



Unite - the Union
The Bus Workers
"Schedules Charter":
A Minimum Standards Approach

- * 7 hours 36 minutes maximum compulsory driving day;
- * 10 hours daily maximum compulsory single duty;
- * 4 ½ hours maximum compulsory single driving spell;
- * 20 minutes paid minimum bus check time;
- * 11 hours continuous minimum break between duties;
- * All running times are to be negotiable and subject to mutuality in every way to be locally negotiable but adequate by providing effective weekend breaks, regularly spread meal breaks and evening start ups and finished, and subject to mutuality in every way;
- * Minimum 40 minutes paid meal relief;
- * A minimum of 5 minutes stand time;
- * Spreadovers, or split duties, to be wholly voluntary.

T&G Section of Unite local negotiators, National Delegate Conferences of sub-sector and company structures and Regional and Sub-Regional Trade Group bodies are encouraged to launch campaigns in the bus industry for all or part of the Schedules Charter as they deem appropriate in their particular areas of responsibility, including by tabling these demands as negotiable items out with the normal pay review arrangements.

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THE BUSWORKERS SCHEDULES AND MINIMUM STANDARDS CHARTER

Arising from the T&G section of Unite Passenger Services Conference, the Passenger Services National Committee has supplemented the Bus Workers' Charter with an additional Schedules Charter, with the intention to drive forward our bargaining agenda in this crucial area of the bus driver's working day, namely scheduling and rostering compilation.

Negotiations on schedules are traditionally a local bargaining agenda item in most companies. Indeed it is often a depot level activity even where collective bargaining agreements on wages and general conditions might cover several or all depots within a particular company or subsidiary. The National Committee is not necessarily suggesting any change to this format, and a National Schedules Charter is seen to be a useful tool to those local depot negotiators. By setting a coherent national agenda and providing helpful bargaining advice, we can assist local negotiators to achieve positive gains for the members they represent, whilst also making them feel part of a strong high-profile national campaign.

However there may well be scope to introduce the Charter's central demands in the form of a framework or minimum standards agreement at a regional level, or company subsidiary level, or even at national level. For instance the Charter's demands could be taken to the bargaining agenda at NDC/NLC level in the major conglomerates (FirstGroup, Stagecoach, Arriva, GoAhead and National Express). Using our considerable collective industrial strength in these companies, we are very well placed to score substantial achievements covering large numbers of members by securing the main demands of the Schedules Charter in a national framework agreement at NDC/NLC level.

Regional Trade Groups could also play a major role in co-ordinating collective bargaining demands on the Schedules Charter's demands across targeted geographical areas or even across the whole region, as appropriate. In any case, the support of the Regional Trade Group structure is invaluable in providing solidarity and guidance to local negotiators.

The Schedules Charter's demands are intended to be comprehensive covering the Passenger Services Trade Group's main bargaining objectives for duty compilation and rostering. However the Charter should not be regarded as compulsory in its entirety. It may be that negotiators will want to prioritise their demands by concentrating on two or three of the Charter's main bullet points. It could be that some of the demands are readily achievable whilst others are less so and may be put off to a later date. Either way, the Charter is intended to be flexible and to be used as a useful bargaining tool as our members and their local representatives see fit.

The main thrust of the Schedules Charter is an industrial campaign, encouraging our members to fight back in the workplace for better conditions. The construction of the working day into duties and the way those duties are rostered over the week have a huge impact over the working day and working lives of our members, as well as being crucial to developing a satisfactory work/life balance. Long hours, inadequate

breaks, and arduous shift patterns have been a feature of bus drivers' conditions for far too long, and many concessions were forced out of us following deregulation and privatisation after 1986. Even today some of our members are still covered by very weak schedules' agreements which offer little more protection than the Road Traffic Act. We are confident that the Schedules Charter will be enthusiastically welcomed by our membership across the bus industry – and in many cases they will be willing to take industrial action if necessary to win these demands. The National Committee offers its full support to our members who need to take legally sanctioned official industrial action to win the Schedules Charter's demands.

The campaign for schedules improvements is also a political campaign. We intend to revitalise our political campaign to reform the totally inadequate legislation which covers bus driver's hours in the UK. The UK Driving Hours Regulations provide only meagre protection for bus drivers by allowing spells of continuous driving of up to 5hrs 30 mins without a break and even a continuous 8hrs 30 min day with ill-defined "aggregated" breaks. A daily rest of as little as 8hrs 30 mins is permitted and only a 24 hour break once a fortnight is legally required. Enforcement of even these meagre provisions is almost non-existent. When John Prescott launched his "Workhorse to Thoroughbred" Integrated Transport Strategy for the Bus Industry, a review of the UK Driving Hours Regulations was promised. However subsequent Labour Ministers postponed this promised review pending the outcome of the turbulent negotiations at European level over the Working Time Directive. Now that the dust has settled on this at European-level – and bus drivers have spectacularly lost out in the process – the time has come to call in the Government's promise and win that much needed review. Indeed, at long last, the government has now announced a review of domestic hours rules and we will ply our part in that process. But what better way to back up our political demands than by accompanying these with a strong industrial campaign (including backed by strike action where necessary) to force the bus driver's working day and working hours back onto the national agenda!

