



POLICY CONCERNING WORKING TIME REGULATIONS

INTRODUCTION

The Working Time Regulations, which came into force on 1 October 1998, give rise to new rights and obligations relating to work and rest from work. The principle provisions are for:

- a limit on the working week of 48 hours, averaged over 17 weeks
- a limit on night workers' average daily working time to 8 hours
- a requirement to offer health assessments to night workers
- entitlement to an uninterrupted 20 minute rest break after 6 hours continuous work
- entitlement to a rest period of 11 consecutive hours between each working day
- entitlement to an uninterrupted rest period of not less than 24 hours in each 7 day period
- entitlement to at least 3 weeks paid annual leave, rising to 4 weeks after 23 November 1999.

The Regulations also implement provision of the young workers' directive relating to the working time of adolescents [those over school leaving age but under 18]. They give adolescents rights that differ from adult workers.

Further information can be found in **A Guide to Working Time Regulations** from the Department of Trade and Industry (DTI).

A. POLICY

- 1 The Working Time Directive (WTD) outlines minimum requirements for the organisation of working time in order to protect the health and safety of employees. Mind in Croydon supports this aim of the WTD and is committed to implementing it.
- 2 Mind in Croydon requires individual employees to continue to manage their time effectively and thus comply with the general requirements of the WTD.
- 3 When flexibility of working is required in order to meet client need Mind in Croydon will negotiate a workplace agreement with the relevant group of employees. Once negotiated these agreements will be for a fixed period of time only and will not exceed 5 years. Any such agreements will be in writing and will be signed by all the individuals agreeing to it.
4. Individuals may if they wish negotiate their own agreement with Mind in Croydon, subject to the provisions of the Procedures Section of this policy.
- 5 While certain Mind projects are exempt from certain sections of the WTD (for example Rest Periods and Night Working) Mind will do its best wherever possible to comply with these sections of the WTD.

B. PROCEDURES

B.1 Working Hours

- 1.1 The maximum weekly contractual hours for Mind in Croydon employees are 36.

- 1.2 Hours actually worked over a 7 day period beginning at midnight on Sunday must not exceed 48 hours (averaged over 17 weeks).
- 1.3 Besides what is ordinarily classed as working time the definition will include:
- 'On-call' time, but only that time when the employee is giving advice or information on the telephone, responding to a 'call-out' or writing up a record of call-out action
 - Participation in training courses
 - Working at home with line manager's specific approval
 - Visiting clients' homes as part of work
 - Additional travel over and above travel to and from a designated place of work
 - On holiday with clients, excluding sleeping time and any rest breaks (compensatory time off will be given)
 - On outings with clients
 - Unpaid overtime
- 1.4 Day care employees will normally work an average of 144 hours over a four-week period, according to a rota.
- 1.5 The average working time over a seven day period will be averaged over a 17 week period. It must exclude periods of paid annual leave, maternity leave or sick leave.
- 1.6 If an employee's average hours exceed the 48 hours maximum urgent action will be taken by the employee's manager, in co-operation with the employee, to reduce the hours to an acceptable level.
- 1.7 Individual employees may voluntarily opt out of the requirements regarding working hours, subject to the permission of their line manager. This may be withheld in the interest of the employee's welfare. Any opt out must be agreed in writing by both parties. An employee who opts out must give 12 weeks notice in writing if they wish to revert to the weekly hours limits.
- 1.8 Mind's contract of employment requires employees to inform the employer of any other employment undertaken [para.21]. If the hours worked in addition to the employee's work for Mind in Croydon are likely to put the employee's total average weekly working time above the 48 hour limit the employee will be required:

either to reduce the hours worked in the other employment
or to surrender their existing contract with Mind in Croydon and to renegotiate a new contract with Mind which will provide for reduced hours. In this case Mind reserves the right to refuse to enter into a new contract if it is considered that the duties of the post concerned cannot be carried out in the hours proposed by the employee.

B.2 Overtime

- 2.1 Employees who work beyond their contractual hours or rostered commitment are encouraged to take time off in lieu (TOIL) in the ensuing 90 days by agreement with their line manager. If this is not possible overtime may be reimbursed in accordance with the provisions of the Contract of Employment for Mind in Croydon employees [section 10]. Employees are reminded that overtime undertaken by permanent full-time employees must not exceed 12 hours in any week.
- 2.2.1 Compensatory leave will be given to employees who have accompanied clients on holiday, the amount to be agreed between the employee and the line manager.

B.3 Rest Periods

- 3.1 Employees are entitled to 11 consecutive hours' rest between working days. [E.g an employee who finishes work at 10 p.m. should not be scheduled for work the next day before 9 a.m.]
- 3.2 Employees are entitled to 24 hours off work in each seven day period or (for day care employees) two 24 hour periods in each 14 days.
- 3.3 Employees working 6 hours or more in a day are entitled to an uninterrupted 20 minute rest break. If taken this must be a complete break from work activities and must not be taken at the beginning or end of a shift.
- 3.4 Rest breaks are not compulsory for the employee and are unpaid. In the case of day care employees who wish to take rest breaks shifts will be adjusted accordingly.
- 3.5 Arrangements for taking rest breaks must be cleared either generally or specifically with the employee's line manager. Arrangements will vary according to the Mind in Croydon project concerned.

B.4 Paid Annual Leave

- 4.1 Mind in Croydon's Contract of Employment allows staff a minimum of 25 days' paid leave per annum [para.14.1] - pro rata for part-time employees. This exceeds the statutory minimum set out in the WTD.
- 4.2 The WTD gives no statutory entitlement to public holidays. Mind in Croydon will continue to meet its contractual agreement with employees under which they are entitled to eight public holidays (or days in lieu) per annum [para.14.4].
- 4.3 Mind in Croydon's contractual arrangements for giving notice of leave to be taken and approval of that leave will apply, rather than the procedure described in the WTD. These arrangements vary according to the Mind project concerned [para.14.5].
- 4.4 Arrangements for payment in lieu of the minimum statutory holiday entitlement when employment is terminated during the year are described in the Mind in Croydon Contract of Employment [para.14.8].

C. RECORDS

1. Mind in Croydon is responsible for ensuring that appropriate records are kept to document compliance with the Regulations.
2. These records may be inspected by the Health and Safety Executive, who are responsible for enforcing weekly working time limits.
3. Methods of documenting and monitoring compliance will include the following:
 - The individual employee's contract of employment which specifies hours to be worked and maximum overtime permitted. The contract makes reference to the WTD [paras.10.4; 14.8].
 - Salary records, which document paid overtime worked.
 - Rotas for employees working shifts (Fairfield and Enterprise).
 - TOIL records. The contract of employment requires detailed records to be submitted before TOIL is authorised [para.10.2].
 - Records of Annual Leave. Individual employees keep their own records and a general record is maintained by the Office Manager.

- An initial audit of employees based at Pampisford Road by means of an individual questionnaire. This will be repeated annually. Problem areas will be followed up and monitored by line managers.
- Time sheets, when the working week appears to be excessive, or where employees have more than one job.

4. Mind in Croydon reserves the right to require individual employees to keep detailed time sheets if this is the only method of demonstrating compliance with the Regulations. It is anticipated that this requirement will need to be exercised only in very rare cases.

D ENFORCEMENT

The Health and Safety Executive will enforce the weekly working time limits.

Employment Tribunals will enforce rest periods, breaks and annual leave.