusive consultation on these key issues.

Some have attempted to argue that trade unions are denying their members the flexibility to choose to work longer hours and overtime. Few workers would choose to work excessive hours if they were paid enough to work normal hours. There is no excuse for actively promoting the legal scope for workers to opt-out of crucial health and safety protections, with risks not only for the worker, but for those

working along side them or in their care.

We understand the Government supports proposals to water down protection for workers on-call, thus undermining established European case law confirming these protections. GMB won a major case on this issue for our wardens in Harrow, who hitherto had been effective prisoners in their own home because of abuse of the on-call system. Our members will be outraged by any attempt to remove the rights they have fought so hard to establish.

GMB members are strong supporters of Europe for the many social and employment rights and benefits our membership of the EU has brought. However, our members sense that the future of our European Social Model - Europe's proudest and most popular achievement - is currently under threat, and are not prepared to stand by and watch this happen.

In the negotiations for the EU Constitutional Treaty, the Government insisted on minimizing the application of social and employment aspects, particularly the Charter of Fundamental Rights, and this is clearly having a negative impact on our ability as unions to rally in support of this Treaty in a referendum.

The British trade union movement needs to see early and genuine assurance from the Government that it is committed to the European Social Model. Changing its position on working time is a necessary starting point.

I would be more than happy to meet with you to discuss these issues further. I look

forward to hearing from you.

Yours Fraternally

PAUL KENNY

ACTING GENERAL SECRETARY

Cc Gerry Sutcliffe

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