



EPSU European Firefighters' Network Report on working time and retirement

Introduction

On 12-13 July 2006 EPSU convened a meeting of affiliates who organise firefighters. The meeting took place at the headquarters of the Fire Brigades Union (FBU) in the UK and the aim was to have a number of discussions over common themes and to see what scope there would be for setting up regular meetings of a European firefighters' network.

In the lead up to the meeting the EPSU secretariat, in discussion with the FBU, suggested that a survey on working time would provide some interesting material to discuss at the conference and would be a more focussed theme than a general investigation of pay and working conditions across the sector. A brief survey was circulated to contacts in EPSU-affiliated fire service unions across Europe. This covered all aspects of working time including working hours, annual leave and retirement.

Summary tables from the survey were circulated and discussed at the meeting in July. This report provides some more detail from the survey responses, takes account of the discussions at the meeting and provides more background information, particularly on the Working Time Directive.

There were 14 responses to the survey from Belgium, Czech Republic, Denmark, Estonia, Finland, France, Ireland, Italy, Netherlands, Norway, Slovak Republic, Spain, Sweden and the UK. In some cases we have added information from an earlier survey of European fire services carried out by the Federation of European Union Fire Officer Associations in 2001. This information is clearly indicated whenever it is used.

The meeting noted on working time that:

- There are many different shift-patterns;
- Not all colleagues are familiar with the provisions of the working time directive, or the current discussions on its revision, partly in response to several European Court of Justice rulings on what constitutes "working time"; and
- As well as the age of retirement, the meeting felt it was also important to look at the formula used to calculate the level of pension.

However discussion in the groups did not go much further than noting these different issues and agreed that more time would be needed to digest the information contained in the working time survey. Furthermore it was clear that there are many differences regarding working time *within* countries as well as between them. In this case, it could be an idea to focus on just one aspect of working time – such as, perhaps, the pros and cons of the 24-hour shift system or the organisation of "on call" working time.

Working hours

Working time is negotiated nationally in Denmark, Finland, Slovak Republic and the UK while in other countries there is a combination of national and local negotiation. In Spain it is at the regional and local levels where negotiations take place.

Hours are calculated on an annual basis in Belgium, Denmark, France, Slovak Republic and Spain while they are weekly in Czech Republic, Finland, Ireland, Italy, Norway, Sweden and the UK. In the Netherlands the weekly maximum number of hours is calculated over a 26-week period. The monthly calculation in Estonia is averaged over a three-month period. The hours arrangements and shift patterns are set out in the table on page four (with information from the 2001 survey by the Federation of European Union Fire Officers given in italics).

The basic working week, the hours set out in collective agreements or statutes for which firefighters are paid at a basic rate, ranges from 36 hours in Italy and the Netherlands to 42 hours in Sweden and the UK. However, these do not necessarily correspond to actual hours normally worked, with working time averaging 54 hours a week in the Netherlands (see below under on-call arrangements).

There have been a few changes to working time in recent years with firefighters in Ireland seeing a reduction in the basic working week from 40 to 39 hours. However, the average working week is still 42 hours and the three additional hours are compensated by extra leave. In Norway the main change has been a new national agreement which allows for 48-hour shifts over weekends and 24-hour shifts during the week. In the Slovak Republic working time, excluding on-call hours, has been reduced to 37.5 hours a week. In Estonia the only change has been to the way average hours are calculated with a move to a three- rather than a six-month period.

In Nord-Rhein-Westfalen, the biggest region in Germany firefighters have been negotiating arrangements in preparation for a reduction in the working week from 54 to 48 hours from 1 January 2007. The regional government has agreed to bring the service into line with the Working Time Directive following pressure from the ver.di trade union. The union has been concerned to maintain the 24-hour shift arrangements which it argues has the least detrimental effect on health. Ver.di also argues that with the change in working time an additional 1,500 firefighters are needed on top of the existing 11,800 in the region to ensure full cover, with additional staff needed particularly in the smaller fire stations.

Shift patterns also vary within and between countries. Several countries have some form of 24-hour shift pattern, including Denmark, Estonia, Finland, France, Germany and the Netherlands but even here the patterns may be different with different rest periods between shifts.

