

## HUMAN RESOURCES POLICY

### WORKING TIME DIRECTIVE

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#### Equality Impact Assessment

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22.03.13	None
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#### Policy Validity Statement

This policy is due for review on the latest date shown above. After this date, policy and process documents may become invalid. Policy users should ensure they are consulting the currently valid version of the documentation.

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## 1. POLICY STATEMENT

- 1.1 The CCG is committed to the health and safety of its employees and acknowledges its obligations within Working Time Regulations. The organisation strives to provide a safe working environment and ensure the safety and wellbeing of all its workers. The organisation seeks to ensure that workers do not exceed reasonable working hours to provide for a satisfactory balance between work and personal life. The organisation is also committed to ensuring that workers' health is not compromised by the workplace.
- 1.2 Managers have a responsibility to ensure that working hours are kept within reasonable limits and will monitor working hours for this purpose. Workers themselves also have a duty to ensure that they are not working excessive hours and inform their manager directly if they consider that they may be doing so.
- 1.3 The European Working Time Regulations set down entitlements of employees to maximum working hours, rest periods, rest breaks whilst at work, annual leave and working arrangements for night workers. The European Working Time Regulations ceased to apply on 31<sup>st</sup> December 2020. The UKs Working Time regulations will continue to apply unless changed by UK law.

## 2. PRINCIPLES

- 2.1 This policy applies to all CCG employees and any agency or contract staff whilst they are working for the CCG.
- 2.2 Unless they consent, a worker should not work in excess of 48 hours per week on average over a 17 week reference period. The organisation will take all reasonable steps to comply with this limit. Should the employee wish to opt out they should complete Appendix 1 and return it to their Line manager.
- 2.3. Employees working for more than one employer or who also undertake work through self-employment should still not exceed the 48 hour limit with regards to their total average weekly working time. Secondary employment includes working on the bank or through an agency.
- 2.4 Night workers should not exceed an average of 8 hours work in every 24 hour period. A night worker is defined as someone who normally works at least 3 hours between 11.00pm – 6.00am
- 2.5 The employee is entitled to the following rest periods and breaks:

- Rest period of 11 consecutive hours in each 24 hour period.
- Employees are also entitled to an uninterrupted rest period of at least 24 hours in each seven-day period, 48 hours in each 14-day period or two uninterrupted rest periods of at least 24 hours in each 14-day period. The worker has a duty to inform his/her manager as soon as possible if he/she is or may be at risk of being unable to take these required rest breaks.

The organisation expects that employees will take their rest break between 5.00pm and 9.00am daily and between 5.00pm on Friday and 9.00am on Monday.

- Employees have the right to a minimum unpaid rest break of 20 minutes after working 6 hours. If operational requirements mean that the employee is unable to take these breaks at that time, they will be entitled to compensatory rest to be agreed by their line manager.

Breaks should not be taken at the end of the day, or stored up and taken on a cumulative basis at a later date.

- 2.6 An employee is entitled to 5.6 weeks paid leave. Part time employees are entitled to the same amount of holiday but on a pro rata basis. This is inclusive of bank holiday entitlement.
- 2.7 Young workers are those above school leaving age, but under the age of 18. The organisation does not permit young people to work in excess of 8 hours per day and they are subject to a maximum working week of 40 hours. A young worker must have a rest break of at least 30 minutes if the working day lasts longer than 4.5 hours.
- 2.8 An employee is considered by the organisation to be "working" when he/she is carrying out activities on behalf of the organisation. This may include training, business travel and "on-call" time. It does not include travel from the worker's home to his/her place of work, rest breaks, travel time outside normal working time or non-job related training.

The organisation defines "on-call" time as time when an employee is required to be available at his/her place of work and available for work throughout that period. If the employee is not at his/her place of work, this does not constitute being "on call".

Working time will include time where a worker is required to be at the organisation's premises, but is free to rest while waiting for work to be available. It will also include time where a worker is required to travel from site to site for meetings, to attend training or to perform his/her functions at different locations.

However, working time will not include travel to and from an employee's home (or the equivalent if he/she is working away from home at the time), or time when an employee (despite being on the organisation's premises or at his/her place of work) is not available to perform functions for the organisation or is pursuing outside interests during that time.

- 2.9 If an employee considers that he/she has been unfairly treated with regard to his/her working hours (for example being required to work excessive hours or being unreasonably refused overtime or (temporary) flexible working arrangements), he/she is requested to raise this informally with his/her manager. If the worker's complaint relates to his/her manager, he/she is requested to raise it with a more senior manager. If a worker is not satisfied following this route, he/she has the right to raise a grievance in accordance with the organisation's Grievance procedure.

