

Working Time Policy

Purpose

This document outlines the Working Time Regulations 1998 (as amended) and the steps the Company will take to ensure the health, safety and welfare of all employees who have the potential to work long hours and who work regular overtime. This policy applies to all Advanced Engineering Solutions Limited employees.



Scope

The Working Time Regulation 1998 set out statutory controls on certain aspects of working time. They also include a number of entitlements regarding rest periods and rest breaks. Emergency / unforeseen work, which is critical to continuity of supply or service, is one area where some relaxation of the rules is permitted subject to adequate compensatory rest.

Policy Statement

Proper rest between periods of work is essential to the health & safety of every employee. People who are fatigued have the potential to make mistakes and insufficient rest can lead to impaired judgement and accidents. Minimal compliance with the regulations on working time may not, therefore, always be sufficient to satisfy all health and safety obligations. Specific assessments of the impact of extended hours are necessary and it is the responsibility of employee's and their manager to determine what is appropriate in each case.

Entitlements

The Company recognizes and adheres to the Working Time Regulations 1998 which includes the following:

1. You are entitled to an (unpaid) daily in-work rest break of 20 minutes if your daily working time exceeds six hours. For employees under 18 years of age, the entitlement is a 30 minute in-work rest break if daily working time exceeds 4.5 hours.
2. You are entitled to a daily rest period of 11 consecutive hours between each working day. For employees under 18 years of age, the entitlement is to a 12 hour daily rest period in each 24 hour period.
3. You are entitled to a weekly rest period of 24 hours in each seven day period which may be averaged over a two week period, unless you have signed an agreement to opt out of this limit. There are no separate rules for employees under 18 years of age.

You should be aware that there are some variations applicable to the above in accordance with the regulations including provisions for compensatory rest. It is always the intention of the Company to ensure that your hours of work will comply with these provisions, however if at any time you think this may not be the case you should immediately advise your manager.

Overtime

Overtime is normally hours that are worked beyond the normal full-time hours, normal working hours are the hours mentioned in the terms of employment. Overtime can be voluntary or compulsory but always pre-authorised. Compulsory overtime would form part of the terms and conditions of the employee contract.

There is no legal right to be paid extra for any overtime worked, this may be detailed in the terms of employment.

48 Hour Working Week

Normally most employees don't have to work on average more than 48 hours per week unless they agree to. If employees agree to work beyond the 48 hour limit, they must put this in writing, this is generally known as an opt-out agreement. Employees have the right to cancel the opt-out agreement, although they must give their employer at least 3 months' notice.

Working Time Policy

The average working week is calculated over a 17-week reference period.

Young people (16 and 17 year old's) normally cannot opt-out of the 48 hour working week, as they may not normally work more than 40 hours per week.

Compensatory Rest

In some circumstances an employee may be required to work during a rest period and may have to take rest later, this is known as compensatory rest. Compensatory rest is normally the same length of time as the break or part of the break that an employee has missed.

Exclusions

A working week does not consist of:

- Time spent on call away from the workplace
- Rest breaks
- Travel outside of normal working hours
- Unpaid overtime you have volunteered for
- Paid or unpaid holiday
- Travel to and from a fixed place of work
- Time spent on standby

Legislation

- Health & Safety at Work etc. Act 1974
- Working Time Regulations 1998
- Working Time (Amendment) Regulations 2003
- Management of Health & Safety at Work Regulations 1999

Health and Safety

The Company takes the responsibility to ensure the health and safety at work of our employees, and this includes removing or controlling the risks of fatigue including organizing and planning working pattern arrangements. It also has the broader responsibility for the health and safety of others who might be affected by their work activities, which is another reason why it is important to control the effects of fatigue.

The Health and Safety at Work etc. Act 1974 and the Management of Health and Safety at Work Regulations 1999 place general duties on employers and others in regard to managing the risks of shift work. There are also other regulations, which impose specific requirements on employers with regard to the number of hours worked and how these hours are scheduled. These include the Working Time Regulations 1998 (as amended).

Responsibilities

Employees

To comply with this policy, and any reporting requirements to ensure compliance, employees must ensure they are fit to work, must inform their manager of any secondary employment and monitor and manage their working time and rest periods in line with policy standards, including hours worked in any secondary employment.

Employees must also ensure their Opt-Out Agreement status remains valid at all times, and report to their manager and an assessment is to be conducted, if they intend to work beyond 12 hours in any 24 hour period.

It is important to report to your manager when near or having reached the maximum weekly working limit of 65 hours in any 7-day fixed period and report any incidents where asked to work beyond the limits in this policy or have not been allowed to take rest periods.

Working Time Policy

Managers

To comply with this policy and ensure your employees are aware of their obligations and entitlements. You must confirm if your employees have secondary employment and assess the health and safety impact this may have on their activities whilst working for the Company.

It is essential that you use an appropriate system to monitor employees' working time to ensure that they do not work more than 48 hours per week averaged, in accordance with the policy, over a 52-week period, or 65 hours if the Opt-Out is in force and agreed in writing with the employee.

You must put in place processes to ensure the Opt-Out status of your employees is always known to them, and ensure work is scheduled to ensure employees can take their rest periods or that compensatory rest time applies in the event of a shortfall. A Central Register for Opt-Outs must be completed and maintained.

Managers are also responsible for ensuring that any contractors working under the direct supervision of the Company understand our requirements.

This policy does not give contractual rights to individual employees.

Health & Safety / HR

The HR department has the responsibility for ensuring the maintenance, regular review and updating of this policy.

HR department is also responsible for the availability and visibility of a central register for opt-outs.

Health & Safety will ensure there is an annual audit of compliance.



Simon Holden
General Manager
8 March 2024

Review Date 8 March 2025