

Working Time Regulation Study



A report on introducing the
Working Time Regulation to
Hampshire Fire and Rescue
and its Impact

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1 History

The Working Time Regulations 1998 are a health and safety at work measure implementing the European Working Time Directive 1993. The regulations come into effect on 01 October 1998 and include basic entitlements and limitations concerning the organisation of working time.

In essence the Regulations state that a worker which is wider in interpretation than employee has a maximum number of hours they can work a day, a maximum they can work a week and a maximum they can work a year. Values can be taken over a 17 week reference period although the basics tenets cannot be ignored. I.e. you cannot work continually for 14 weeks and take the last 3 weeks off!

Our document only considers adult workers.

1.2 The Current Statutes

We have worked our document based on the current statutes. It should be recognised that these may change as regulations develop.

Within a 7 day week for each day worked up to 6 days a worker must have:

- 11 consecutive hours rest in 24 (except those on 'standby' – at their own home - which is counted as 'rest'). Ideally unbroken unless an exception
- Every 7 days work should have an uninterrupted rest break of 24 hours or every 14 days work should have an uninterrupted rest break of 48 hours.

For those working a 6 day week

Employees cannot be forced to work for more than 48 hours in one week (on average); however you may, voluntarily sign an opt-out which will allow you to work up to 60 hours a week.

60 hours is the maximum that HFRS feel is appropriate for an employee to work and is most likely to be in line with forthcoming EU legislation.

It should be noted that Working Time Regulation applies to those whose are employed. Self-employed individuals are currently not considered by the regulations. But they must ensure they are still fit to work.

2 HFRS and WTR

We have identified that there are two distinct employee types within HFRS. These two employee types will have opposing views when considering WTR:

Primary Employers – those whose HFRS contract is considered their main income . HFRS will want to monitor their workers for their own in-house benefits, welfare responsibilities and legislative to their worker's cumulative working time.

Secondary Employers – those whose HFRS contract is not considered their primary income.

The secondary employer who may well feel the effects of the primary employer although still works within the same constraints of the primary employer.

Of course this distinction may not always be black and white – for example where the worker's primary and secondary employer are the same or where an employee works half their time for one employer and half for another.

3 Grading Risk

In our discussions it was agreed that we required a system which could place all employees into a 'risk list' using a robust system. This system would be contract blind, independently assessing everyone irrespective of green/grey book, contract type, sex etc and would take into account individuals work hours.

This 'risk list' would then be divided into three bands which would have their own associated identities and protocols:

Risk	Description	Triggers – monitoring protocols
Green LOW	Those who after assessment are working well within WTR	Yearly PDRS where line management assess if there have been any changes in individuals work or legislation. These individuals will carry out a green sign off
Amber MEDIUM	Those who it is considered could exceed the work time limits imposed within their normal working week.	As above, Monitoring system if circumstances change. Request for additional work (internal or external), change of role/promotion/work demands or receipt of declaration of other employment would initiate a new WTR review. These individuals will carry out an amber sign off
Red HIGH	Those who are very likely or are already exceeding the WTR hours.	Immediate Action Discussion with individual to determine why workloads are so high. Fortnightly checks and work forecasts Assistance in reducing workloads Mandatory time off Signed declaration of understanding (red sign off)

4 Responsibilities

The aim of the system cannot be to provide an accurate number of hours worked by every employee both in and without HFRS. Instead, based on a number of established averages and norms (which can be adjusted) we can identify the '*likelihood of the effects of WTR*' on individuals. It will be an integral component of introducing WTR to the service that the onus will always rest finally with the individual.

The WTR is part of the Health and Safety at Work act 1974 and just like other Health and Safety Issues, HFRS goes to great lengths to introduce safe systems of work, properly train individuals on efficiency and safety for the tasks and perform risk assessments. The WTR is no different and needs similar measurement and management of responsibilities by both the Employer and Worker.