There is also a variety of ways of dealing with overtime hours. In some cases the hours are just compensated with extra time off while in others additional payments are made which are adjusted according to the day of the week, the time of day and the number of extra hours worked. For example, in France the practice is to provide time off in lieu, while in Belgium there is a choice between time off and overtime payments which range from an extra 25% up to 100% if the extra hours are worked on a Sunday.

On-call arrangements and the Working Time Directive

The Working Time Directive was introduced in 1993 in order to set rules on maximum weekly working time and other requirements in terms of rest breaks, daily rest periods and shift work. The Directive has been up for review since 2003, however, EU Member States have repeatedly failed, the most recent occasion on 7 November, to agree on revisions to the text.

There are two main areas of controversy. One is how the Directive should incorporate the issue of on-call time as raised by the SIMAP and Jaeger cases and the second is how to deal with the "opt-out" clause. The "opt-out" clause allows individual workers to sign away their rights to protection by the directive and is in most widespread use in the UK whose government has been working hard to maintain an alliance of countries in favour of retaining the opt-out. In contrast, the European Parliament has already voted in favour of a series of revisions to the Directive which would mean abolition of the opt-out and a change in the definition of working time to include time on-call at work. With progress in the Council of Ministers blocked the European Commission has indicated that it may initiate legal proceedings against the 23 member states that have failed to take account of the implications of the SIMAP and Jaeger judgements on the treatment of on-call time at work.

Two European Court Judgements (SIMAP¹ and Jaeger²), both involved claims by hospital doctors and aimed to clarify the treatment on on-call time. In both rulings the ECJ view was that *on-call time at work* should be counted as working time for the purposes of the directive whereas when workers are on-call but away from the workplace then these hours should not be taken into account.

These rules for on-call working time appear to have little effect on arrangements in most countries. On-call time at work for full-time firefighters is part of the normal calculation of working hours and so there is no question that revised calculations are necessary to take on-call time into account.

It appears that the on-call issue has only caused problems in the Netherlands, where taking on-call time into account means that weekly working time averages out at 54 hours, above the 48-hour maximum allowed for in the Working Time Directive. The response from the Dutch government was to introduce legislation to enable the previous practice to continue.

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http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&Submit=Submit&docrequire=alldocs&numaff=&datefs=&datefe=&nomusuel=&do_maine=&mots=SiMAP&resmax=100

2 [http://curia.europa.eu/jurisp/cgi-bin/gettext.pl?lang=en&num=79969090C19020151&doc=T&ouvert=T&seance=ARRET&where=\(\)](http://curia.europa.eu/jurisp/cgi-bin/gettext.pl?lang=en&num=79969090C19020151&doc=T&ouvert=T&seance=ARRET&where=())

European Firefighters' Working Hours and Shift Patterns			
Country	Basic* weekly hours	Annual hours	Shift patterns and other comments
<i>Austria</i>	56	2,900	<i>24 hours on/24 off – 40 free shifts per year</i>
Belgium	38	1,976	8-12 hour shifts with arrangements negotiated at a local level. Any extra hours worked are compensated as leave
Czech Rep			24-hour shifts with 16 hours paid at normal rate and eight night hours paid at lower rate unless called out on active duty when full pay applies plus additional payment
Denmark	37		24 hour shifts
Estonia			168.8 hours per month averaged over three months - 24 hours on/72 hours off
Finland	40 or 42		24 hours on/72 hours off
France		1,607	24-, 12- and eight-hour shifts all possible
<i>Germany</i>	<i>38.5/50-54</i>		<i>38.5 hours with 8-hour shifts/50-54 hours with 24-hour shifts (24 on/48 off)</i>
<i>Greece</i>	<i>37.5</i>		<i>Actual hours 48 a week</i>
Ireland	38		Working week averages 42 hours but with extra hours taken as leave, shifts are nine-hour days and 15-hour nights – with two days and one night followed by two nights and one day followed by three days off
Italy	36		133 12-hour shifts a year – 12-hour day shift is followed by 24 hours off while a 12-hour night shift is followed by 48 hours off
<i>Luxembourg</i>	<i>40</i>	<i>1,840</i>	<i>12-hour day/24 hours off/12-hour night/48 hours off</i>
Netherlands	36	1,878	24 hours on/48 hours off
Norway	42 average		no standard shift pattern but most work 4-7 and 7-4 shifts Monday-Friday with 24- or 48-hour shifts at weekends
<i>Poland</i>	<i>40</i>		<i>40 hours in daily system, 216 hours per month in shift system – 24-hours on/48 hours off</i>
<i>Portugal</i>	<i>48</i>		<i>12-hour shifts</i>
Slovak Rep	37.5		Maximum 40-hour week, standard shift pattern is 24 hours on, 48 hours off
<i>Slovenia</i>	<i>40</i>	<i>2088</i>	<i>12-hour day/24 hours off/12-hour night/48 hours off</i>
Spain	35-40		No standard shift pattern
Sweden	42		
UK	42		42 hours include seven hours “stand-down” time and three hours of meal breaks per 24 hours. Standard shift pattern is two days, two nights and three days off. But there is no standard shift pattern for day crewing or for retained firefighters

