

Service wants members to comply with the Working Time Directive (WTD)

To comply fully with the WTD and Grey Book the chart and rules below must be applied to working duties outside of your own watch pattern.

“Working duties” means duties for crewing, training days, CFS initiatives etc.

|             | Day 1 |      | Day 2 |      | Day 3 |       | Day 4 |       | Day 5 |      | Day 6 |      | Day 7 |           | Day 8 |           |
|-------------|-------|------|-------|------|-------|-------|-------|-------|-------|------|-------|------|-------|-----------|-------|-----------|
| Night Shift |       | Rest |       | Rest |       | Night |       | Night |       | Rest |       | Rest |       | Available |       | Rest      |
| Day Shift   | Day   |      | Day   |      | Rest  |       | Rest  |       | Rest  |      | Rest  |      | Rest  | Available |       | Available |

On this model;

If the 2<sup>nd</sup> Available duty is worked then the 1<sup>st</sup> and 3<sup>rd</sup> cannot be.

If the 1<sup>st</sup> and 3<sup>rd</sup> Available duties are worked then the 2<sup>nd</sup> cannot be.

|             | Day 1 |      | Day 2 |      | Day 3 |       | Day 4 |       | Day 5 |      | Day 6     |           | Day 7 |      | Day 8     |      |
|-------------|-------|------|-------|------|-------|-------|-------|-------|-------|------|-----------|-----------|-------|------|-----------|------|
| Night Shift |       | Rest |       | Rest |       | Night |       | Night |       | Rest |           | Available |       | Rest |           | Rest |
| Day Shift   | Day   |      | Day   |      | Rest  |       | Rest  |       | Rest  |      | Available |           | Rest  |      | Available |      |

On this model;

If the 1<sup>st</sup> available duty is worked then the 2<sup>nd</sup> cannot be and vice versa.

Rules that must be applied (remember for the WTD a week is 7 days(168hrs) not 8 days(192hrs) as our rota works);

- 2 x 24 hours free from duty every week (7 days). Must either be 48 hours straight or 2 lots of 24 hours straight. It cannot be made up of smaller periods than 24 hours.
- Minimum of 11 hours rest between duties which are not part of you watch rota
- No back to back shifts
- Over a 17 week period, your total average hours must not exceed 48 hours per week

If a duty on your watch is taken off in lieu of an off watch duty, within the same week, the above rules on rest breaks must be looked at on an individual case basis to ensure the rests break rules above are complied with.

Most of these rules can be changed by collective bargaining with the recognised representative body (i.e. FBU) as the current WTD gives the option for collective bargaining and opt out agreements.

But they cannot be imposed by management without FBU agreement.

Note. To save a load of queries;

The 11 hour rest break does not happen between watch rota nights. This has been nationally negotiated so is acceptable. It is not acceptable outside of your watch pattern as that has not been agreed nationally or locally. Without agreement with the FBU the WTD must be complied with as referred to above.

## **Scheme of Conditions of Service Sixth Edition 2004 (Grey Book)**

### **Section 4**

#### **A) Hours of duty and duty systems**

##### **CONDITIONS OF SERVICE FRAMEWORK**

1. All working arrangements will operate on the basis that employees will undertake the duties appropriate to their role and be deployed to meet the requirements of the fire and rescue authority's Integrated Risk Management Plan. This may include a requirement to work at different locations. Full-time and part-time employees on any duty system are free to undertake retained duties where appropriate.
2. The conditions of service of part-time employees will be the same as those of full-time employees (pro-rata where appropriate) unless otherwise stated.
3. Duty systems will need to meet the requirements of the fire and rescue authority's Integrated Risk Management Plan. Any proposed system should be discussed with the recognised trade unions and be based on the following principles:
  - (1) Basic working hours should average forty-two per week (inclusive of three hours of meal breaks in every twenty-four hours) for full-time employees. Hours of duty should be pro-rata for part-time employees.
  - (2) There should be at least two periods of twenty-four hours free from duty each week.
  - (3) It should comply with relevant United Kingdom and European law, including the Working Time Regulations 1998, and Health, Safety and Welfare at Work legislation.
  - (4) It should have regard to the special circumstances of individual employees and be family friendly.
4. Where, following discussion, there is no agreement between the fire and rescue authority and recognised trade union over a proposed duty system (and it does not accord with the principles of any of the existing national duty systems at paragraphs 7 to 16 below) the difference can be referred by either party to the NJC's Technical Advisory Panel. The Panel will be chaired by an Independent Expert (appointed on a three-yearly basis by the NJC), who will be assisted by the Joint Secretaries.

5. The Panel will seek to broker an agreement between the parties, but where that is not possible it will make recommendations. The Panel's recommendations will ensure that the duty system follows the four principles set out at paragraph 3 above and is compatible with the deployment of resources that the fire and rescue authority has determined is necessary to implement its Integrated Risk Management Plan. This process will be concluded within one month of reference to the Panel, or longer with the agreement of the parties. The parties will decide their responses to any recommendations from the Panel within fourteen days of receipt.

### **Existing national duty systems**

6. The following duty systems shall continue to operate until replaced or supplemented locally by new systems under the terms of paragraphs 3 to 5 above.

#### *Shift duty system*

7. The hours of duty of full-time employees on this system shall be an average of forty-two per week. The hours of duty of part-time employees shall be pro-rata. The rota will be based on the following principles

- (1) Each period of twenty-four hours shall be divided into a day shift and a night shift.
- (2) The night shift shall not be less than twelve hours.
- (3) There shall be at least two complete periods of twenty-four hours free from duty each week.
- (4) Leave days shall change week by week in a regular progressive manner.
- (5) No rota system shall include continuous duty periods of twenty-four hours.
- (6) Three hours shall be specified for meal breaks in every twenty-four hours. The timing of these periods is at the discretion of the authority. Account shall be taken of meal breaks interrupted by emergency calls.

Remember the WTD is the minimum requirement under law. Where the Grey Book NJC has agreed rules above and beyond the WTD; they take place of the WTD rules. Grey Book rules can be locally changed by NEGOTIATED AGREEMENT ONLY.

## **Working time Directive**

### **Daily rest**

**10.** - (1) An adult worker is entitled to a rest period of not less than eleven consecutive hours in each 24-hour period during which he works for his employer.

### **Length of night work**

**6.** - (1) A night worker's normal hours of work in any reference period which is applicable in his case shall not exceed an average of eight hours for each 24 hours.

## **Collective and workforce agreements**

**23.** A collective agreement or a workforce agreement may -

(a) modify or exclude the application of regulations 6(1) to (3) and (7), 10(1), 11(1) and (2) and 12(1), and

(b) for objective or technical reasons or reasons concerning the organization of work, modify the application of regulation 4(3) and (4) by the substitution, for each reference to 17 weeks, of a different period, being a period not exceeding 52 weeks,

## **Interpretation**

**2.** - (1) In these Regulations -  
"collective agreement" means a collective agreement within the meaning of section 178 of the Trade Union and Labour Relations (Consolidation) Act 1992<sup>[5]</sup>, the trade union parties to which are independent trade unions within the meaning of section 5 of that Act;