5 Calculations

What system could be used to monitor every employee within the organisation, irrespective of any employment factors which takes into account whether HFRS are either primary or secondary employers and is, as much as can be predicted future proof?

In simple code our system will work as follows:

Description	Total (hours)
No Opt out signed. A limit of an average of 48 hours a week which a worker can be required to work. All workers cover/standby/144	48
Opt out signed HFRS in line with EU proposals have deemed that the maximum any worker can work a week is.	60

Note: This is for all employment/work that counts as working time not just within HFRS.

As a guide, considering the above, we are predicting that the average an employee works for their primary contract is 37 - 48 hours so they have an additional 23 - 12 hours free for other duties.

Employee types

We can predict that HFRS has three types of employees:

Employee Type	Calculation
HFRS Grey Book primary employer (x hours = 42 but possibly multi contract y hours)	$42+y$
HFRS Green Book primary employer (x hours = 37 but possibly multi contract y hours)	$37 + y$
HFRS not primary employer (x hours but possibly multi contract y hours)	$x+y$

x is a value which identifies the primary employment. Certain predictions can be made for this value for those employees working within HFRS. Grey book = 42 and Green book = 37 however additional procedures must be employed to capture additional work such as overtime or accruing hours for TOIL which then make the initial x value inaccurate.

From discussions we believe that a first stage prediction of contract hours can be made, however this figure should be confirmed with the individual.

y is a value which should be able to be generated or predicted by HFRS, note that x may be built up of a number of contracts with HFRS.

If HFRS is the primary employer we know that they will employ the individual for between 37 – 42 hours for their primary contract, what we then need to know is what the value of x is.

The important fact is that the total figure must be less than 60 hours.

6 Establishing a Monitoring System

On careful investigation, developing a monitoring system need not be an onerous task. We can develop a robust and service wide system which as well as handling current positions, will easily allow future positions to be taken in to account.

The system consists firstly of identifying every position in the service and then splitting them into two:

Group 1 Those positions which consist of fixed weekly hours and what these hours are.

Group 2 Those positions which are more dynamic in their delivery to the service.

It maybe that one person undertakes duties which fall in both groups.

Group 1

For group one, a simple calculation needs to be undertaken recording the number of pre-defined hours required (for example green book 37 hours).

Group 2

A little more work needs to be undertaken for the second group. There may firstly be a 'fixed time commitment' such as drill nights which need to be considered, but in addition we have to see if they can be grouped (say within stations) and then analyse how 'busy' that group is. This can be from already harvested data and new analysis. Based on how busy the group is a figure can be deduced which approximates to how many time a week they may be required and for how long. Simple addition will give us the predicted 'y' figure.

7 Result Examples

Description	Hours calculation	Hours worked – 60 hours	Comments
WDS Firefighter only	42 hours a week	60-42	Has 18 hours 'spare' low risk
WDS FF, RDS (busy station)	42 hours a week WDS 3 hours a week drill night 6 hours a week shouts (average)	(42+3+6)-60	Has 9 hours spare

Therefore, with the figures currently available we can group individuals by selecting tick boxes:

Primary contracts

Description	Hours
Green Book	x = 37 hours
Grey Book	x = 42 hours
Ex HFRS employment	x hours

Additional contracts

Description	Hours
HFRS contract #1	y hours
HFRS contract #2	y hours
HFRS contract #3	y hours
Other secondary contracts	y hours

Adding all the components together once again $x+y < 60$

8 The 24 hour rest break consideration

Another condition of the Working time Regulation, which particularly those with multiple employment have to be aware of is the fact that every employee has a right to a day off each week. This fact could easily be contravened when we consider employees who work 6 days a week and then get a shout on a Sunday. This would be seen as a direct contravention of the regulations.

While looking at management tools therefore we should see if we can include tools which understand this regulation and offer a prediction of whether this component of the regulation may be broken.

Investigations and test runs have shown that it is not too complicated to build in a system which identifies how likely this rule maybe contravened.

