



Syndicat National des Officiers de Police

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THE SNOP REFERS TO THE PETITION COMMISSION OF THE EUROPEAN COMMISSION.

IN QUESTION, THE FRENCH REGULATION RELATING TO THE RULES GOVERNING POLICE OFFICERS' EMPLOYMENT.

INTRODUCTION

The missions of protection of the people and the goods are ensured by the National Police forces within the framework of a continuity of public service (H 24) involving de facto exceeding time-table generating overtime.

In France, working time in the Public Service *is defined by a Decree 2000-815 of August 25, 2000* providing either a scheme where the civil servant profits of autonomy in management commonly called "article 10", or a scheme where the civil servant must calculate his working time, work known as "posté" (cycle, or weekly) "article 4".

Within the framework of the National Police forces' Corps and Careers reform, a protocol of agreement was signed on June 17, 2004 in particular by two trade-union organizations representing the police officers, the Syndicat National des Officiers de Police (SNOP) being in majority.

Concerning the "Corps de Commandement", this protocol planned:

- an indicial evolution related to the constraints of the profession (interdiction of the right to strike, code of conduct...) and related to the particular nature of their functions (responsibilities, risks and missions).
- a recognition of the real level of recruitment at BAC + 3 in the category A
(Decree 2005-716 of June 29, 05 giving particular status of the "Corps de Commandement" of the National Police forces).

However, within the framework of the necessary clearing of the overtime stock accumulated by the officers (evaluated at least to 6 millions), the Ministry of the Interior concluded an agreement (additional protocol of December 5, 2007) with the minority trade-union of the National Police Officers (Synergie Officers), aiming at reforming the rules governing the employment of the "Corps de Commandement".

1. A SYSTEM "EMPLOI-CADRE" NOT IN CONFORMITY WITH THE EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE 2003/88/CE OF NOVEMBER 04, 2003

Since April 1, 2008 – as per advice from the "Comité Technique Paritaire Central et Ministériel", the French rule does not respect any more the present directive and violates the security and the health of National Police Officers.

From now on, almost the quasi totality of the Police officers depending on the article 4 of the Decree n°2000-815 of August 25, 2000 relating to the planning and the reduction of working time in the State Public Service (that is approximately 96 % of the Officers) don't benefit any more of measures allowing to guarantee a limit to their working time.

Consequently, supplementary works such as overtime or recalls to Service don't allow compensation or indemnification any more.

Permanences made on legal rest, bank holiday, or in period of night:

- Are not compensated with supplement anymore but simply postponed according to the timetable of the vacation instead of considering the hours really worked.
- Moreover if, even for circumstances beyond his control, within the 8 weeks following permanence, the officer was not able to use the days of rest granted, he loses the profit of them definitely.

Consequently, the rules governing the employment of the "Corps de Commandement" do not include any device permitting to guarantee a limit of the weekly, monthly or yearly working time. This absence of any hourly demarcation (following the suppression of the identification of the supplementary hours) does not permit to guarantee the respect of the minimal periods of rest provided for in articles 3, 5,6 and 8 of the guideline 2003/88CE.

Le SNOP considers that the regulation in force violates the general principles of the protection, security, and health of the National Police officers. Indeed, the length of work of the "Corps de Commandement" is not estimated or predetermined (autonomy in management) by the police officer.

To conclude, the minimal prescriptions of security and health at work expressed by the guideline 2003/88CE are unrecognized by the new rules governing the employment of the "Corps de Commandement" of the National Police forces.

2. DEMAND TO BRING INTO COMPLIANCE THE RULES OF GOVERNING THE EMPLOYMENT OF THE "CORPS DE COMMANDEMENT" WITH THE GUIDELINE 2003

By the present Reference to the Commission, the SNOP asks for the putting into conformity of the texts (cf. appendices) governing the rules of employment and more especially the working time of the National police Officers' working time coming under article 4 (hourly calculation) of the *Decree 2000-815 of 25 August 2000 with the guideline 2003/88/CE*.

 ***SIGN THE PETITION (contact your union representative!)***