

HR & OD POLICIES

human resources and organisational development



Working Time Policy

1. POLICY STATEMENT

Introduced in 1998, the UK Working Time Regulations established legal limits relating to weekly working time, rest periods and annual leave, with special provisions for the protection of night workers and young people at work. This policy details Aberdeenshire Council's approach towards compliance with these regulations.

Aberdeenshire Council is committed to fulfilling its duty to ensure the Health and Safety of its workers, and is aware of the implications of and its responsibilities under Health and Safety legislation.

The Council aims to ensure that all workers recognise, understand and comply with their Health and Safety responsibilities.

2. SCOPE OF POLICY

The following are defined as workers and are covered by the relevant regulations covered within this policy:

- Employees
- Non-employed trainees
- Contractors providing a service as an integrated part of a Council team or service, who are paid by the Council

The following are not covered (either no Working Time provisions apply, or it is not the responsibility of the Council to ensure compliance):

- Volunteers
- Self Employed Persons
- Councillors
- Agency Workers* (where the individual's contract is with an agency and the agency pays the individual)
- Independent contractors*

*Unless the person is also a worker for the Council as described above.

3. RESPONSIBILITIES

Line Manager Responsibilities

- To ensure that the Regulations outlined in this Policy and Procedure are adhered to at all times and ensure that staffing rotas are Working Time Regulations compliant.
- To ensure workers are made aware of this policy and understand their responsibilities in relation to it.
- To monitor the working hours of their workers to ensure that they are not in breach of the policy.
- To keep appropriate records pertaining to hours worked and leave taken by their workers.
- To ensure that workers are given the opportunity to take appropriate rest periods and breaks to reduce the risk of fatigue, loss of concentration and associated stress.
- Where a line manager is uncertain as to the application of any aspect of the Regulations, they should contact senior management for further clarification in the first instance.

Worker Responsibilities

- To ensure they take appropriate rest breaks in agreement with their line manager and in line with this policy.
- To inform their line manager of any additional employment and the hours they work including other employment outwith the council.
- To make their manager aware if they believe that their working pattern is in breach of this policy.
- Where a worker is uncertain as to the application of any aspect of the Regulations, they should contact their line manager for further clarification.

HR Responsibilities

- To ensure this policy is kept up-to-date in accordance with current employment legislation.

- To provide advice and guidance to managers and employees on the appropriate implementation of the Working Time Regulations.

4. PRINCIPLES

As an employer Aberdeenshire Council must abide by the relevant Regulations. It is important to note however that compliance with the Regulations does not of itself mean that working arrangements are safe, and that due attention must be paid to the requirements of other legislation such as the Health and Safety at Work Act 1974 and the Management of Health and Safety Regulations 1999 (as amended).

Overall responsibility for managing workers' health and safety rests with Directors. Managers are expected to review working arrangements within their Service against the requirements of the relevant Working Time Regulations.

All workers have a duty to take reasonable care for their health and safety and that of others who may be affected by their actions, and to co-operate with the Council to enable it to fulfil its health and safety responsibilities (For further information refer to [Aberdeenshire Council's Health and Safety Policy](#)).

Managers must review their employees' working arrangements to determine whether they comply with the Working Time Regulations. Limits on weekly work, entitlement to rest breaks, night work, health assessments for night workers and record keeping must be considered.

If there is a standard working pattern (e.g. rota) this should be reviewed in the first instance. However it is also necessary to consider each individual, particularly where additional hours or overtime are worked, or the person has more than one job.

Where an individual has more than one post with the Council, their managers must liaise as necessary to establish whether the overall hours and pattern comply with the Regulations.

5. RELATED LEGISLATION

There are two sets of legislation on Working Time, the Working Time Regulations and the Road Transport (Working Time) Regulations. It is important to determine which Regulations apply in respect of each individual (please refer to the [Mobile Workers guidance document](#)).

The Working Time Regulations

The Working Time Regulations came into effect in October 1998 and have been subject to various amendments since. The aim of the legislation is to protect workers' Health and Safety by imposing requirements concerning issues such as maximum weekly working time, night work limits, entitlement to rest breaks and annual leave. Some of the provisions allow for exceptions where agreements can be made to modify or exclude their application. Various groups are excluded from full application of the Regulations, whereas "young workers" (over school-leaving age but not yet 18) are given additional protection in many areas.

The Road Transport Working Time Regulations

The Road Transport (Working Time) Regulations 2005 came into effect on 4th April 2005. They implement European Directive 2002/15/EC, and apply to mobile workers excluded from much of the Working Time Regulations. These workers are principally drivers and crew of heavy goods vehicles or certain passenger vehicles. The aim of the legislation is to protect workers' Health and Safety by imposing requirements concerning issues such as maximum weekly working time, rest breaks and night work.

Drivers' Hours Rules

Drivers covered by the Road Transport (Working Time) Regulations 2005 will also be subject to the European Drivers' Hours Rules (Regulation (EC) No.561/2006 - which details driving time limits and rest break requirements), in addition to certain provisions within the Working Time Regulations.

Drivers who are not covered by the Road Transport (Working Time) Regulations 2005 are likely to be subject to the Domestic Drivers' Hours Rules (which detail daily driving and daily duty limits), in addition to certain provisions within the Working Time Regulations.

This document relates to the Working Time Regulations.

6. ENFORCEMENT

Individuals should direct initial queries to their line manager. If uncertainty remains regarding the advice given an employee can contact askHR, ACAS can also help with issues around time off, rest periods, annual leave and other general employment information. ACAS can be contacted on 0300 123 1100. Employees who are unsatisfied with any of these issues may complain to the employment tribunal.

The HSE is responsible for enforcing the maximum weekly working time limit, night work limits and health assessment for night workers. The Driver and Vehicle Standards Agency (DVSA) have the responsibility for enforcing these issues for mobile workers referred to above.

7. LINKS TO OTHER POLICIES

This policy should be read in conjunction with other relevant policies as appropriate, e.g. [Health, Safety and Wellbeing Policies and Procedures](#), [Trade Union Recognition, Consultation and Negotiation Policy and Procedure](#).

For further advice and guidance on any of the above, please contact askHR on 01467 534400 or askHR@aberdeenshire.gov.uk

Working Time

Index of Documents

Policy

| Revision Date | Previous Revision Date | Summary of Changes |
|---------------|------------------------|---|
| 01-04-2010 | - | Creation of all documents |
| 23-09-2014 | 01-04-2010 | Revision to Procedure layout, various revisions to Procedure and Policy wording |
| 23-03-2015 | 23-09-2014 | Restructure of Procedure, various re-wordings to increase clarity |
| 08-01-2018 | 23-03-2015 | Updated Fact Sheet Rest Breaks, electronic Rest Break Compliance Form implemented, removal of postal address from documents |
| 30-08-2019 | 08-01-2018 | Removed reference to EMIS Form and replaced with wording Employee Form |

Distribution

The approved versions of these document are distributed to:

| Name | Title |
|--------------|--|
| Arcadia | My Job / HR Policies & Procedures / Working Time |
| Arcadia Lite | HR & OD Policies > Working Time |

Any copies of these documents outwith the distribution list above is uncontrolled.