

## **Working Time policy**

The Working Time policy required review in order to bring it up-to-date with existing legislation and current practice in the Council.

The Committee approved on 19 April the revised version of the Working Time policy to replace the existing policy which applies to all employees and workers in the Council.

### **Changes made**

The changes made to the policy as a result of the review are:-

- Under Section 1, amendments have been made to the policy statement to make it clear that the Council will adhere to its statutory responsibilities and to bring the wording up-to-date. A line has been added to the statement to indicate that the Council seeks to ensure that workers do not exceed reasonable working hours to provide for a balance between work and personal life. Reference has also been made to the amendments to the Working Time Regulations since their introduction.
- Under Section 3, 'Definition of Working Time', a bullet point has been added to the list to reflect a recent piece of case law whereby travel time from home to first job of the day and from last job of the day to home, where the employee is a mobile worker with no fixed place of work, is regarded as working time.
- Under Section 3, the bullet point referring to employees who are required to 'sleep in' has been removed as this is no longer relevant in the Council with these arrangements having been replaced several years ago with what is referred to as 'waking nights'.
- Under Section 3, a list of bullet points has been added giving details of what is not classed as working time.
- Under Section 4, mention of the collective agreement in relation to reference period has been removed and replaced through indicating that the reference period detailed under Section 5 of the policy will apply. Also, a line has been added giving clarity that the employee would need to complete the relevant form (at Appendix 2 of the policy) where they wished to opt out of the maximum 48 hour working week. The line referring to those groups of workers where such agreement is required will be subject of consultation at a service union/management committee as and when required has been removed, as this is not required.
- Under Section 4, a paragraph has been added making it clear that as the amount of hours worked by an individual are subject to health and safety considerations, the Council has no obligation to allow an employee to work more than the 48 hour average in the reference period even if they have opted out.

- Under Section 5, the standard reference period for all workers has been changed from 52 to 17 weeks, with the only exception to this in relation to specific categories of worker covered by collective agreement where a reference period of 52 weeks applies. This change is to reflect the provisions of the Working Time Regulations which permit the extension of the reference period to a maximum of 52 weeks for objective, technical reasons or reasons concerning the organisation of work in relation to particular workers or groups of workers.
- A new paragraph has been added as Section 7 on 'Compensatory Rest' indicating that 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. It then gives details on the arrangements that should apply where an employee has been unable to take any or part of their entitlement to a rest period.
- Under Section 8, 'Additional Work', a line has been added to indicate that the form for requesting permission to undertake any additional work within or out with the Council is at Appendix 2 of the policy and also on the Zone.
- Under Section 10, 'Night Workers', a line has been added indicating that there is a limit of an average of 8 hours in 24, during the reference period, that a night worker can work including regular overtime. In addition, the words 'the position will be reviewed every three years' have been removed in relation to medical assessments for night workers, with night workers entitled to a regular medical assessment and with this stated in the paragraph.
- Under Section 10, the sentence on where a worker has a health condition which is aggravated by night work has been changed with the line removed about being 'offered a transfer to day work, where possible' and replaced with 'discussion will take place between the worker, manager and HR to determine the appropriate course of action with a view to resolving the situation'.
- Under Section 11, 'Young Workers', a definition has been included and a line added indicating that they will not normally be able to work more than 8 hours a day or 40 hours per week.
- A new appendix has been included as Appendix 1, giving a summary of the Working Time Regulations, which includes details of statutory rest periods and rest breaks.
- Relevant updates have been made to the 'Request to Undertake Additional Work/Agreement to Work More than 48 Hours per Week' form at Appendix 2 of the policy.
- In general, the paragraphs in the document have been re-ordered to make it easier to read.