* Number of hours a week set by statute or collective agreement but which may be different from the hours normally worked.

Information from the 2001 survey by the Federation of European Union Fire Officers is given in italics.

Annual leave and other time off

Annual paid leave entitlement for firefighters across Europe varies from 20 days in Ireland to 32 in Italy, although the actual time off taken is adjusted according to the shift system in operation. In Italy, for example, the minimum entitlement is converted into 18 days for firefighters on 12-hour shifts and the five weeks' holiday in the Slovak Republic is the equivalent of 12 days off on 12-hour shifts.

European Firefighters' Paid Leave Entitlement			
	Annual leave	Age/service	Changes
Belgium	24 + 15 set by law/regulation	45-49 25 days 50-59 26 days then extra day per year up to 31 at 64	Fewer legal/regulatory days for new recruits
Czech Rep	14 12-hour shifts or 27 days		Shorter leave period for younger firefighters has been abolished
Denmark	25	No	No
Estonia	28 + 7 for "unhealthy" job	Yes from fifth year	No
Finland	23 days after first year	After 7 years 28 days; after 15 years 38 days	No
France	25 plus 2 arising from shorter working week		No – only loss of one day as for all French workers (solidarity day)
Ireland	20		Not since 1983
Italy	Legal minimum of 32 + 4 public holidays translates as 18 days for firefighters on 12-hour shifts	Extra day after 28 years	More flexible rules allowing leave to be carried to end of June of following year or even end of December if necessary arising from illness
Netherlands	158.4 hours	Local variations	Local arrangements to buy extra leave
Norway	30 days	No	In 2004 won 5 extra days
Slovakia	5 weeks (12 12-hour shifts)	50+ 6 weeks/13.5 days	Extra week negotiated
Spain	In general 30 days but there are some agreements where different arrangements have been negotiated	Service-related	Some negotiated changes and imposed changes
Sweden	25	31 days from age 40, 32 days from 50	No

UK	28 basic then varies with rank – 31 days for officers up to divisional officer then 35	After five years	Yes and continuing – now 2 day public holiday not at double time
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A number of fire services have extra leave entitlement linked to age and/or length of service, although this may have to be reviewed in the light of European legislation on age discrimination. This legislation requires that employers have to provide an objective justification for any conditions of employment that apply differently to workers simply because of their age. Rewards for length of service are not necessarily ruled out but this will depend on the specific rules and how long it takes workers to acquire these benefits. It remains to be seen what effect the legislation will have in practice and whether many current age- and service-related practices will be challenged.

In Belgium, for example, the 24-day minimum leave entitlement is increased by one day for those aged 45-49 and by a further day for those aged 50-59. Thereafter there is an extra day a year reaching the maximum of 31 days by the age of 64.

The Slovak Republic and Sweden also have age-related leave while in Estonia, Finland, Italy, Spain and the UK it is based length of service. There haven't been many significant changes to leave entitlement in recent years apart from in Norway where firefighters won an extra five days in 2004 to take them to the current 30 days.

