

WORKING TIME POLICY

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SECTION 1: GENERAL GUIDING PRINCIPLES

POLICY STATEMENT

Chesterfield Borough Council strives to provide a safe working environment and ensure the safety and wellbeing of all its' employees. The council seeks to ensure that employees do not exceed reasonable working hours to provide for a satisfactory balance between work and personal life and it is also committed to ensuring that employees' health is not compromised by the workplace.

Managers have a responsibility to ensure that working hours are kept within reasonable limits and will monitor working hours for this purpose. Employees themselves also have a duty to ensure that they are not working excessive hours and to inform their manager directly if they consider that they may be doing so. The flow chart at Appendix 1 should be followed by the employee and manager.

This policy is issued by way of guidance on the organisation's policy and practice. It does not form part of an employee's contract of employment or otherwise have any contractual effect. This policy may be varied, withdrawn or replaced at any time by the organisation at its absolute discretion.

SCOPE

The policy shall apply to all Council employees as defined by the Regulations. This includes trainees on work experience or other training programmes. The policy does not apply to contractors, consultants or any self-employed individuals working for the organisation.

PRINCIPLES

An employee is considered to be "working" when they are carrying out activities on behalf of the council. Working time will include time where an employee is required to travel from site to site for meetings, to attend training, business travel or to perform his/her functions at different locations. It does not include rest breaks, travel time outside normal working time or non-job related training.

Working time does not normally include travel from the employee's home to their place of work. If the employee has no usual place of work, time spent travelling from and to home for the first and last appointments of the day does count.

The council defines "on-call" time as time when an employee is at their place of work throughout the period ie working time is linked to the actual provision of services. If the worker is not at their place of work and free to pursue other activities this does not constitute being "on call" or working time.

Working time will not include time when an employee, despite being on the council's premises or at their place of work, is not available to perform functions for the organisation or is pursuing outside interests during that time.

The council expects that employees will work their full contractual hours each week and it will pay them on this basis. If workers do not perform their full contractual hours, their manager will inform payroll and payment will be adjusted accordingly.

SECTION 2: PROCEDURE

Normal working hours

Full-time employees are contractually obliged to work 37 hours per week. The council reserves the right to vary reasonably an employee's hours of work and the days on which they work according to business and operational requirements on a temporary or permanent basis.

Employees may be required to work such additional hours in excess of their normal hours of work as are reasonably necessary for the proper performance of their duties and to meet the needs of the business.

Under the Working Time Regulations 1998, employees cannot lawfully be required to work more than an average of 48 hours per week, which includes overtime, calculated over a reference period. Employees may, however, agree to work more than an average of 48 hours per week, so long as they do so voluntarily and the agreement is in writing. (see Appendix 2)

The opt-out agreement may relate to a specific period or apply indefinitely. If the employee signs the opt-out they can give the council 1 months' written notice that they wish to revoke this, without facing any penalty.

The council is required to keep an up-to-date record of all workers who have opted out of the 48-hour average but is not required to keep records of the actual hours worked by those who have opted out.

Employees are permitted to request flexibility in their contractual hours. This can be done by following the council's flexible working policy or raising the matter informally with their manager where, subject to business needs and operational requirements, informal arrangements are not in any way intended to be a variation to the employee's contractual hours.

Any overtime worked will be paid in accordance with the council's overtime policy in force at that time.

Rest entitlements

The Working Time Regulations provide for :

- A daily rest period of not less than 11 consecutive hours in each 24 hour period.
- An uninterrupted rest period of not less than 24 hours in each seven day period or two uninterrupted weekly rest periods of 24 hours each in every 14 day period.
- A rest period of at least 20 minutes where the working day is more than six hours. Employees are entitled to take these breaks away from their workstations. If operational requirements mean that workers are unable to take these breaks at that time, they will be entitled to compensatory rest to be agreed with their manager.
- Adequate rest breaks where the pattern of work is such as to put the employee's health and safety at risk, in particular because the work is monotonous or the work rate predetermined.

Young workers

A young person is someone aged 16 or 17.

The council does not permit young people to work in excess of eight hours per day and they are subject to a maximum working week of 40 hours. All young workers are required to inform the council immediately if they have a second employer or carry out any casual work while employed by the council.

If the council requires that a young worker works hours in excess of this to maintain continuity of production or service or to respond to an upsurge in demand, his/her manager should first attempt to find an adult worker to perform this work and, if no such worker is available, ensure that performing this work would not adversely affect the young worker's education or training.

The organisation does not permit young workers to carry out night work and no young worker will be on any shift between the hours of 10pm and 6am.

Every young worker's manager will ensure that (as a minimum) he/she takes at least 2 rest days per week, a daily rest break of 12 consecutive hours, a rest break of 30 minutes where the worker's daily working time is more than 4.5 hours, a free health assessment prior to any night work assignment and free health checks at regular intervals thereafter. If any young worker is aware that he/she may not be able to comply with these requirements, he/she must inform his/her manager immediately.

