



**ABERDEEN**  
**CITY COUNCIL**

**WORKING TIME POLICY**

**POLICY DOCUMENT AND FORM FOR  
UNDERTAKING ADDITIONAL WORK**

*Approved by the Finance Policy and Resources  
Committee of 19 April 2016*

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## **SECTION 1: INTRODUCTION**

The Working Time Regulations 1998 (as amended) are a Health and Safety at Work measure implementing the European Working Time Directive 1996. The Regulations include basic entitlements and limitations concerning the organisation of working time.

### **Policy statement**

The Council adheres to its statutory responsibilities under the Working Time Regulations as part of its general obligations to ensure the health and safety of all workers. It seeks to ensure that workers do not exceed reasonable working hours to provide for a balance between work and personal life. A collective agreement covering modifications and exclusions to the Regulations in respect of specific groups of workers has been made with the recognised trades unions and is held within HR and Customer Service.

## **SECTION 2: SCOPE**

This policy applies to all workers as defined under the Regulations. This document outlines the Council's agreed position on the Working Time Regulations with a summary of the Regulations shown at Appendix 1, including details of statutory rest periods and breaks.

## **SECTION 3: DEFINITION OF WORKING TIME**

The Council's definition of working time is as follows:

- When workers are working at an office, depot, Council building, or from home as an authorised activity
- When workers are engaged in work (as callout) regardless of where that work is performed e.g. some employees may be able to deal with whatever the business is on the basis of a short telephone call which does not require them to leave home, or a mobile phone may be provided and enquiries answered from the mobile. The minimum period of working time which will count for the purpose of interrupting the 11 hour rest period is that which counts for the payment of overtime.

Where there is more than one short call, all calls will be aggregated to count as Working Time; the last call acting as the trigger for interruption of the daily rest period.

Travel time (but only within the City boundary) will count as working time except where the activity is planned (e.g. evening meetings).

- When workers are called out and agree to work for any purpose, from the time they are called until such time as they may reasonably return home (unless home is beyond the City boundary, when time within the City boundary only, will count).
- When workers have to keep themselves available for work, but may be at home (on standby) provided they are required to turn out if called. Only time actually worked as callout will count as working time unless workers are standing by on the Council's premises.
- Travel time from home to first job of the day and from last job of the day to home where the individual is regarded as a mobile (peripatetic) worker with no fixed place of work.

The following is not classed as working time –

- Time spent on call.
- Breaks when no work is done, e.g. lunch breaks.
- Travelling outside of normal working hours.
- Unpaid overtime that has been volunteered for, e.g. staying late to finish something off.
- Paid or unpaid holiday.
- Travel to and from work (where the employee has a fixed place of work).

#### **SECTION 4: AVERAGE WEEKLY HOURS**

No worker will be required to work more than 48 hours on average per week, over the relevant reference period specified in section 5 below, unless an agreement has been entered into voluntarily by the worker through completion of the attached opt out in Appendix 2.

As the amount of hours worked by an individual are subject to health and safety considerations, the Council has no obligation to allow a worker to work more than the 48 hour average in the reference period even if they have opted out.

#### **SECTION 5: REFERENCE PERIOD**

The Council's standard reference period is 17 weeks for all workers. The only exception to this is in relation to specific categories of worker covered by

collective agreement where a reference period of 52 weeks applies, to allow for flexible working and continued provision of Council operations.

## **SECTION 6: PATTERN OF WORK**

Where the work is organised such that the pattern puts any worker's health and safety at risk, in particular because the work is monotonous or the work rate is pre-determined, the Council will ensure that the worker is given adequate rest breaks.

## **SECTION 7: COMPENSATORY REST**

'Compensatory rest' can apply to workers who undertake shift work, work in conditions that require flexibility (such as care work) or work under a collective agreement which has removed or changed rights to rest breaks for a group of workers under the Working Time Regulations.

Where a worker has not been able to take any or only part of their entitlement to a rest period under the Regulations the manager should offer the individual 'compensatory rest'. 'Compensatory rest' is a period of rest which is the same length as the period missed by the worker and is the period the person is away from work. 'Compensatory rest' should be taken within a reasonable period.

## **SECTION 8: ADDITIONAL WORK**

Employees are required, as part of their contractual conditions, to request permission from the Council to undertake any additional work, within or outwith the organisation so that the Council is able to meet its health and safety obligations under the Working Time Regulations and other legislation. The appropriate form of request is attached at Appendix 2 and is also on the Zone.

## **SECTION 9: DIRECTORS AND HEADS OF SERVICE**

Chief Officers' conditions of service are as agreed by the Joint Negotiating Committee for Chief Officials of Local Authorities (Scotland), which do not specify hours of work. Contractual basic hours of employment are 37 per week. However, the Council expects Chief Officers to work reasonable hours in order to carry out the duties of the post, taking into account the limit of 48 on average per week imposed on working time in the Regulations. Additional hours above 37 may be required, for example; to attend evening meetings to represent the service or Council; to travel to meetings outwith Aberdeen to represent the service or Council; to attend to managerial tasks including work planning and preparation and keeping up-to-date with professional issues.

