

Human Resources

Working Time Regulations



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1.0 Introduction

This document provides guidance on the limits on working time and the entitlements provided for in the Working Time Regulations 1998 (as amended). It gives general guidance only and should not be regarded as a complete or authoritative statement of the law.

2.0 Scope

This policy and guidance note covers all employees of Chelmsford City Council. It also covers agency workers and those on work experience.

3.0 Compliance

Directors of Service and line managers are responsible for monitoring each employee's working hours to ensure compliance with the Working Time Regulations.

Under the Regulations, Managers must make sure that employees can take their rest but are not required to make sure they do take their rest.

An employee's average working week must be monitored by Services on a regular basis and should be calculated over a 17 week period (see examples in Appendix 1).

4.0 Working Time

The Working Time Regulations state that working time is when someone is 'working at his/her employer's disposal and carrying out his/her activity or duties.'

4.1 Working Time includes:

- Travelling where it is part of the job
- Working lunches
- Job related training
- Paid and unpaid overtime
- Time spent on-call at the workplace

4.2 Working Time does not include:

- Breaks when no work is done, such as lunch breaks
- Normal travel to and from work

- Time spent on-call away from the workplace
- Evening and day-release classes not related to work
- Travelling outside of normal working hours
- Unpaid overtime that has been volunteered for
- Paid or unpaid holiday

4.3 Young Workers

A young worker is someone under 18 but over the school leaving age. Young workers may not normally work more than eight hours a day or 40 hours per week. The hours cannot be averaged out for young workers.

4.4 The Weekly Maximum Working Hours

Adult workers cannot be forced to work more than 48 hours a week on average – this is normally averaged over 17 weeks.

5.0 Statutory Rest Breaks

5.1 Rest breaks

These include lunch breaks and other short breaks in the day and are detailed in your contract of employment. A 20 minute break must be given when working more than 6 hours. The Council's policy is for a minimum of 30 minutes and Managers must ensure that staff take this statutory break.

5.2 Daily Rest

An adult employee is entitled to a break of at least 11 hours between working days.

A young worker is entitled to 12 uninterrupted hours in each 24 hours period in which they work.

5.3 Weekly Rest

An adult employee is entitled to either an uninterrupted 24 hours clear of work each week or 48 hours clear each fortnight. The Council's policy is for staff to work for five days a week.

A young worker is entitled to two days off each week. This cannot be averaged over a two-week period and should normally be two consecutive days.

6. 0 Opting-out of the 48 hour working week

Employees over 18 who wish to work more than 48 hours per week can opt-out of the 48 hour limit. The proforma in Appendix 2 should be completed and returned to Human Resources.

Employee's can cancel their opt-out agreement whenever they want by giving 7 days notice to Human Resources.

Young workers are not permitted to opt-out under the Regulations.

7. 0 Working two different jobs

If a CCC employee works for more than one employer then the amount of combined hours should not exceed the 48 hour limit otherwise an opt-out agreement should be signed.

Appendix One – Calculation of average number of hours

If the employee is away during the 17 week reference period because he or she is taking paid annual leave, maternity, paternity, adoption or parental leave, or is off sick you will need to make up for this time in your calculation. Do this by adding the hours worked during the days which immediately followed the 17-week period – use the same number of days as those when work was missed.

Example 1:

A worker has a standard working week of 37 hours and does overtime of 12 hours a week for the first 10 weeks of the 17-week reference period. No leave is taken during the reference period.

The total hours worked is:

17 weeks of 37 hours and 10 weeks of 12 hours of overtime

$$(17 \times 37) + (10 \times 12) = 749$$

Therefore their average (total hours divided by number of weeks):

$$749 \text{ hours} / 17 \text{ weeks} = 44 \text{ hours}$$

Example 2:

A worker has a standard working week of 37 hours (7 hours 24 minutes per day) and builds up an additional 8 hours a week on the time and attendance system for the first 12 weeks of the 17-week reference period. 4 days' leave are also taken during the reference period.

The total hours worked in the reference period is:

16 weeks and 1 day (37 hours a week and 7 hours 24 minutes a day) and 12 weeks of 8 additional hours built up on the time and attendance system.

$$(16 \times 37) + (1 \times 7 \text{ hours } 24 \text{ minutes}) + (12 \times 8) = 695 \text{ hours and } 24 \text{ minutes}$$

Add the time worked to compensate for the 4-day leave, taken from the first 4 working days after the reference period. The worker does no overtime, so 4 days of 7 hours 24 minutes (4 x 7hrs 24 minutes = 29 hours 26 minutes) should be added to the total.

Therefore their average is (total hours divided by number of weeks):

$$695 \text{ hrs } 24 \text{ minutes} + 29 \text{ hrs } 26 \text{ minutes} = 754 \text{ hrs } 50 \text{ minutes} / 17 \text{ weeks} = 44.4 \text{ hours per week.}$$

In both these examples the average limit of 48 hours have been complied with.

Appendix Two – Opt-out proforma

Name

Section/Service

I agree that I may work for more than 48 hours per week. If I change my mind, I will advise Chelmsford City Council between 7 days and 3 months notice in writing to end this agreement.

Signed

Dated

Version Number	Creation Date	Changes Made	Changes Made By:	Authorised/Checked?	Date of Changes
1.4	Nov 2011	Replaced two ticks with disability confident	HR Team	Y	Oct 2016
1.3	Nov 2011	Rebranded to City	HR Team	Y	Sept 2012
1.2	Nov 2011	Amended 5.1 Statutory rest breaks as per Audit recommendations	HR Team	Y	21/06/2012