Night workers

The council will adopt the definition of night time as the period between 11.00pm and 6.00am. A night worker who, as a normal course, works at least three hours of their daily working time during the night time hours, as defined above. Any employee who works a shift pattern in which one regularly recurring shift involves working at night time will be regarded as a night worker.

A night worker's average normal hours or work must not exceed eight hours for each 24 hours period.

Each night worker will be given the opportunity to complete an annual medical assessment form and attend an Occupational Health assessment if required. (See Appendix 3)

Multiple employment

The Regulations require the council to take all reasonable steps to ensure that employees do not work more than an average of 48 hours of weekly working time. This includes considering the effects that any other employment or appointment will have upon the employee. This policy should be read in conjunction with the Secondary Employment policy. Employees must inform the council of any other employment or appointment whether or not it attracts payment.

Employees must provide information about the hours and patterns of work involved. This must include sufficient detail for the line manager to carry out a risk assessment to ensure the employee is safe to work as legally required under the Working Time Regulations and other health and safety legislation. The line manager is responsible for monitoring hours of work where they are aware employees have other employment.

The Regulations allow individuals to agree to work in excess of 48 hours per week. The council believes that it should not ask workers to give up their rights under legislation aimed at protecting their health and safety. It will only consider agreements with individuals to waive the 48 hour weekly limit where problems arise from an appointment or employment with another employer. Even in these circumstances the council will only enter into an agreement after a full risk assessment by management.

Exclusions

The council provides a wide range of varied services to the people of Chesterfield. Many services are provided in the evening or around the clock, others involve responding to unforeseen events or emergencies. Employees delivering these services regularly work non-standard patterns that involve stand-by, call-out and shift arrangements.

This policy therefore recognises that some occupational groups within the council are, on occasions, completely excluded from the regulations, while others will qualify as a special case. For special cases, the Council will, of necessity, apply the Regulations relating to work breaks and daily or weekly rest with a degree of flexibility but always within the limits allowed under Regulations. Employees will retain the right to compensatory rest.

When actively responding to emergency, civil protection and enforcement situations the following groups are considered excluded from the Regulations by virtue of the provisions of Regulation 18.

- Trading Standards Officers and enforcement staff
- Emergency Planning Officers

Special cases

Staff involved in providing 24 hours service in residential establishments, a security service which require a presence on site, dealing with foreseeable or seasonal surges in work or those responding to unusual or unforeseeable circumstances are considered special cases under Regulation 21. These include :

- Care and domestic staff in Social Services residential establishments
- Caretakers
- Town Hall Attendants and security staff
- Staff involved in traffic management
- Design staff involved in maintenance and building contracts
- Site supervisors involved in maintenance and new build contracts
- Site workers with traffic management responsibilities
- Computer Development and Support staff

