



Working Time Directive Policy

Policy Reference:		HR42	
Effective date:	Feb 2020	Review date:	Feb 2023
Approved by SLT:	Jan 2020	Approved by BoM:	Feb 2020
Approved Unite	Feb 2020		
Owner:	Walter Kane	Job Title:	Head of People & Organisational Development
To be issued to:		ARK Management All Staff Unite the Union	
Method of Delivery:		Policy Briefing Sheet	

Version Control

Date	Owner	Version	Reason for Change
January 2020 2019	Walter Kane	V1.0	New Policy

Summary of Changes

Section	Change		
All	This is a new policy		



Working Time Directive Policy

Contents

1.0 ARKs Values	3
2.0 Introduction	3
3.0 Purpose	3
4.0 Scope	4
5.0 Legal/Regulatory Framework	4
6.0 Responsibilities	4
6.1 Board of Management	4
6.2 Executive Team	4
6.3 Senior Leadership Team	4
6.4 Managers	4
6.5 All Staff	4
7.0 Working Time Directive	5
7.1 Working Time	5
7.2 Calculating Working Time	5
7.3 What is not included in calculating working time	5
7.4 Rest Breaks	6
7.5 Compensatory Rest	6
7.6 Enforcement	6
7.7 Opt-Out	6
7.8 Record Keeping	7
8.0 Equality Impact Assessment (EIA)	7
9.0 Data Protection Impact Assessment (DPIA)	7
10.0 Stakeholder Consultation	7
11.0 Monitoring and Review	7
11.1 Monitoring	7
11.2 Review	8

1.0 ARKs Values

1.1 Subheading

Our organisational values are the basis for everything that we do, from providing housing, care and support to tenants and service users to ensuring that staff have clear standards of performance set. ARK believes that everyone should have the opportunity to lead a happy, healthy and safe life. We value:

- The worth of each person
- Trusting relationships
- Understanding difference
- Challenging oppression
- Personal and organisational accountability
- Caring for our physical environment
- Enjoyment

All ARK policies and procedures are underpinned by our values and we will ensure that our employees are treated fairly, consistently and in line with our values.

2.0 Introduction

ARK Housing is committed to managing the health and safety of employees and monitoring their working hours.

The Working Time Regulations 1998 were introduced on the 1st of October 1998 and provide the minimum conditions relating to weekly working time, rest entitlements, annual leave and make special provision for working hours and health assessments for night workers. The regulations also implement provisions of the Young Workers Directive that relate to working time for adolescents between school leaving age and 18 years of age

3.0 Purpose

ARK recognise that it is important to ensure that the organisation complies with the requirements of the Working Time Regulations, by protecting the health and safety of employees from the risk of working excessive hours. It is important to ARK that all employees are aware of, and understand the Working Time Regulations and how they affect them personally. This Policy sets out the entitlements of employees, what records must be kept and, identifies how the entitlements within the Regulation are to be applied

4.0 Scope

This policy applies to all ARK employees including temporary and relief staff.

5.0 Legal/Regulatory Framework

Working Time Regulations 1998

6.0 Responsibilities

6.1 Board of Management

ARK's Board of Management is responsible for consideration and approval of this policy.

6.2 Executive Team

ARK's Executive Team is responsible for ensuring that this policy is reviewed in accordance with ARK's schedule for review of policies.

6.3 Senior Leadership Team

ARK's Senior Leadership Team is responsible for review of the policy, and for ensuring that relevant measures are put in place in order to implement its requirements.

6.4 Managers

ARK Managers will be responsible for the effective implementation of this policy. They must also ensure that each member of their staff, through induction and e-learning, is made aware of this policy.

6.5 All Staff

All ARK employees are required to familiarise themselves with this policy.

In general, the informal and formal stage of the procedure will take place between the staff member and his or her immediate line manager. A table outlining to whom employees should raise their grievance is provided in Appendix 1.

There are three sets of circumstances, however, in which the normal pattern may be modified:-

7.0 Working Time Directive

7.1 Working Time

The weekly working time for each employee should not exceed an average of 48 hours over a 17 week reference period.

