

HUMAN RESOURCES POLICY

WORKING TIME DIRECTIVE

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Document History

Version	Date	Significant Changes
1.0	April 2013	n/a
2.0	May 2015	n/a

Equality Impact Assessment

Date	Issues
22.03.13	None

Policy Validity Statement

This policy is due for review on the latest date shown above. After this date, policy and process documents may become invalid. Policy users should ensure they are consulting the currently valid version of the documentation.

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1. POLICY STATEMENT

- 1.1 The CCG is committed to the health and safety of its employees and acknowledges its obligations within Working Time Regulations. The organisation strives to provide a safe working environment and ensure the safety and wellbeing of all its workers. The organisation seeks to ensure that workers do not exceed reasonable working hours to provide for a satisfactory balance between work and personal life. The organisation is also committed to ensuring that workers' health is not compromised by the workplace.
- 1.2 Workers' managers have a responsibility to ensure that working hours are kept within reasonable limits and will monitor working hours for this purpose. Workers themselves also have a duty to ensure that they are not working excessive hours and inform their manager directly if they consider that they may be doing so.
- 1.3 The European Working Time Regulations set down entitlements of employees to maximum working hours, rest periods, rest breaks whilst at work, annual leave and working arrangements for night workers.

2. PRINCIPLES

- 2.1 This policy applies to all CCG employees and any agency or contract staff whilst they are working for the CCG.
- 2.2 Unless they consent, a worker should not work in excess of 48 hours per week on average. The organisation will take all reasonable steps to comply with this limit. Should the employee wish to opt out they should complete Appendix 1 and return it to their Line manager.
- 2.3. Employees working for more than one employer or who also undertake work through self-employment should still not exceed the 48 hour limit with regards to their total average weekly working time. Secondary employment includes working on the bank or through an agency.
- 2.4 Night workers should not exceed an average of 8 hours work in every 24 hour period. A night worker is defined as someone who normally works at least 3 hours between 11.00pm – 6.00am
- 2.5 The employee is entitled to the following rest periods and breaks:

- Rest period of 11 consecutive hours in each 24 hour period.
- Employees are also entitled to an uninterrupted rest period of at least 24 hours in each seven-day period, 48 hours in each 14-day period or two uninterrupted rest periods of at least 24 hours in each 14-day period. The worker has a duty to inform his/her manager as soon as possible if he/she is or may be at risk of being unable to take these required rest breaks.

The organisation expects that employees will take their rest break between 5.00pm and 9.00am daily and between 5.00pm on Friday and 9.00am on Monday.

- Employees have the right to a minimum unpaid rest break of 20 minutes after working 6 hours. If operational requirements mean that the employee is unable to take these breaks at that time, they will be entitled to compensatory rest to be agreed by their line manager.

Breaks should not be taken at the end of the day, or stored up and taken on a cumulative basis at a later date.

- 2.6 An employee is entitled to 5.6 weeks paid leave. Part time employees are entitled to the same amount of holiday but on a pro rata basis. This is inclusive of bank holiday entitlement.
- 2.7 Young workers are those above school leaving age, but under the age of 18. The organisation does not permit young people to work in excess of 8 hours per day and they are subject to a maximum working week of 40 hours. A young worker must have a rest break of at least 30 minutes if the working day lasts longer than 4.5 hours.
- 2.8 An employee is considered by the organisation to be "working" when he/she is carrying out activities on behalf of the organisation. This may include training, business travel and "on-call" time. It does not include travel from the worker's home to his/her place of work, rest breaks, travel time outside normal working time or non-job related training.

The organisation defines "on-call" time as time when an employee is required to be available at his/her place of work and available for work throughout that period. If the employee is not at his/her place of work, this does not constitute being "on call".

Working time will include time where a worker is required to be at the organisation's premises, but is free to rest while waiting for work to be available. It will also include time where a worker is required to travel from site to site for meetings, to attend training or to perform his/her functions at different locations.

However, working time will not include travel to and from an employee's home (or the equivalent if he/she is working away from home at the time), or time when an employee (despite being on the organisation's premises or at his/her place of work) is not available to perform functions for the organisation or is pursuing outside interests during that time.

- 2.9 If an employee considers that he/she has been unfairly treated with regard to his/her working hours (for example being required to work excessive hours or being unreasonably refused overtime or (temporary) flexible working arrangements), he/she is requested to raise this informally with his/her manager. If the worker's complaint relates to his/her manager, he/she is requested to raise it with a more senior manager. If a worker is not satisfied following this route, he/she has the right to raise a grievance in accordance with the organisation's Grievance procedure.

3. EQUALITY STATEMENT

The CCG recognises its responsibility to ensure that no-one is discriminated against, disadvantaged or given preference, through membership of any particular group, particularly including people with disabilities, people from different ethnic backgrounds or religions, or on the grounds of their gender, age, or sexual orientation. In response to the public sector equality duty workforce monitoring reports are produced and published.

An Equality Analysis has been carried out on this policy

4. MONITORING AND REVIEW

This policy will be reviewed periodically or if statutory changes are required.

Appendix 1

Working Time Regulations 1998 – OPT OUT FORM

Under the regulations I am entitled not to work for more than an average of 48 hours per week.

In completing this form, I am choosing to opt out of the 48 hour working limit. Please note that rest periods and breaks still apply.

Agreement

I hereby give you notice that I am willing to work, more than an average of 48 hours a week.

In opting out of the 48-hour limit, I agree that I will not work excessively long hours where this may be a risk to the health and safety of my colleagues, the public or myself.

This agreement is to remain effective for an indefinite period and I understand that should I wish to terminate this agreement, I can do so at any time by providing my manager with written notice of my intention to do so.

Signed:

Department:

Date:.....

Please return to your manager, who is required to keep a copy of this form on your personal file. A copy should also be sent to the HR Manager.

Equality Analysis Initial Assessment

Title of the change proposal or policy:

Working Time Directive Policy

Brief description of the proposal:

To ensure that the policy amends are fit for purpose, that the policy is legally compliant, complies with NHSLA standards, EWTD Guidelines and takes account of best practice.

Name(s) and role(s) of staff completing this assessment:

Shamshy Salehin, HR Consultant, Cheshire HR Service

Date of assessment: 22nd March 2013

Please answer the following questions in relation to the proposed change:

Will it affect employees, customers, and/or the public? Please state which.

Yes, it will affect all employees

Is it a major change affecting how a service or policy is delivered or accessed?

No

Will it have an effect on how other organisations operate in terms of equality?

No

If you conclude that there will not be a detrimental impact on any equality group, caused by the proposed change, please state how you have reached that conclusion:

No anticipated detrimental impact on any equality group. The policy adheres to the NHS LA Standards, EWTD guidelines and best practice. Makes all reasonable provision to ensure equity of access to all staff. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.