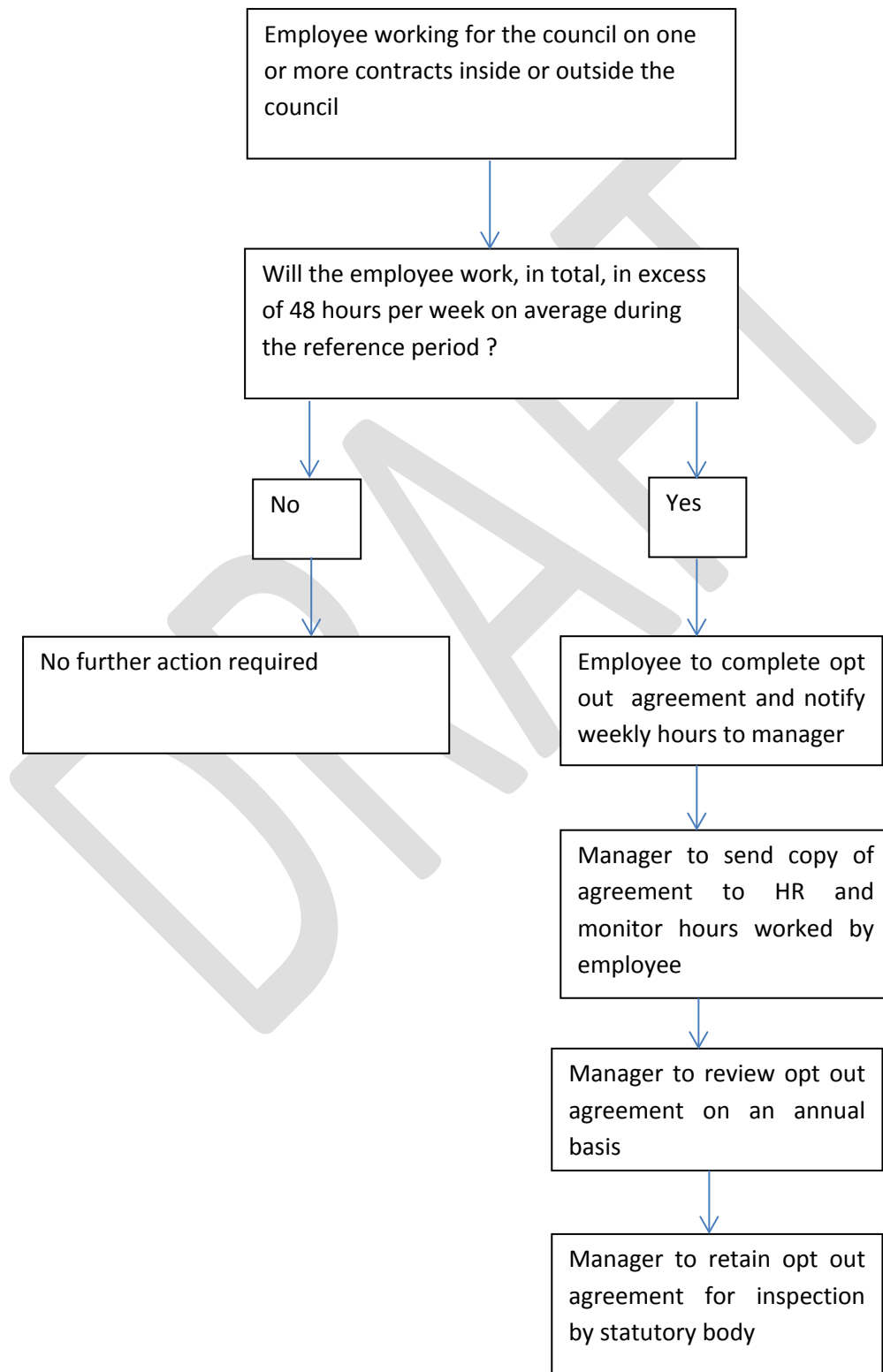
Reference periods

The standard 17 week rolling reference period will apply to all council employees apart from those groups identified as special cases, as above, by this policy when the 26 week rolling reference period will apply.

Complaints about working hours

If an employee considers that he/she has been unfairly treated with regard to his/her working hours eg being required to work excessive hours, daily rest, weekly rest, he/she is requested to raise this informally with his/her manager. If the employee's complaint relates to his/her manager, he/she is requested to raise it with a more senior manager. If an employee is not satisfied following this route, he/she has the right to raise a grievance in accordance with the council's grievance procedure. Employees have the right not to suffer any detriment for exercising their rights under the Working Time Regulations 1998. A dismissal for this reason may constitute automatically unfair dismissal

FLOWCHART FOR MANAGERS AND EMPLOYEES TO FOLLOW



AGREEMENT TO OPT OUT OF REGULATION 4 OF THE WORKING TIME REGULATIONS 1998

I agree that as from the date of this agreement, my position will not be subject to the 48 hour maximum weekly working time limit as specified in Regulation 4 of the Working Time Regulations 1998.

I understand that this agreement will be reviewed annually, but may be terminated by myself at any time on the giving of 1 months written notice to my manager.

Despite agreeing to opt out of the 48 hour maximum weekly working time limit, I am fully aware that I have a responsibility not to work hours so long that they may impair my efficiency or expose colleagues, the public or property to risk.

I agree to keep accurate records of my working hours for the council plus any additional hours worked for another employer, whether paid or unpaid.

SIGNED:

DATE:

NAME (IN CAPITALS):

EMPLOYEE NUMBER.....

JOB TITLE:

MANAGER'S SIGNATURE.....

MANAGER'S NAME IN CAPITALS

DATE:

REVIEW DATE (IN 12 MONTHS):

NB: Copy to be sent to HR for audit purposes to be retained on employee's personal file.

EMPLOYEES WORKING REGULAR NIGHT SHIFTS

There are a number of Working Time Regulations, which cover health and safety, introduced in the UK as part of the EU Working Time Directive. One of these Regulations covers night workers.

A night worker is someone who normally works at least three hours of their daily working time during the night period which includes the hours between 11 pm and 6.00 a.m.

As you work regularly during the night, you are now entitled to a free health assessment. This will assess whether you have any health problems associated with working at night. You may, if you wish, opt not to accept the offer of a free health assessment.

You will be given a medical assessment form to complete and return confidentially to HR and they will arrange an appointment for you with Occupational Health. This will be at a time convenient to your work arrangements and paid at your basic hourly rate.

Any medical report received by HR will be treated in the strictest confidence. You will be given help and assistance should any health problems be identified. A copy of the medical report will be sent to you at your home address.

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Please return to HR at the Town Hall.

Name Job title

I will/will not accept the offer of an annual medical assessment and an Occupational Health assessment.

Signed..... Date

Please indicate approximate times and dates over the next 4 weeks when you are not available.

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