



24 October 2008

Members of the European Parliamentary Labour Party
European Parliament
Rue Wiertz
B-1047 Brussels
Belguim.

Dear Colleagues

SECOND READING OF REVISION OF WORKING TIME DIRECTIVE

Earlier in September, we circulated a detailed briefing outlining our hopes for the second reading vote of the Revision of the Working Time Directive in the European Parliament, in view of our major concerns relating to the content of the Council's common position.

We welcome our Socialist colleague Alejandro Cercas's continued commitment to ensuring the necessary improvements to this Directive in re-tabling the vast majority of his amendments from first reading.

GMB and UNISON believe that this Recommendation for second reading provides a solid basis for the European Parliament to ensure the maintenance and improvement of living and working conditions of workers and citizens in line with the EU Treaties, and to avoid what clearly would be a major step backwards in rights and protections for workers if the Council common position text is not amended.

Together with our colleagues across the British trade union movement, we are aware that you are all coming under considerable pressure in relation to how you should vote on this proposal, particularly on the issue of the future of the opt-out to the 48 hour week.

In view of your questions concerning the trade union position relating to the opt-out over the summer following Warwick, we thought it would be helpful to write to you collectively as TULO trade unions in September to confirm our long held position on this issue - that we wish to see a speedy end to the opt-out. We hoped to make clear to yourselves, the Party and Government that we did not support the wording related to this matter which appears, obscurely, under the heading Temporary Agency Workers and was included in the National Policy Forum Document.

To further confirm that not just trade unions, but the body of the Labour Party also wish to see an end to the opt-out, we put an emergency motion to Labour Party Conference to clarify the Policy of the Labour Party on this specific matter in relation to the National Policy Forum document on this issue. As you know, this motion was carried overwhelmingly. Had this not been carried, trade unions would have found themselves in an unenviable position in relation to their support for the Prosperity and Work policy document, which, with the exception of the wording we opposed at the end of the Temporary Agency Worker section, contained many positive proposals to commend themselves to our members.

We have taken these measures with the aim of providing you with the assurance and certainty that supporting an end to the opt-out is what trade union members and Labour Party members in your constituencies would like you to do.

The culture of long working hours is bad for workers' health and safety, and those around them, it is undermining family and community life, and is particularly impacting on low paid and single parents, who are already more vulnerable. As we know, few people choose to work longer hours for the pleasure of it. Most people work longer hours to achieve a living wage, which is an argument for providing decent wages, not an argument to defend the opt-out. However, where people wish to work overtime to supplement their income, this can be negotiated using flexibility with reference periods (which the European Parliament position accommodates), without workers being compelled to sign away vital health and safety protections in an opt-out clause.

The CBI and Government have never made the case for why they need this kind of abusive flexibility, and the majority of respectable companies admit that, with the ability to negotiate flexible reference periods, they don't need to use the opt-out. The common position text itself states that legislative provision for extending the reference period to 12 months cannot be combined with the option of using the opt-out confirming that, when you have this flexibility on reference periods, you don't need the opt-out – further adding to the argument to end the opt-out. The UK has used the opt-out fairly extensively over the past 15 years, yet this has not improved productivity in the UK, because it is not an effective means of achieving this. Tired workers don't work harder, faster or more carefully.

In our initial briefing paper, we gave our detailed position on other vital areas of this proposal for amendment which must not be forgotten with the focus that is being given to the issue of the opt-out – the need to protect on-call workers by ensuring on-call time remains classed as working time, to provide protections and safeguards relating to rest periods and in negotiating reference periods, and ensuring a positive work-life balance and the ability for workers to have some control and flexibility on their working hours to reconcile work and family life. We feel that the Cercas Recommendation has covered all of these key areas effectively, and are all issues in need of your support. We are happy to re-circulate copies of this briefing if required.

In the first reading, where we know you also came under pressure on this vote, you showed tremendous solidarity and voted together as a group on this issue. We very much hope that you will be able to unite in that solidarity again on this second reading vote in support of the Cercas report, and we assure you that this would be with the full support and gratitude not only of our members, but of the British trade union movement and fellow members of the Labour Party.

Best Wishes



Paul Kenny
General Secretary - GMB



Dave Prentis
General Secretary - Unison