



January 2006

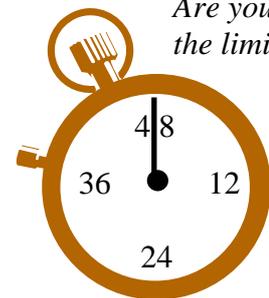
To: Heads of all Establishments/Settings
Cc's Governors/Management Committees
Trade Union Safety Representatives
Employee Notice boards
Intranet



WORKING TIME

Working Time Regulations 1998
Management of Health & Safety at Work Regulations 1999 (as amended)

*Are you over
the limit?*



Introduction

The Working Time Regulations examines:

- the organisation of the provisions concerning working time;
- and the protection of young people at work.

What does an employer need to do?

- The employer is responsible for ensuring that employees receive the necessary protection.

Who are affected by these Regulations?

- Employees (including recognised Home Workers).
- Work Experience trainees and;
- Young Persons.

Note: Managing executives or those with autonomous decision-taking powers are exempt from the these Regulations but this is unlikely to apply to anyone other than, possibly, the Director for Children, Young People & Families.

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Children, Young People & Families**

What are the risks associated with working excessive hours?

Safety effects:

- Possible increases in slips, trips and falls;
- Potential lapses in concentration, causing mistakes especially when performing skill-based tasks such as driving;
- Increase stress;
- Competing or conflicting job demands:
- Having to perform tasks, e.g.
 - putting up a display using a chair without using proper steps:
 - without being conscious of the necessary safe-guards:
- Fatigue;
- Increased tiredness:
- Poor performance of task;

Health Effects:

- Sleeping problems – irregular sleep patterns;
- Sleep loss can lead to lowered levels of alertness;
- Gastrointestinal disorders – potentially those people with a tendency to eat snack meals;

Home / Work conflicts:

- Social and family life balance is disrupted by excessive working practices.

What do the Regulations cover?

The Working Time Regulations give employee rights and obligations relating to their work and rest. The principal provisions are for:

- ✓ a limit on the average weekly working time to 48 hours over a consecutive 17 week period;
- ✓ a limit on night workers' average normal daily working time to 8 hours;
- ✓ a requirement to undertake health assessments of night workers;

- ✓ minimum daily and weekly rest periods;
- ✓ rest breaks at work and;
- ✓ paid annual leave.

What are the “Working Time Limits”?

Oxfordshire County Council is required to take all reasonable steps to ensure that **employees do not work more than an average of 48 hours a week over a consecutive 17-week reference period.** (See Appendices 1 & 2 for calculating average hours over the reference period). N.B. This averaging period may be extended in certain circumstances by agreement between the employer and the individual employee.

What is meant by “Working Time”?

“Working Time” is defined as when an employee is “*working, at his / her employer’s disposal and carrying out his / her activities or duties*”. For time to be “working time” these three elements must be satisfied.

What rest periods are employees entitled to?

Daily rest

An employee is entitled to a rest period of 11 consecutive hours between each working day.

Weekly rest

An employee is entitled to an uninterrupted rest period of not less than 24 hours in each 7-day period.

Compensatory rest

Employees must be permitted to take an “equivalent period of compensatory rest” when their rest entitlement is changed due shift working etc.

What rest breaks are employees entitled to?

- An employee is entitled to an **uninterrupted break of 20 minutes** when their daily working time is more than 6 hours.
- It should be a break in working time and should not be taken either at the start, or at the end, of a working day. It should not overlap with the employee’s daily rest period.

What annual leave are employees entitled to?

- at least four weeks’ paid annual leave each year;

- ❑ There is no statutory requirement not to work Bank and Public Holidays. These are simply days where an employee may receive leave under the terms of their contract.

What about employees with more than one job 'Split Employment'?

Employers are required to take all reasonable steps to ensure that their employees do not exceed an average of 48 hours of weekly working time. Such steps would include enquiring whether the employee was working elsewhere (or requesting that they be notified on an employee getting other work), and if they were, adjusting their working arrangements accordingly.

What special Working Time provisions apply specifically for Young Persons?

Young persons are over the minimum school leaving age but under 18 years old.