### **3. EQUALITY STATEMENT**

In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

### **4. DATA PROTECTION**

In applying this policy, the Organisation will have due regard for the Data Protection Act 2018 and the requirement to process personal data fairly and lawfully and in accordance with the data protection principles. Data Subject Rights and freedoms will be respected and measures will be in place to enable employees to exercise those rights. Appropriate technical and organisational measures will be designed and implemented to ensure an appropriate level of security is applied to the processing of

personal information. Employees will have access to a Data Protection Officer for advice in relation to the processing of their personal information and data protection issues.

## **5. MONITORING AND REVIEW**

This policy will be reviewed periodically or if statutory changes are required.

**Appendix 1**

**Working Time Regulations 1998 – OPT OUT FORM**

Under the regulations I am entitled not to work for more than an average of 48 hours per week.

In completing this form, I am choosing to opt out of the 48 hour working limit. Please note that rest periods and breaks still apply.

**Agreement**

I ..... hereby give you notice that I am willing to work, more than an average of 48 hours a week.

In opting out of the 48-hour limit, I agree that I will not work excessively long hours where this may be a risk to the health and safety of my colleagues, the public or myself.

This agreement is to remain effective for an indefinite period and I understand that should I wish to terminate this agreement, I can do so at any time by providing my manager with written notice of my intention to do so.

Signed: .....

Department: .....

Date:.....

**Please return to your manager, who is required to keep a copy of this form on your personal file. A copy should also be sent to the HR Manager.**

## Appendix 3 Equality Impact Assessment

### Equality Analysis Initial Assessment

#### Title of the change proposal or policy:

Working Time Directive Policy

#### Brief description of the proposal:

To ensure that the policy amends are fit for purpose, that the policy is legally compliant, complies with NHSLA standards, EWTD Guidelines and takes account of best practice.

#### What impact will the new policy/system/process have on the following:

##### **Age - Consider and detail age related evidence. This can include safeguarding, consent and welfare issues**

Appropriate methods of communication of the Policy have also been carefully considered to ensure they reach all ages of the workforce. Email and the internet can be accessed by all users in the workplace.

##### **Disability - Consider and detail disability related evidence. This can include attitudinal, physical and social barriers as well as mental health/ learning disabilities**

The disability status of the workforce across the region is unknown therefore relevant tools could be made available to volunteers that potentially do have a disability that the organisations are unaware of. The policy should be able to be communicated in alternative methods as required for those with a disability and/or visual impairment such as braille, large font, interpreters etc.

##### **Gender reassignment (including transgender) - Consider and detail evidence on transgenderpeople. This can include issues such as privacy of data and harassment.**

The policy does not include content or vocabulary that could cause offense or discriminate against any volunteer members who have undergone or are undergoing gender reassignment or that identify as transgender.

##### **Marriage and civil partnership - Consider and detail evidence on marriage and civil partnership. This can include working arrangements, part-time working, caring responsibilities.**

The content of this policy does not include content or vocabulary that discriminates against volunteers that may be married or in a civil partnership.

##### **Pregnancy and Maternity - Consider and detail evidence on pregnancy and maternity. This can include working arrangements, part-time working, caring responsibilities.**

The policy does not discriminate against volunteers that are currently pregnant or on maternity leave and can be accessed while on maternity leave or any other leave of absence via the organisation's website.

**Race - Consider and detail race related evidence. This can include information on difference ethnic groups, Roma gypsies, Irish travellers, nationalities, cultures, and language barriers.**

The policy does not include vocabulary or content that discriminates against volunteers on the grounds of race.

**Religion or belief - Religion is defined as a particular system of faith and worship but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.**

The policy does not discriminate against volunteers that hold any particular religion or belief.

**Sex/Gender - Consider and detail evidence on men and women. This could include access to services and employment.**

The Policy does not discriminate between volunteers based on gender. .

**Sexual orientation - Consider and detail evidence on heterosexual people as well as lesbian, gay and bisexual people. This could include access to services and employment, attitudinal and social barriers.**

The content of this policy and vocabulary used does not discriminate against volunteers based on their sexual orientation.

**Carers - Consider and detail evidence on part-time working, shift-patterns, general caring responsibilities.**

The content of this policy and vocabulary used does not discriminate against volunteers who have carer responsibilities.

**Other Identified Groups and Health Inequalities - Consider and detail evidence on groups experiencing disadvantage and barriers to access and outcomes. This can include different socio-economic groups, geographical area inequality, income, resident status (migrants, asylum seekers). What is the potential impact of your work on health inequalities?**

Other groups have been considered however as the policy is for volunteers there are no additional impacts on health inequalities.

**Alternative formats of this policy will be provided on receipt of individual request.**