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PRINCIPLES

Health and Safety is the overriding principle behind the directive and should always be the deciding factor in the interpreting of the regulations.

AIM OF THE GUIDELINES

With effect from 1st October 1998 the Working Time Regulations fulfilled the British Government's obligation to implement the European Working Time Directive. The University of Lincoln positively discourages working of excessive hours and will review its working practices in order to ensure compliance with the law.

The aims of these guidelines are to embrace the terms of the Working Time Regulations 1998 and to provide flexibility to ensure the success and maintain the reputation of the University and the prosperity of its employees.

To enhance and promote the mutual trust and co-operation between the University, employees and the Trade Unions.

To establish firm procedures to address the Working Time Regulations 1998 to provide clarity for the University and its employees.

In order to achieve these aims it is agreed that we need to facilitate working practices that embrace the Working Time Regulations 1998 whilst maintaining a University committed to the highest levels of quality.

WORKING TIME

The Working Time Regulations specifies certain limits and provisions regarding working hours and patterns for all employees.

48 HOUR WORKING WEEK

There is a basic limit on a worker's average weekly working time. The University is required to take all reasonable steps to ensure that workers do not exceed the limit of an average of 48 hours per week over a 17 week period.

Where an individual has two separate contracts with the University, these two contracts, when taken together, must not exceed a total of 48 hours per week.

This average is calculated over a period of any 17 weeks and includes voluntary time. Where the calculated average is anticipated to exceed 48 hours in any 17 week period the University must have written consent from the individual. Employees may voluntarily agree in writing to work more than 48 hours per week.

Managers must ensure that individual employees do not exceed the maximum average limit of working hours of 48 hours per week unless they, individually, voluntarily agreed in writing to do so.

Where such a voluntary agreement is necessary the manager must ensure such an agreement is made and monitored in accordance with the requirements of the Working Time Regulations.

NOTE

The Regulations provide that employees whose working time cannot be measured or predetermined, or can be determined by the employees themselves, are not subject to the weekly working hours limits.

The Universities and Colleges Employment Association have advised that academic staff should be regarded as not subject to the limited 48 hour working week until such time as caselaw clarifies the definitions of the staff groups whom the derogation would apply.

Likewise, senior management staff and professional staff could be treated in the same way so long as there are no defined hours of work in their contracts of employment.

NIGHT-TIME WORKING

“Night Workers” are those who, in their normal course of duties work at least 3 hours between 11.00 pm and 6.00 am.

Night working is not to exceed an average of 8 hours per 24 hour period. This is normally calculated over 17 week successive periods.

The University will offer free health assessments at regular intervals to night workers and persons being transferred to night work. Regular intervals determined as a minimum of every 12 months.

Managers must ensure that the night working of individual employees must not exceed an average of 8 hours per 24 hour period. Managers must also ensure that employees who are required to work nights receive the health assessments required by the regulations. Managers are required to inform Human Resources of such cases who will then arrange for the assessments to be made.

NOTE

The regulations provide that employees whose working time cannot be measured or predetermined or can be determined by the employee themselves, are not subject to the provisions relating to night working.

The rules on night work do not apply when employees are engaged in security and surveillance activities requiring a permanent presence in order to protect property and persons. However, adequate compensatory rest periods must be provided and health assessments should also be provided.

The rules on night work do not apply where the employees' activities are affected by unusual and unforeseeable circumstances beyond the employer's control or by accident or the imminent risk of an accident.

REST BREAKS	Over 18	Under 18
Rest period		
Within each day	20 minutes after 6 hours	30 minutes after 4 hours
Daily	11 hours consecutive rest in a 24 hour period	12 hours consecutive rest in a 24 hour period
Weekly	24 hours consecutive rest in each 7 day period or 48 hours in each 14 day period	48 hours consecutive rest in each 7 day period

NOTE

It is the Manager's responsibility to ensure that the provisions regarding rest breaks are adhered to. (at)6 (t)6 (h)-4 (e)-on

Appendix A

WORKING TIME REGULATIONS OPT OUT FROM 48 HOUR RULING

The Working Time Regulations came into effect on 1 October 1998. One of the main provisions of the Regulations states that employees other than those defined in these guidelines may not be required to work in excess of 48 hours per week averaged over a seventeen week reference period.

Whilst the University of Lincoln positively discourages the working of excessive hours, it recognises that individual employees may wish to exercise their right to opt out of the 48 hours ruling contained within the Working Time Regulations. Employees wishing to opt out should complete this form and return to your Line Manager.

FULL NAME (please print).....

JOB TITLE.....

SCHOOL/DEPARTMENT.....

LOCATION.....

I wish to exercise my right to opt out of the 48 hour ruling contained within the Working Time Regulations and understand that in normal circumstances I will be required to give four weeks notice in the event that I wish to withdraw from this arrangement.

Signed.....Date.....