

The European Working Time Directive (EWTD) “A Never Ending Story?”

Dr. Frank Ulrich Montgomery
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EWTD

■ Agenda

- State of play
- Future
- What does it have to do with patient safety?

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Amendment of EWTD

■ Problems

- Opt-out unlimited
- ECJ-Rulings on „On-Call-Time“
- Length of reference period
- Compatibility of work and family (life?)

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Amendment of EWTD

■ Latest proposal of the Commission

- Opt-out limited to 60 hours
- Implementing Definition active / inactive time on call
- Prolong reference period
- Improve compatibility of work and family

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Amendment of EWTD

■ Latest proposal of the Commission

■ Reaction of EU Parliament

- Opt-out limited to 60 hours
 - ✳ Abolish opt-out all together
- Implementing Definition active / inactive time on call
 - ✳ No substantial opposition

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Amendment of EWTD

■ Latest proposal of the Commission

■ Council of Ministers

- Opt-out limited to 60 hours
 - ✳ No agreement reached in London
- Implementing Definition active / inactive time on call
 - ✳ Not discussed

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Amendment of EWTD

- Conclusion
 - Discussion focusses entirely on the opt-out issue
 - New definition would (probably) pass

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Amendment of Directive on Road Transport 02/06



- daily driving max 9 h
- ..on 2 d/w max 10 h
- rest period min 11 h
- 45 min break after every 4,5 h behind the wheel
- 48 h / week on Ø
 - max 56 h/w
- Electronic log book

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Amendment of EWTD

- Future:
 - Austria 1-6/2006
 - Finland 7-12/2006
 - Germany 1-6/2007 ?

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Amendment of EWTD

- **Remember:** European rules are minimal standards
 - MS with improved regulation are entitled to maintain higher standards
 - MS are entitled to improve national standards beyond EWTD

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Amendment of EWTD

- **Remember:** European rules are minimal standards
 - Any government wanting to change national laws (where they exist) will have to explain why they change it.....

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Amendment of EWTD

- Future II
 - EWTD (changed or unchanged) allows for flexibility through collective agreements

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Correlation of workload and failure

- Amazingly little literature in the past
- Nature 2000: after 24 hours work young interns have coordination similar to a blood alcohol level of 1,0 Promille...

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Correlation of workload and failure

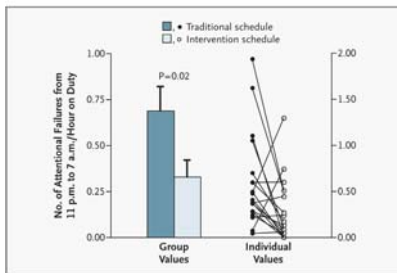
The NEW ENGLAND JOURNAL of MEDICINE

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Effect of Reducing Interns' Weekly Work Hours on Sleep and Attentional Failures

Steven W. Lockley, Ph.D., John W. Cronin, M.D., Erin E. Evans, B.S., R.P.S.G.T., Brian E. Cade, M.S., Clark J. Lee, A.B., Christopher P. Landigan, M.D., M.P.H., Jeffrey M. Rothschild, M.D., M.P.H., Joel T. Katz, M.D., Craig M. Lilly, M.D., Peter H. Stone, M.D., Daniel Anschbach, Ph.D., and Charles A. Czeisler, Ph.D., M.D., for the Harvard Work Hours, Health and Safety Group

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CONCLUSIONS

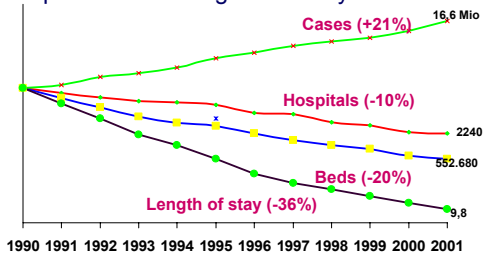
Eliminating interns' extended work shifts in an intensive care unit significantly increased sleep and decreased attentional failures during night work hours.

The Washington Post

- „People have said over and over that a lack of sleep does not inhibit doctor performance. This is the first rigorous study that shows that it does. This is a landmark study“

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Hospitals have changed radically...!



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No lust, just frustr....

- One out of three juniors decide...
 - not to take up positions in curative medicine
 - or go abroad

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Conclusion

- Although the EWTD aims at member states, employers and employees it is also a tool to improve patient safety

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“German physicians protest actions”

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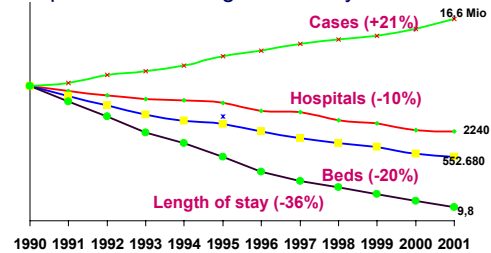
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Why do doctors complain now?