Where it is established, by reference to a working time record, that an individual requires to work more than 48 hours per week, on average, to carry out the duties of the post, then a signed opt out agreement to do so will be sought and an appropriate record kept. Otherwise workloads will require to be managed appropriately in order that a maximum of 48 hours per week on average is worked during the reference period.

### **SECTION 10: NIGHT WORKERS**

Night time is defined as 11 p.m. to 6 a.m. as provided for in the Regulations. A night worker is a worker who regularly works at least three hours of his / her daily working time during night time and a record of those groups of workers deemed to be night workers is kept in each Service. There is a limit of an average of 8 hours in 24 hours, during the reference period, that a night worker can work, including regular overtime.

All current night workers are entitled to a regular medical assessment as well as those commencing night working. Workers will be asked to complete a medical questionnaire for assessment by the Council's Occupational Health provider.

Where a worker has a health condition, which is aggravated by night work, discussions will take place between the worker, manager and HR to determine the appropriate course of action with a view to resolving the situation.

### **SECTION 11: YOUNG WORKERS**

Young Workers are individuals who are no longer of compulsory school age but are under the age of 18. They will not normally be able to work more than 8 hours a day or 40 hours per week.

Young Workers will not be permitted to work at night (unless in exceptional circumstances) and will be afforded a 12 hour daily rest period, a 48 hour weekly rest period and also a minimum in-work rest break of 30 minutes, where the daily working time is more than four and a half hours.

### **SECTION 12: REVIEW OF THE POLICY**

HR and Customer Service will review this policy every three years. It will, nevertheless, be subject to continuous review and amendment in the light of experience of its operation, employment best practice and statutory requirements. Changes will only be put into effect following the normal consultation arrangements.

**SUMMARY OF WORKING TIME REGULATIONS****Adult Workers (18+)**

Weekly Hours – a maximum of 48 hours per week unless the worker has agreed in writing to opt out of the Working Time Regulations.

Rest break during working day – a 20 minute break must be given where daily working time exceeds 6 hours (it should be noted that a minimum unpaid 30 minute break applies in the Council).

Daily Rest – a worker is entitled to 11 consecutive hours rest in each 24 hour period during which work is done.

Weekly Rest – a worker is entitled to an uninterrupted 24 hours rest in each seven day period (or two 24 hour breaks in each 14 day period, or one 48 hour break in each 14 day period).

Night Work (11pm – 6am) – worker is limited to an average of 8 hours work in each 24 hour period during the reference period.

**Young Workers (individuals who are no longer of compulsory school age but under the age of 18)**

Weekly Hours – a maximum of 40 hours per week.

Daily Hours – a maximum of 8 hours per day.

Rest break during working day – a 30 minute break where daily working time exceeds 4½ hours.

Daily Rest - 12 consecutive hours rest must be given in each 24 hour period in which work is done, unless work periods are short or split up over the day.

Weekly Rest - 48 hours rest in each seven day period, uninterrupted unless work periods are short or split up over the day. This may be reduced in limited circumstances (but not to less than 36 hours).

Night Work (11pm – 6am) - no night work is permitted unless in exceptional circumstances.



**REQUEST TO UNDERTAKE ADDITIONAL WORK (INCLUDING STANDING ORDER 50 REQUESTS) / AGREEMENT TO WORK MORE THAN 48 HOURS PER WEEK**

**SECTION A** (To be completed by employee)

**Name:** \_\_\_\_\_ **Employee Ref No:** \_\_\_\_\_

**Job Title:** \_\_\_\_\_

**Service/Directorate:** \_\_\_\_\_

Please give details of proposed additional work/outside employment – days / hours to be worked, post, employer's name and business, duties involved:


I confirm that the proposed additional work/outside employment would not interfere with or impair my ability to carry out my duties as an employee of Aberdeen City Council and will not be in competition with or cause a conflict of interest with the Council.

Where this arrangement means that I may work more than an average of 48 hours per week over a 17 week reference period, I am willing to sign agreement to this.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Request discussed with Line Manager**

**Supported/Not Supported (delete the option that is not appropriate)**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

Reason(s) for not supporting, if applicable


**SECTION B** (to be completed by the Head of Service or Director)

In my view, the proposed additional work/outside employment would not interfere with or impair the ability of the employee mentioned under Section A above to carry out the duties of his/her job and would not be in competition with or cause a conflict of interest with the Council.

**Signed:** \_\_\_\_\_

**Job Title:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**SECTION C** (To be completed by the Head of HR and Customer Service – Corporate Governance)

I approve the request from the employee mentioned under Section A above to take up additional work/outside employment as detailed in Section A.

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Head of HR and Customer Service  
(Corporate Governance)**

Once this form is authorised, a copy will be placed into the employee's personal file, with a copy being returned to the employing Service for the employee to be informed.

***It is the responsibility of the individual employee to ensure that appropriate rest periods, as laid down in the Working Time Regulations, are taken where possible. Please ensure the agreement below is signed if the number of hours worked over all working arrangements, on average over a 17 week reference period, will exceed 48 hours per week.***

**SECTION D** (to be signed by the employee and recorded on the personal file)

**Opt-out agreement - Working Time Regulations**

I \_\_\_\_\_ (name) agree that I may work for more than an average of 48 hours a week. If I change my mind, I will give my employer one month's notice in writing to end this agreement.