We look at the frequency and length of work. Thus looking at when an individual goes to work and finishes the work. If this figure should fall under 24 hours, then there is a chance that this regulation may be contravened.

If this is the case then it should be brought to the line manager's attention. Systems should then be introduced which bring this regulation to the individuals attention and prevent them from not contravening the act.

Note: The rest should be within each 7 days or 14 days at a maximum.

9 Toolbox

Once we have successfully graded individuals the information then has to be actioned. It is considered that the best place to implement the observation of WTR is via the line manager. The line manager should be conversant with the legislation and have a tool box of resources to enable them to efficiently, prudently and correctly manage their teams.

The toolbox will consist of:

- A **brief** introduction to the working time regulations and the primary points detailed above (half page)
- Flow chart of action to take (1 page)
- A form for both line manager and worker advising they agree with hours discussed and the worker is responsible for advising of any substantial change.

10 Future

It is hoped that a report on worker's hours for HFRS will be available as part of the Workforce Management Information Systems project. It is hoped it will include the following.

10.1 Report

A database needs to be developed which contains three simple tables:

Table 1

Every individual worker within HFRS (this can be from a SAP data dump) and their line manager

Table 2

A record of every employment type within HFRS, examples of which are:

- Date Stamp
- Flag whether work is HFRS or not*
- WDS Grey Book employee
- Green Book employee
- RDS employee – somewhere Fire station
- RDS employee – somewhere else fire station
- Emergency Catering Team
- Unknown external employment

Against every employment type will be an hour rating for the estimated time that each employment type will take up a week.

Table 3

Finally, table 3 brings table 1 and 2 together supplying a record of the total hours worked by every worker.

* Initially this database would generate contracts from within HFRS, however as details of external working hours arrived it could be used to cover all employee work hours.

It is acceptable to note that preparing the second table will take up the most time, but it is not seen as an onerous task.

The report will be used to present to line managers their workers individual hours and the chances of them contravening the day a week rest period.

This report will also give an inclination as to how many people will be affected by WTR giving SMT a heads up as to its implications.

11 Toolbox in detail

11.1 Brief introduction

The Working Time Regulations came into force in October 1998. Your normal working hours should be set out in your contract of employment. Unless you choose to you should not have to work more than 48 hours a week on average. You may **choose** to opt out whereby you cannot work more than 60 hours a week, all employment (with HFRS or other work that counts as working time). All records are based over a 17 week average.

The basic rights and protections that the Regulations provide are:

- a limit of an average of 48 hours a week which a worker can be required to work (though workers can choose to work more if they want to).
- a limit of an average of 8 hours work in 24 which nightworkers can be required to work.
- a right for night workers to receive free health assessments if they request it.
- a right to 11 hours rest a day.
- a right to a 24 hours off each week.
- a right to an in-work rest break of 20 minutes if the working day is longer than 6 hours.
- a right to 4 weeks paid leave per year.

