

BOLSOVER DISTRICT COUNCIL DRAFT WORKING TIME POLICY January 2012



This Policy addresses the following Corporate Aims



COMMUNITY
SAFETY



CUSTOMER &
RESIDENT SERVICES



ENVIRONMENT



REGENERATION



SOCIAL INCLUSION



ECONOMIC DEVELOPMENT
& JOBS

ACCESS FOR ALL

If you need help understanding this document or require a larger print or translation, please contact us on the telephone number at the bottom of the page.

Jeśli potrzebują Państwo pomocy w zrozumieniu tego dokumentu lub jeśli chcieliby Państwo otrzymać jego tłumaczenie czy też wersję dużym drukiem, proszę się z nami skontaktować pod numerem telefonu podanym na dole strony.

Nel caso in cui si abbia bisogno di aiuto per comprendere il presente documento o si necessiti di un documento stampato in un formato più grande o di una traduzione, contattateci al numero di telefono riportato in fondo alla pagina.

倘若您需要幫助瞭解本檔的內容，或需要提供大字體格式或翻譯件，請按照頁面底端的電話號碼聯絡我們。

اگر آپ کو یہ دستاویز سمجھنے میں مدد کی ضرورت ہو یا یہ بڑے حروف یا ترجمہ کی شکل میں درکار ہو تو برائے مہربانی اس صفحے کے آخر میں دیے گئے نمبر پر ہم سے رابطہ کریں۔

 **01246 242430 Department: Human Resources/Payroll**

Minicom: 01246 242450 Fax: 01246 242423

Website: www.bolsover.gov.uk

CONTROL SHEET

Details of Document	Comments / Confirmation
Title	Working Time Policy
Document type – i.e. draft or final version	Draft
Location of Policy	Human Resources & ERIC
Author of Policy	Health and Safety Officer
Member route for Approval & Cabinet Member concerned	Cllr. E. Watts, Leader
Date Risk Assessment completed	22 April 2011
Date Equality Impact Assessment approved	July 2011
Partnership Involvement (if applicable)	Nil
Policy Approved by	Council
Date Approved	
Policy Review Date	3 years from approval date
Date forwarded to CSPD (to include on Intranet and Internet if applicable to the public)	

CONTENTS

- 1 Introduction
- 2 Scope
- 3 Principles of the Policy
- 4 Policy Statement
- 5 Responsibility for Implementation of the Policy

POLICY

1. Introduction

The Working Time Regulations are a health and safety at work measure implementing the European Working Time Directive. The Regulations include basic entitlements and limitations concerning the organisation of working time. The Council supports the implementation of the Regulations as part of its general obligations to ensure the health and safety of all employees. This Policy Statement has been agreed with the relevant recognised Trade Unions, which are UNISON and UNITE.

2. Scope of the Policy

This policy applies to all employees (as defined under the Regulations) who have a contract with the Council.

It excludes Agency Workers, Contractors, Elected Members and those who are self-employed.

The Regulations provide the following minimum standards:-

- A limit of an average 48 working hours per week (over a 17 week averaging period) that an employee can be required to work;
- A right to a rest break of at least 20 minutes during a working day of 6 hours or more;
- A right to 11 consecutive hours rest per day;
- A right to a full 24 hour rest period each week;
- A limit of an average 8 hours work in any 24 hours which night workers can be required to work;
- A right to free health assessments for night workers;
- A right to 28 days paid leave per year (inclusive of bank holidays);

An employer can reach local agreements in respect of the above minimum standards and this document outlines the Council's position on the Working Time Regulations together with those areas that have been agreed with the trade union. Separate standards are applied to those driving Council vehicles over 3.5 tonnes. Further details are available in the Driving at Work Policy.

3. Principles of the Policy

3.1 48 Hour Working Week Reference Periods

The standard 17 week rolling reference period for calculation of the 48 hour working week applies to all employees who have hours specified in their contract of employment which are 37 or less.

Chief Officers have a notional working week and are exempt from these provisions. However, monitoring will take place with their line manager to ensure that their working hours are not detrimental to their health and well being.

Secondary Employment

Employees will be asked to inform the Council when they have secondary employment elsewhere (paid or unpaid). The Council is keen that employees who have other jobs elsewhere declare their hours of employment. This is to enable the Council to meet its health and safety obligations under the Working Time Regulations and other legislation. Casual employees working on Election Day duties are exempt from this provision.

