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| **Human Resources** | **HR36 Working Time Directive Policy** |

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| **Version Number** | **Date Issued**  | **Review Date** |
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| **Prepared By:** | Kirstin Brundle |
| **Consultation Process:** | North of England Commissioning Support (NECS) in partnership with CCG management and Trade Union organisations via the HR Policy Working Group and the CCG Partnership Forum. |
| **Formally Approved:** | July 2022 |
| **Approved By:** | ICB Board |

**EQUALITY IMPACT ASSESSMENT**

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| **Date** | **Issues** |
|  | To be completed, as outlined in the agreed 2022/23 HR EIA review schedule. |

**POLICY VALIDITY STATEMENT**

Policy users should ensure that they are consulting the currently valid version of the documentation. The policy will remain valid, including during its period of review. However, the policy must be reviewed at least once in every 3-year period.

**ACCESSIBLE INFORMATION STANDARDS**

If you require this document in an alternative format, such as easy read, large text, braille or an alternative language please contact necsu.icbhr@nhs.net

**Version Control**

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| **Version** | **Release Date** | **Author** | **Update comments** |
| 1.0 | July 2022 | NECS HR | First Issue |

**Approval**

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| **Role** | **Name** | **Date** |
| Approver | ICB Board | July 2022 |

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1. **POLICY STATEMENT**

1.1 The North East and North Cumbria Integrated Care Board (the Organisation)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 31st 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 the Organisation's employees and any agency or contract staff whilst they are working for the Organisation.

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 the form within the Resource Pack 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 their manager as soon as possible if they are 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 they are 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 their 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 their place of work and available for work throughout that period. If the employee is not at their 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 their functions at different locations.

However, working time will not include travel to and from an employee’s home (or the equivalent if they are working away from home at the time), or time when an employee (despite being on the organisation's premises or at their place of work) is not available to perform functions for the organisation or is pursing outside interests during that time.

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

**3. EQUALITY STATEMENT**

In applying this policy, the organisation 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, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

**4. DATA PROTECTION**

In applying this policy, the Organisation will have due regard for the UK General Data Protection Regulation (UK GDPR) tailored by 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 Equality Impact Assessment**

**Equality Analysis Initial Assessment**