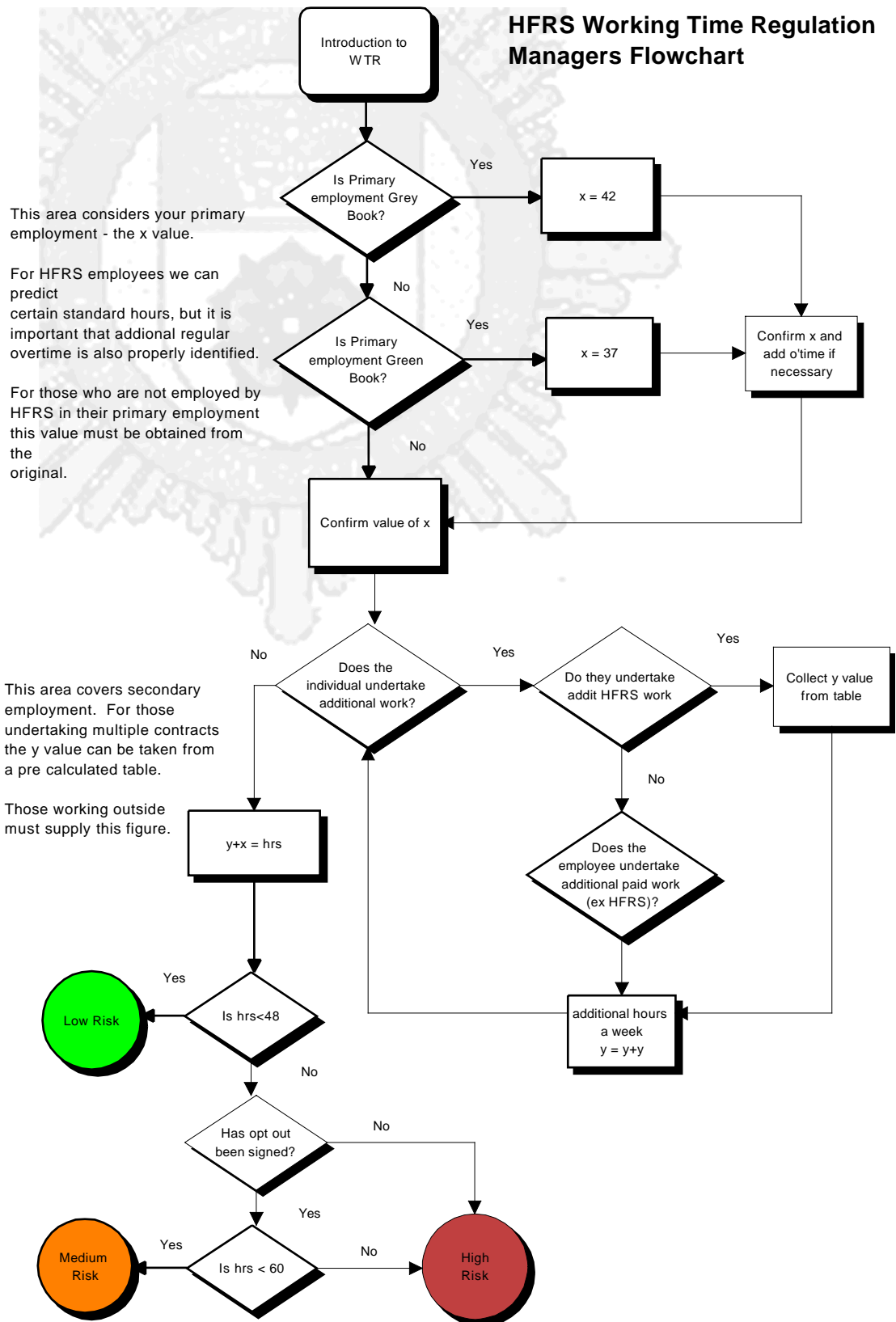
As the opt out is going through a negotiating process in Europe, the UK law remains unchanged on this point and workers are still able to opt-out of the weekly working time limits. The UK will be given time to implement any changes to legislation and any future developments on this and other Working Time topics will be posted on, the HFRS website as available.

11.2 Hampshire Fire and Rescue Service's duty to you are two fold:

Firstly, if you have signed an opt out they must neither employ you for more than 60 hours a week nor add to you exceeding 60 hours work from all your employment in a week. If you have not signed an opt out, this figure is reduced to 48 hours.

Secondly, they must ensure you have been informed and understand the Working Time Regulations and have mechanisms to manage this which are clear and easily applied by both the Employer HFRS and the worker.

11.4 Managers Flowchart



11.5 Sign Off Low Risk

I have read and understood the Working Time Regulations; I recognise that due to me working less than 48 hours for all of my employers I need not sign an opt out form.

If I feel that I may be approaching my time limit then I recognise it is my duty to advise the fact to my line manager. In addition it is my duty to inform my line manager of any changes in my working hours such as (but not fully detailing)

- Change of primary work
- Undertaking any additional work contracts
- Promotion
- Pressure from increased workloads

I am aware my line manager has a duty to assess me for signs of working too much and to discuss any concerns they may have.