Working time is defined as the time in which the employee is carrying out their duties and is at the employers disposal, any training undertaken by the employee which is relevant to their post or in preparation for promotion or transfer is also included in the calculation of working time.

If an employee has secondary employment, they must make ARK aware, as all hours worked for the secondary employer is also included in the calculation.

When outside of the workplace time spent responding to telephone calls, and work taken home at the request of the employer will be included in the calculation

7.2 Calculating Working Time

The calculation for Working Time is the average of all hours worked during the 17 week rolling reference period.

The calculation will include all hours worked for ARK including overtime, also all hours worked during secondary employment.

Time spent on an employer's premises for a standard sleep-over counts as working time for the purpose of the working time regulations. Organisations such as ARK who provide essential 24 hour care are exempt from daily rest requirements, although we still have to provide workers with "compensatory rest", which should be taken as soon as possible after a shift ends.

As shift patterns often work in clusters enabling multiple days off in a row we comply with the regulations by allowing workers to take the compensatory rest period straight after the shift ends.

7.3 What is not included in calculating working time

There are a number of days which are not part of the calculation of the average working week, these are known as Excluded Days:

- Annual leave
- Sickness Absence

- Maternity, Paternity, Parental or Adoption leave
- Jury Duty

None of the above are included in the calculation.

7.4 Rest Breaks

After working for a period of 6 hours continuously all employees are entitled to a 20 minute break from work.

In addition all employees are entitled to the following rest breaks:

- 11 hours of uninterrupted rest between shifts in any 24 hour period (a 24 hours period does not necessarily run from midnight to midnight)
- 24 hours of uninterrupted rest between shifts in any 7 day period (working week).

When these breaks cannot be taken or the break is interrupted due to the needs of the service the remaining time off will be given at an alternative time. This is known as compensatory rest periods.

Night Workers are those employees who normally work at least 3 hours of their daily work between the hours of 11pm and 6.00am.

Night Workers must not work more than an average of 8 hours in each 24 hour period Employees who wish to opt out need to complete an opt out form if they wish to be exempt from the Working Time Directive.

7.5 Compensatory Rest

There may be some circumstances where an employee is required to work during what would be their rest period, where this occurs the employee may have to take a rest break later. This rest break is known as compensatory rest and should be the same length of time as the break or part of the break the employee has missed.

7.6 Enforcement

Where employees are not taking sufficient breaks we will proactively encourage employees to take breaks, therefore we must ensure that workers can take their rest periods or breaks.

7.7 Opt-Out

In normal circumstances ARK does not require employees to work in excess of an average of 48 hours per week. However employees have the choice to 'opt out' of the Working Time Regulations this allows the employee to exceed the average 48 hour working week

If an employee chooses to opt out they will be asked to complete a Working Time Opt-Out Declaration stating they agree to opt out of the average 48 hour working week. Where an employee has chosen to opt-out of the regulations the agreement will remain in force unless the employee or ARK terminates the agreement providing a minimum of 4 weeks in writing.

7.8 Record Keeping

Where an employee has entered into an opt-out declaration there is no requirement to keep records of the working hours, however a list of all employees who have opted out will be retained and updated as necessary.

For all other employees a record of the hours worked within the 17 week average reference period will be recorded to ensure ARK are complying with the regulations.

Records relating to the Working Time Regulation will be retained for a period of two years after which they will be securely destroyed.

8.0 Equality Impact Assessment (EIA)

No potential equalities issues have been identified in relation to the review of this policy, or the process which supports it. The policy and process have been designed to ensure equality of access to all employees, irrespective of protected characteristics. Consequently an EIA has not been completed in relation to this policy review.

9.0 Data Protection Impact Assessment (DPIA)

A DPIA has been completed in relation to the development of this policy, and is attached.

10.0 Stakeholder Consultation

This policy was circulated for comment and feedback to the following groups, prior to approval.

- ARK Board of Management;
- ARK Executive Team; ARK Senior Leadership Team;
- Unite the Union.

11.0 Monitoring and Review

11.1 Monitoring

ARK's line managers will monitor implementation of this policy on an ongoing basis for their direct reports.

11.2 Review

This policy will be reviewed within 3 years from the date of approval by our Board of Management, in accordance with ARK's policy review framework.