- health assessments for night working;
- minimum daily and weekly rest periods and;
 - ❑ Young persons are entitled to an uninterrupted period of 12 hours' rest in each 24-hour period during which they work.
 - ❑ Young persons are entitled to a **rest break of 30 minutes** when daily working time is more than 4 ½ hours.
 - ❑ Young persons are entitled to two days' rest in each week. This cannot be averaged over a two-week period.
- rest breaks at work.
- Young workers may not ordinarily work more than
 - ❑ 8 hours a day
 - ❑ 40 hours a week

They may work longer where this is necessary to either

- maintain continuity of service or production, or
- respond to a surge in demand for a service or product

and provided that

- there is no adult available to perform the task
- the training needs of the young worker are not adversely affected

What are “Agreements”?

The Regulations allow for some flexibility, in the form of voluntary “*Agreements*” between the employer and the employee, to take account of the specific needs of local working arrangements, for example, any time spent by an employee at their workplace is treated as working time even if the employee is not necessarily working for all of that time.

What flexibilities are relevant?

Individual employees may choose to agree to work more than the 48-hour average weekly limit. If they do so, the “*Agreement*” must be in writing and must allow the employee to bring the agreement to an end within a specified period of notice of up to three months or only within seven days if no specific notice period is required.

The nature of the work undertaken in the Directorate is such that term-time demands are likely to be higher for many employees than those during the school holiday periods. It is therefore important to maintain sufficient flexibility in individuals’ working arrangements to accommodate these demands.

What records do employers need to keep?

The employer must keep adequate records to show they have complied with the weekly working time limit, for example, a contract stipulating normal working hours would suffice. Whatever records are kept, they must be kept for a minimum of two years.

What protection do employees have in these Regulations?

Employees are protected under these Regulations against discrimination for asserting their rights not to exceed any limit on working time, i.e. the limit on average weekly working time; for refusing to work when entitled to a rest period or break, or to forego annual leave etc.

What if an employee is forced to exceed Working Time limits?

If an employee is forced to exceed his / her Working Time limits, the individual is entitled under the Working Time Regulations to take this issue forward to an Employment Tribunal.

Note: “*Briefing & Consultation Note for Centrally-Employed Staff*”:

http://portal.oxfordshire.gov.uk/content/public/corporate/AtWork/Policies/Working_time_regulations.pdf



For Further Information and Advice:

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CALCULATING THE AVERAGE NUMBER OF HOURS WORKED OVER A CONSECUTIVE 17-WEEK REFERENCE PERIOD

Name:

Workplace(s):

Start Date:

Finish Date:

Total No. Hours Worked:

Week 1:	<input style="width: 100%;" type="text"/>	Week 2:	<input style="width: 100%;" type="text"/>	Week 3:	<input style="width: 100%;" type="text"/>	Week 4:	<input style="width: 100%;" type="text"/>
Week 5:	<input style="width: 100%;" type="text"/>	Week 6:	<input style="width: 100%;" type="text"/>	Week 7:	<input style="width: 100%;" type="text"/>	Week 8:	<input style="width: 100%;" type="text"/>
Week 9:	<input style="width: 100%;" type="text"/>	Week 10:	<input style="width: 100%;" type="text"/>	Week 11:	<input style="width: 100%;" type="text"/>	Week 12:	<input style="width: 100%;" type="text"/>
Week 13:	<input style="width: 100%;" type="text"/>	Week 14:	<input style="width: 100%;" type="text"/>	Week 15:	<input style="width: 100%;" type="text"/>	Week 16:	<input style="width: 100%;" type="text"/>
						Week 17:	<input style="width: 100%;" type="text"/>

Subtotal= _____ + _____ + _____ + _____

Total No. Hours Worked over Consecutive 17-Week period =

Total No. Hours Worked over Consecutive 17-Week period
17

Average Hours Worked over a 17-Week Period =

Note: If leave is taken record standard contract hours

(Admin, Professional, Technical & Clerical 1 day time = 7 hours 24 minutes
5 days time = 37 hours)

(Teachers' 1 day time = 5 hours
5 days time = 25 hours)

Signed: Dated:
Employee

Signed: Dated:
Manager

N.B. This document is required by law to be retained for a period of 2 years.

WORKING TIME LIMITS ('THE 48-HOUR WEEK')

