



## **Unite response to the Cabinet Offices Red Tape Challenge for the Maritime and Rail Sectors**

### **1 Introduction**

- 1.1. **This response is submitted by Unite the Union, the UK's largest trade union with 2 million members across the private and public sectors. The union's members work in a range of industries including manufacturing, financial services, print, media, construction, transport, local government, education, the health service and not for profit sectors.**
- 1.2. Unite is the dominant trade union within the transport sector with over 280,000 members, involved in the movement of passengers and freight. Within this sector Unite has a significant membership within the port workers, tug operators, inland waterways, ferry operations, rail engineering, rail maintenance, light rail, and rail rolling stock manufacture.

### **2 Response**

- 2.1. Unite believes that legislation listed has taken years of campaigning at times by Trade Unions and other stakeholders and has successfully made it through both the House of Parliament and the House of Lords before taking their place on the statute book.
- 2.2. The 'Red Tape Challenge for Maritime and Rail Transport sectors should not be used as a sounding board for the Government of the day to remove and change legislation as they feel based on ad hoc website comments. Unite believes that this is not only undemocratic, but it completely ignores the democratic process that we already have for law creation, change or removal.
- 2.3. Therefore Unite does not consider the Governments 'Red Tape Challenge for Maritime and Rail Transport ' as being proper consultation and would rightfully expect the Government to conduct full and comprehensive consultation, with Trade Unions and other stakeholders on any areas of proposed change.
- 2.4. Of particular concern to Unite are suggestions around altering pension and working time legislation. The Working Time Directive has yet to be correctly applied to workers employed in the maritime industry, with workers allowed to work up to 91 hours a week in certain circumstances.

- 2.5. Following the decision in the Court of Session in *Russell and others v Transocean International Resources Limited and others*<sup>1</sup>, Unite is concerned compensatory rest periods following condensed hours working practices, will replace the provision of holiday entitlements. Consequently Unite believe that if anything the provisions of the Working Time Directive, as they apply to workers in the UK need to be strengthened. If it is not Unite believes that this could result in an increase in accidents in the workplace due to fatigue.

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<sup>1</sup> [2010] CSIH 82