

HR & OD POLICIES

human resources and organisational development



Working Time Procedure

This procedure provides a summary of the limits on Working Time and the entitlements provided for in the Working Time Regulations 1998. The Regulations implement the EC Working Time Directive and Working Time elements of the Young Workers Directive.

This part of the procedure is to be used as a directory with detailed information located within the applicable guidance documents.

Key Points:

The main provisions for employees, with certain exceptions and modifications:

- a maximum of 48 hours on average per week, including overtime.
- a minimum daily rest period of 11 consecutive hours.
- an uninterrupted rest period of 24 hours in each 7 day period, averaged over 14 days (ie 2 separate 24 hour breaks or 1 48 hour break).
- a minimum 20 minute in-work rest break where the daily working time exceeds 6 hours.
- a maximum of 8 'normal' hours of night work on average per 24 hour period.
- a free health assessment before, and at regular intervals after, commencing night work.
- a right to transfer from night to day work, where possible, if health problems related to night work arise.

Some special provisions apply to **young workers** (workers who are over the minimum school leaving age but under 18 years of age):

- a maximum of 40 hours per week (not averaged), including overtime.
- a maximum of 8 hours per day.
- a minimum daily rest period of 12 consecutive hours, unless the periods are short or split up over the day.
- an uninterrupted rest period of 48 consecutive hours during **each week** they work, unless the periods are short or split up over the day.
- a minimum 30 minutes in-work rest break where the daily working time exceeds 4 ½ hours
- Generally not allowed to work between 10pm and 6am (or 11pm and 7am if the contract involves work after 10pm).

Further information can be found within the [Young Workers guidance document](#).

[Night work limits](#) do not apply to mobile workers and instead of [daily, weekly and in-work rest breaks](#), mobile workers are entitled to adequate rest. Mobile Workers who are also Young Workers must still receive daily, weekly and in-work rest break provisions, and night work limits still apply.

Further information can be found within the [Mobile Workers guidance document](#).

Working Time

NB: These lists are illustrative and not exhaustive

- Contractual hours, additional hours worked, overtime worked.
- Working breakfasts, working lunches, working dinners and evening events for work.
- Time spent attending to call-outs, whether individual was on standby or not (initiated from the point call-out received, up to time of return).
- Time spent on standby at a place of work (e.g. sleep-ins).
- Travel time required within the working day (e.g. travelling between base and meetings or where a worker has no usual place of work, time spent travelling from and to home for the first and last customer visits of the day).
- Time spent attending 'approved' training (which, under the Council's [Learning and Development Policy](#), is training an employee is required to attend due to the needs of the organisation).
- Time spent attending some 'supported' training (which, under the Council's [Learning and Development Policy](#), is training undertaken in agreement with an individual's line manager that is not essential for work performance but may enhance knowledge, skills or behaviours in the job or in preparation for future career changes).

Not Working Time

NB: These lists are illustrative and not exhaustive

- Travel to or from an individual's normal workplace and home (*).
- Rest breaks or periods where no work is undertaken, including times when an individual is required to stay away from home overnight e.g. due to a work related event such as a conference.
- Time spent travelling outside normal working time.
- Time spent attending some 'supported' training (which, under the Council's [Learning and Development Policy](#), is training undertaken in agreement with an individual's line manager that is not essential for work performance but may enhance knowledge, skills or behaviours in the job or in preparation for future career changes) e.g. time off for re-sits relating to training.
- Non-job related training.
- Time spent on standby or on-call away from the workplace.
- Voluntary work (e.g. activities as member of Children's Panel).
- Periods where an employee is on leave e.g. sickness absence, annual leave.

(*) Travel time in respect of which the employee is paid salary or hourly rate counts as working time. NOT all time spent will incur paid mileage, please refer to the [Travel & Subsistence Procedure](#) for further guidelines relating to this.

[Maximum Weekly Working Time – The 48 Hour Limit](#)

Please refer to this guidance document to find out:

- How average weekly working time is calculated, including a worked example.
- Possible solutions if an individual exceeds the 48 hour average but does not opt-out.

The 48 hour average does not apply to Young Workers. Young workers are only permitted to work a maximum of 40 hours per week (Monday to Sunday) and 8 hours per day.

[Opting out of the 48 hour Limit](#)

Please refer to this guidance document to find out:

- Points which need to be considered and steps which need to be followed before an individual opts out of the maximum weekly working time limit.

Young Workers may not opt out of Maximum Weekly Working Time.

[Rest Breaks](#)

Please refer to this guidance document to find out:

- Details of in-work rest breaks.
- Details of daily rest breaks.
- Details of weekly rest breaks.
- Details of specific regulations regarding rest breaks for younger workers.
- Possible solutions when it is found rest breaks or compensatory rest cannot be given.

[Compensatory Rest](#)

Please refer to this guidance document to find out:

- How compensatory rest should be given.
- Examples of compensatory rest.

- What can be done when exceptional circumstances mean compensatory rest cannot be taken.

[Checking Rotas for Compliance](#)

Please refer to this guidance document to find out:

- How rotas can be checked for compliance with the Working Time Regulations, including a worked example.

[Employees with Multiple Posts](#)

Please refer to this guidance document to find out:

- Things to consider when an employee holds multiple Council posts.
- Things to consider when an employee holds additional posts outwith the Council.
- Detail of 'A Conflict of Interest'.

[Young Workers](#)

Please refer to this guidance document to find out:

- The definition of a young worker.
- The maximum hours that can be worked per day and per week for young workers.
- Details of times over which young workers are prohibited to work.
- Rest break entitlements for young workers.
- Exceptions relating to younger workers.

[Night Workers](#)

Please refer to this guidance document to find out:

- The definition of a night worker.
- The maximum hours per week that can be carried out by a night worker.
- Health assessments that should be undertaken by night workers.
- How to calculate average hours for a night worker.
- Possible solutions when it is found night work limits are not being complied with.

Young workers may not work during the restricted period (generally 10pm – 6am) except in limited circumstances – detailed within [Exceptions and Collective Agreements guidance document](#).

[Mobile Workers](#)

Please refer to this guidance document to find out:

- The definition of a mobile worker.
- Which regulations apply to mobile workers.
- Night work limits and rest periods that apply to mobile workers.

[On-Call Arrangements](#)

Please refer to this guidance document to find out:

- The definition of stand-by.
- How working time is accrued during stand-by.
- The definition of call-out.
- How working time is accrued during call-outs.
- The definition of sleep-in's.
- How working time is accrued during sleep-in's.

[Exceptions and Collective Agreements](#)

Please refer to this guidance document to find out:

- Various provisions that can be modified or excluded under specific circumstances.
- Situations where a number of regulations may not apply.
- Details of shift workers and rest breaks.
- Information on Collective Agreements.

Record Keeping

Please refer to this guidance document to find out:

- Which records may be reviewed to check if an individual's working pattern is complying with working time.
- Where these records are stored.
- How long these records need to be stored for.

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

Procedure

Revision Date	Previous Revision Date	Summary of Changes
01-04-2010	-	Creation of all documents
13-06-2011	01-04-2010	In Work Rest Breaks briefing added
22-05-2012	13-06-2011	Updated Compensatory Rest information
14-08-2013	22-05-2012	Amended information relating to Night Workers' Health Questionnaire
07-04-2014	14-08-2013	Replacement Night Workers' Questionnaires
23-03-2015	07-04-2014	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

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