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Senior Policy Advisor
Suzanne Denness

Reference WT/LP

62/10/2015

Dear Mr. Yates,

HSE has been approached by an FBU Branch to give an opinion on whether the 24 hour shift systems commonly known as Close Proximity Crewing (CPC), Day Crewing Plus, etc. are compliant with the Working Time Regulations 1998 - specifically with Regulation 6 which is enforced by HSE.

Examples of these shift patterns have been examined in the relevant FRS, which has already adopted CPC in some of its stations, and based on the information provided it is our opinion that these shift patterns are in breach of Regulation 6 of the Working Time Regulations. This opinion has been reached in consultation with solicitors from the Government Legal Department.

Given the wider application of CPC shift patterns in other FRS, and the absence of immediately available and compliant alternative arrangements, this is a national issue that we feel obliged to bring to your attention. All the parties receiving this letter may need to be involved in finding a sustainable solution.

For your information, we have written to the FBU Branch concerned to express our opinion, and to explain why we would not take direct enforcement action at this time. An extract from that letter is attached as an Annex. This clearly leaves longer term compliance unresolved, however, and you will note that we have informed the FBU Branch that we will be writing to yourselves accordingly.

We would be happy to explain the calculation arrangements within the Working Time Regulations if that would be helpful, and will appreciate being informed of your response in due course.

Yours sincerely,



Mrs Lesley Pascoe
Policy Advisor