Another tool in this campaign is the legal route is to challenge the inadequacy of the Working Time Directive as transposed into British law by this Labour Government. The European directive provides for an 11 hour daily rest for most workers on health and safety grounds, but for exempted sectors like "mobile workers" in road transport, only "adequate rest" is specified. The UK Government insists that for British bus drivers the 8hrs 30mins minimum rest provided by the UK Domestic Hours Regulations constitutes "adequate rest". Our members in First Portsmouth took a case to Employment Tribunal where we won a partial victory which was then largely but not totally overturned at Employers Appeal Tribunal. The outcome was neither to endorse the T&G section of Unites case for 11 hours, nor the Government's case for 8hrs 30mins, but the rather farcical notion that each employee's needs for daily rest should be individually assessed as to what constitutes "adequate rest". As part of our Schedules Campaign we should consider demanding that all bus employers carry out individual risk assessments of all the bus drivers they employ to find out how long each driver's "adequate rest" should be – and tailor each roster to those individual needs! We have even pressed a complaint to the European Commission about the UK Government's failure to implement the Working Time Directive in the spirit to which it was intended. So far, this has been sidelined but we have pressed this issue within the European Parliament and this process continues.

The Schedules Charter is being promoted primarily for health and safety reasons. Our slogan “Fatigue Kills!” is as true today as it was when our driving hours campaign booklet of that name was first launched over a decade ago. Long hours and inadequate breaks, particularly when duties are rostered badly over the week, cause tiredness and fatigue - and dangerous drivers. Although accidents are more likely to be caused by tired drivers, there is another more serious concern for bus drivers, namely the long-term ill-health effects of long spells of driving without a break. The T&G section of Unite has over the years acquired considerable research knowledge from occupational health researchers and academics who have specifically studied the high levels of stress-related ill-health amongst bus drivers in Europe and America. Bus drivers tend to die younger than almost all other comparable occupations, and they are particularly prone to stress-related disorders such as heart attacks, strokes, angina, neurological disorders, anxiety and depression. Long spells in the cab without a break can also contribute to musculo-skeletal problems such as spondolosis, slipped discs, worn vertebrae and debilitating back pain. Our members are constantly raising other concerns about health problems which may be related to their job as a bus driver ranging from diabetes (which does appear to be on the increase) and both bladder and bowel cancers. It is vital that we highlight these very genuine health concerns to the maximum when promoting the demands of our Schedules Charter.

If we are to create a united and determined front in this campaign, we have to anticipate the methods employers will use to divide and confuse us. We have to build our members’ and our elected representatives’ confidence to rebut the employers’ arguments that our demands are unrealistic or unachievable, or worse still are detrimental to our interests.

Employers may well argue that to implement our demands will reduce their competitiveness, and may lead to a loss of jobs. Low cost operators may even argue that it may drive them out of business altogether. We have to be very clear that there are standards below which we are not prepared to drop! If companies are not able to survive if operating to our decency threshold in this area, they do not deserve to be operating buses at all!

Actually our experience is that employers are good at crying wolf! In fact our demands can often be achieved at little or no cost if the employer is only prepared to make the effort to address our legitimate scheduling concerns. What little extra costs are involved can be readily recouped in the long run through lower sickness levels and improved staff turnover rates – and who can estimate the benefits that can be achieved from a workforce which sees tangible improvements in their working conditions after years of desperately low morale and alienation?

Improved running times and minimum lay over times at terminus are another case in point. Many employers balk at giving us more time to cover the same mileage and say this is a directly measurable and unacceptable increase in operating costs – with no apparent return. We of course must demand the proper time to do the job safely and reduce the stress on our members’ health. But in so doing, we deliver much improved reliability and time-keeping which will make the service more attractive, and see patronage and revenue grow. There is no point in having a 10 minute service which in practice sees buses running late and gaps in service of 20 minutes or more!

We insist on proper time testing methodology to establish the correct running times and the overall round trip running time. Ideally this should involve the Trade Union and Management taking out a bus in service and deliberately target the busiest times of day in the time trials. Another method is to drive an empty bus along the route – and add 50% additional time to allow for loading and unloading at bus stops. Basing timings on simple observations of buses in service is clearly inadequate if our drivers are currently racing along the route to keep to inadequate running times!

Shorter working days and shorter rostered weeks can lead to conflict with a section of the membership who complain about a reduction in their hours and pay. Current scheduling agreements often allow for a variable schedules week e.g. minimum 39 hours but up to 41 hours. Dragging the average week closer to the minimum allowed should be regarded as good practice and we must equip our reps to defend this. Negotiating to reduce the working week towards 38 hours or lower also raises challenges for our reps and this too will need our support and advice when sections of the membership raise understandable concerns which must be adequately addressed.

Achieving shorter working duties and shorter working weeks with no loss of pay is a terrific achievement and we should encourage and support our reps in this struggle. However all this work can be undone if our members simply work all the additional overtime they are allowed to under our very weak UK Domestic Driving Hours Regulations. We want to encourage our local negotiators to secure agreements which set reasonable limits on daily and weekly overtime levels. Perhaps it's time to restore maximum 60 hour or even 55 hour week agreements?

Above all we must ensure T&G section of Unite reps across the country are telling a similar story to their members and their employers. We want them to know that bus drivers are more likely to die in service or soon after retirement than most other comparable occupations. But this need not be the case if our working day and working week are constructed in a more intelligent way. Bus drivers are also particularly prone to family breakdown due to gruelling shift patterns that keep us away from our partners and children. Our “long hours culture” is a known cause of stress-related ill-health which has been more than adequately verified by occupational health specialists and academics and is backed up by authoritative research. The worst victims are those who become addicted to overtime and have little or no interest in life outside work. Our motto should be that work to live not live to work!!