In terms of parental and other types of leave, there appear to few examples of special provision in the fire service. In most cases arrangements are the same as the national legal entitlement or in line with arrangements in the rest of the public sector.

Pensions and retirement age

Fire services across Europe have not been immune from the trend towards reduced early retirement opportunities, higher retirement ages and lower pensions. In Finland, for example, there have been three stages of changes between 1989 and 2005 with the retirement age rising from 55 to 63. From 2005 new recruits to the Fire Service in Ireland have had retirement age of 65 while the current age of 59 for Italian firefighters increases to 60 in 2008.

European Firefighters' Retirement Ages			
	Normal* retirement	Earliest retirement	Usual** retirement
<i>Austria</i>	55-60		
Belgium	60 but in some cases possible between 56 and 60	No set age	60 but 58 where there are early retirement arrangements
Czech Rep	63	62	
Denmark	60	60	60-65
Estonia	65	Relevant law not passed	No information
Finland	63-68	63	56-57
France		55	
<i>Germany</i>	60		
<i>Greece</i>	55 (if 25 years' service)		
Ireland	Pre 1995 min 55 max 65 post 1995 max 55	55	Pre-95 55-58
Italy	59 rising to 60 from 2008	From 53 with 35 years' service – service requirement increases from 2008 rising to 40 years by 2016	53-59
<i>Luxembourg</i>	55		
Netherlands	55 – change in rules mean that firefighters and other civil servants in difficult/hazardous jobs are offered training and other jobs	55	55
Norway	60	57	No information specifically on firefighters
<i>Portugal</i>	65		
Slovak Rep	62	After 25 years' service	62
<i>Slovenia</i>	55 (if 32 years' service)		
Spain	65	61 but 6% reduction per year below 65	65
UK	Currently being increased	55	44 but sooner for ill health and later for some officers

* Age set by statute or collective agreement ** Age at which firefighters tend to retire in practice
Information from the 2001 survey by the Federation of European Union Fire Officers is given in italics.

However, there are still attempts by some unions to win improved rights to early retirement. In Spain the UGT and CCOO union federations, along with the United Platform of Firefighters, wrote to the government in November 2006 to complain about the failure to change social security regulations to enable a reduction in the retirement age for firefighters. The unions warn of a nationwide mobilisation of firefighters if the government didn't fulfil promises it made in negotiations earlier this year.

In France, unions have been campaigning for some time for the right to retire at 55 with a decent pension in recognition of the dangers and difficulties inherent in the occupation. Two national demonstrations took place on 25 September and 21 November 2006 in order to keep up the pressure on the government.

Conclusions

The survey shows that even among a relatively small sample of countries there is quite a wide range of working time arrangements across Europe and that local negotiations may mean there are also significant differences within countries. There was no immediate suggestion from the meeting that the network should look towards trying to set common minimum standards or common rules on maximum working time, particularly as in some countries these are based on public sector wide or even national legislation and are not specific to the fire service.

However, it may be that this initial survey on working time can form the basis of further work on this issue if affiliates want to focus on a specific area for campaigning and research. Information and research on shift patterns may be useful for some affiliates. In the UK, for example, the FBU has been arguing that current shift patterns work better for most of its women members in terms of work-life balance and that changes could lead to many women leaving the fire service. In Germany, ver.di has been emphasising the preference for 24-hour shifts in terms of the lessening of the negative health impact of shift work. It may be that an exchange of information on these issues could be useful for affiliates in current or future negotiations.

This document is a brief overview of some key working time issues and can be used as a basis of obtaining more information on from affiliates who have not yet indicated that they will join the network. It may also be useful to see this as a working document that can continue to be corrected and updated by affiliates into the future in order to keep tabs on developments in working time. In view of the work done in 2001 by the Federation of European Union Fire Officers to collate a considerable amount of information on fire services and working conditions, it may also be worthwhile for the EPSU firefighters' network to consider whether an application for funding from the European Commission might be a good idea in order to fund updated research on working conditions in general or on a specific area such as shift work or retirement age.