- They always worked too much
- They were never paid excessively well
- They never cared much for the world around them
- ...but they had perspectives

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Hospitals have changed radically...!



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No lust, just frust....

- One out of three juniors decide...
 - not to take up positions in curative medicine
 - or go abroad


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What is it all about...

- We discuss more than just money...
 - Working conditions
 - Working time
 - Work remuneration
- We discuss lust for high performance!


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How to start a campaign?

- Starting with the money issue would have been fatal...


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What do the patients think about us?

- 80% of the population consider „the physicians“ to be
 - greedy
 - rich
 - arrogant
 - in one word: „Mafiosi“

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What do the patients think about us?

- But the same 80% are happy to have found their personal family-doctor, who is totally different....

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What do the patients think about us?

- 9 out of 10 patients consider the reputation of the physicians to be the most important item on which they decide which hospital to choose

TNS-Healthcare für HELIOS

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What do the patients see?

- describe a typical physician....?
 - private practice
 - hospital consultant
- **and the majority?**

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How to start a campaign?

- Starting with the money issue would have been fatal...
- We had to start by bringing the population behind our positions..

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*We started to
invent the drama
of the young
hospital doctor...*

*Overworked,
Underpaid,
Highly
sympathetic,*

*Free of economic
interests...*

What happened later

- The employers were our greatest allies, because they set the bonfire alight, which we had built up over the past five years...

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Essentials for a physician strike

- Define clear goals
 - Negotiations
 - Pay increase
 - Working-time regulations
 - Invent pictures to be transported
- Organize emergency service

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Essentials for a physician strike

- Define clear goals
 - Negotiations
- We demand a specific contract for hospital physicians – we no longer want to be part of the “public service contract”

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Essentials for a physician strike

- Define clear goals
 - Pay increase
- We demand **30% more**

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30 % more..



Mister 30 Prozent

Der Marburger-Bund-Chef Frank Ulrich Montgomery kämpft derzeit die entscheidende Tariffschlacht

- DIW-Studie 1994-2003
 - physicians – 7,5%
 - others + 6%
- Christmas pay – 7%
- from 38,5 to 42 hours –9,1%

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30 % more..



Mister 30 Prozent

Der Marburger-Bund-Chef Frank Ulrich Montgomery kämpft derzeit die entscheidende Tariffschlacht

Summe

30%

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Essentials for a physician strike

- Define clear goals
 - Working-time regulations
- European Working Time Directive has to be implemented in Germany

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Essentials for a physician strike

- Invent pictures to be transported....
 - In Berlin we symbolically boarded vessels on the Spree to “emigrate”

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Essentials for a physician strike

- Invent pictures to be transported....
 - In Berlin we symbolically boarded vessels on the Spree to “emigrate”
 - In Hamburg we carried skeletons and puppets of overworked juniors with us

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Verband der angestellten und beamteten
Ärztinnen und Ärzte Deutschlands e.V.

Essentials for a physician strike

- Invent pictures to be transported....
 - In Berlin we symbolically boarded vessels on the Spree to "emigrate"
 - In Hamburg we carried skeletons and puppets of overworked juniors with us
 - In the Charité we had a large keg full of water with holes and tried to fill the holes..

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Great support from the public...

Umfrage - Ergebnis

Auf die Frage
Sollen die Klinikärzte 30 Prozent mehr Gehalt bekommen?

haben die n-tv.de Nutzer folgendermaßen geantwortet:

A: Ja	<div style="width: 85%; background-color: #f4a460; border: 1px solid black;"></div>	85%
B: Nein	<div style="width: 15%; background-color: #f4a460; border: 1px solid black;"></div>	15%

Abgegebene Stimmen: **8203** Stand 01.12.2005 22:30

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Where are we now?

- We made the news.....
 - Clinici germaniae opera intermiserunt
postulantes et minus laboris et plus
pecuniae.... (Radio Vaticano)

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Where are we now?

- We are in a fast breeder of solidarity...
 - Membership increased by almost 25% (from
80.000 to 98.000) in 6 weeks
 - In some hospitals 70% of physicians strike

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Conclusion

- Money alone is no vector for public
sympathy
- You have to have the public behind you
 - You have to have the media behind you
- You have to have your colleagues behind
you.....

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Thank you for your attention