Signed: Worker Date:

Signed: Line Manager Date:

11.6 Sign Off Medium Risk

I have read and understood the Working Time Regulations I have signed an opt out form which is current;

I understand that I may not work more than 60 hours a week all work (within HFRS or outside).

If I feel that I may be approaching the working time limit then I recognise it is my duty to advise my line manager. In addition it is my duty to inform my line manager of any changes in my working hours such as (but not fully detailing)

- Change of primary work
- Undertaking any additional work contracts
- Promotion
- Pressure from increased workloads

I am aware my line manager has a duty to assess me for signs of working too much and to discuss any concerns they may have.

Signed: Worker Date:

Signed: Line Manager Date:

11.7 Sign Off High Risk

It has been identified that I am exceeding the Working Time Regulations and I recognise that this is in contravention of the Working Time Regulations.

I have discussed this with my line manager and recognise that it is my legal obligation to immediately reduce my hours. We have identified how this is to be done by the following actions:

Empty box for listing actions to reduce hours.

I recognise that I need to meet with my line manager every two weeks until we are both satisfied that my working hours are controlled within the Working Time Regulations.

Signed: Worker Date:

Signed: Line Manager Date:

11.8 Sign Off Design

It is recognised that we do not want the sign off to become another massive paper exercise. Instead the design of the signoff forms will be such that the same form can be signed every 6 months and kept as a record. The only reason to generate more paper will be if the employees status changes. For example;

12 Managing Working Time Regulations

The process of managing working time will be incorporated into the PDRS scheme with effect from 1 April 2008.

Notes

24 x 7 = 168 hours

Grey book works 42 hours a week

Green book work 37 hours a week

So 168 hours in a week, the maximum number of hours you can work positively, if you have signed an opt-out is 60 hours.

This leaves 108 hours free for rest and recreation a week of which standby etc. can be a component.

What if they don't sign an opt out?

Description	Positive hours
WDS FF	42 hours
RDS (avg call out- made up figure)	10 hours
Drill night	3 hours
Total	55 hours
Spare positive hours for other duties	5 hours

Rest is for 5 days

5 day week - 11 consecutive hours rest in 24 (except those on 'standby')

Every 7 days a work should have an uninterrupted rest break of 24 hours or 48 hours in 14 days

20 days annual leave

If you do want to work over 48 hours you must sign an opt out to 'release' the additional 12 hours to allow 60 hours a week.

60 hours is the maximum that HFRS feel is appropriate for an employee to work and is in line with forthcoming EU legislation.

Employers

Employees have to be a lot more aware of the hours they work in a week.

Two types of employers – the main employer who will be wanting to monitor their employees for their own in-house benefits, welfare responsibilities and legislative to their employees cumulative working time. The secondary employer who may well feel the effects of the primary employer although still works within the same constraints of the primary employer.

Protocols which WTR will encompass

Contractual obligation that all employees must advise HFRS and any other employers that they are undertaking work which falls within the WTR.

HFRS will present a declaration of other employment (Ref Avon Ambulance) for the employee to complete in which the individual advises all work and presents the individuals rights etc. Line manager to assess and ok or deny with a

Monitoring should be within the payment system. Every employee is audited to add how many hours they work within and outside of the fire service. Every month this

Managers Toolkit

How HFRS view WTR

Responsibilities

How we can monitor individuals

Managers checklist/toolbox for exiting and new enquiries.

Effects and resource requirements and predictions.

Training and additional service requirements

Run a forecast

Comment on contracted hours is banded as contracted hours will be counted as positive hours not un registered banded hours.

Version Record

Version	Viewed By	Date
1.0	Rikki, Conrad, Susan Templeton	10 April 2007
1.1	Rikki, Conrad, Susan Templeton, Steve Tolley, Sue Brummit	8 May 2007