Opt Out Agreements

The Working Time Regulations allows employees to sign an 'opt out' agreement if they voluntarily wish to work more than 48 hours. Whilst the Council discourages the use of opt out agreements, it will provide these for the employee to sign if requested to do so.

This 'opt out' agreement will only be valid in respect of the 48 hour working week, and cannot be used to opt out of the daily and weekly rest breaks provided for by the Regulations (except occasionally and where compensatory rest is provided within a two week period).

Employees are able to cancel their 'opt out' agreement by providing one calendar month's notice.

3.2 Rest Break (During Working Day)

The 'in work' rest break will be increased to 30 minutes consecutive rest break during a 6 hour working day.

3.3 Daily Rest Break

Where the 11 hours consecutive daily rest cannot be provided, due to the needs of the service, between one work shift and the next, compensatory rest will be provided within two weeks of the date on which it has not been possible to grant the 11 hours consecutive rest.

This policy agrees that all employees subject to 'call-out' arrangements will be excluded from the entitlement to 11 hours' consecutive rest. Compensatory rest will be provided wherever possible.

3.4 Weekly Rest Break

Where the 24 hour consecutive rest period per week cannot be provided, due to the needs of the service, compensatory rest will be provided within two weeks of the date on which it has not been possible to grant the 24 hours consecutive rest.

3.5 Night Workers

For the purpose of this policy, night-time will be midnight to 5 am. The reference period for calculating who night workers is 17 weeks.

Night workers are employees who work at least three hours of their daily working time during night time. The Council employs only one group of employees who fall within the definition of night workers, i.e. Central Control Operators.

Central Control Operators will be asked to complete a medical questionnaire each year by the Human Resources Team. This questionnaire will be considered by the occupational health contractor.

Where an employee has a health condition that is aggravated by night work, he or she will be offered a transfer to day work where possible. Where this is not possible, the employee will be subject to the Re-deployment/Early Retirement Procedure.

3.6 Annual Leave

The annual leave provisions are set out in the Council's Pay Agreement and Leave Guidelines. These provisions exceed those in the Working Time Regulations.

4. Responsibility for Implementing the Policy

Chief Executive Officer

The Chief Executive Officer is responsible for ensuring that there are effective measures in operation to protect employees' entitlements and limitations concerning the organisation of working time.

Directors

Directors are accountable to the Chief Executive Officer for the operations and activities carried out within their areas of responsibility and for ensuring that effective arrangements are in place to protect employees' entitlements and limitations concerning the organisation of working time. Specifically they will ensure:

- Compliance with the Working Time Regulations within their Directorate
- Managers in their area are aware of, accept and carry out their duties under the policy.

Management

- Each Head of Service will be responsible for ensuring this policy is applied in his/her department and to ensure that their employees are aware of this policy.
- Ensure line managers monitor the working hours of their employees and investigate any potential or actual breaches of the Regulations, taking the necessary action to correct this.

- Where employees have more than one job, they should ensure this secondary employment has been registered with the HR Team, and then monitoring the working hours as stated above, to ensure that any secondary employment conditions are being complied with.

All Employees

Individuals at **all** levels have a responsibility to take care of their own and others Health and Safety in complying with the Working Time Regulations and the provisions set out in this Policy:

- Co-operate with the requirements of the Policy.
- Report any non-compliance with the Policy.
- Report any secondary employment to the HR Team.

Head of Human Resources and Payroll

The Head of Human Resources will:

- Ensure that the policy is maintained in line with legislation and reviewed at least every three years.
- Ensure that there is an adequate health surveillance system in place to identify the effects of night working on our employees and those entering our employment
- Consult with trade unions on the effectiveness of the policy, its implementation, review and revision.

Health and Safety Officer

The Health and Safety Officer in Human Resources will assist managers and employees in carrying out their roles under this policy by:-

- Ensure night workers are subject to appropriate health surveillance.
- Advising on the implementation of control measures and risk assessment.
- Providing additional information and professional support.
- Monitoring the implementation of the policy within departments.
- Reviewing the Working Time Policy in line with legislation and at least every three years.