

HR Guidance on Working Hours

1.0 Introduction

The maximum amount of time and the patterns of work staff can be expected to work are governed by various laws. These include:

- The Health and Safety at Work Act 1974.
- Various sets of health and safety regulations under the above act.
- The Working Time Regulations 1998 (as amended).
- The Employment Rights Act 1996.

These are mainly intended to ensure that health and safety risks are not created, or consequences made more likely to occur, by such factors as fatigue, loss of concentration or health conditions. The latter include those which are known to be linked to working at times of day which are out of step with the natural cycles of the human body (e.g., regular night working).

This guidance takes account of all the above but takes a simplified approach which equals or exceeds the legal requirements. It is also consistent with the University's aims to improve staff wellbeing.

2.0 Definitions

Term	Definition
Worker*	Anyone who has a contract of employment with The University or other contract to work for it. This includes trainees, those on work experience at the University, agency and most freelance staff. PGR students who carry out work are included, with respect to their working time where this is covered by an employment contract, but not their study time. The self-employed do <u>not</u> fall under this definition.
Working time	(a) any period during which a member of staff is working and carrying out work related activities or duties, (b) any period during which they are receiving relevant training, and (c) any additional period which is to be treated as working time as agreed under collective agreement (i.e., with the recognised Trade Unions), workforce agreement or as specified in a contract of employment.
Young worker	A worker who is over the minimum school leaving age but under the age of 18.
Night work	Work undertaken for not less than 7 hours. If required by the contract after 10pm means between 11pm and 7am. Limits for young workers are based upon the period between 10pm and 6am.

*Note: "Staff" is used throughout this document as interchangeable with "Worker" as defined in the Working Time Regulations and assumed to be an adult unless otherwise stated.

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3.0 Working Hours

3.1 Maximum Weekly Working Hours

Regulations state that no employee should work more than 48 hours per week. However, the University does not routinely expect or require staff to work more than their contracted hours, which will be far less. There may be occasions when the University asks individuals to work beyond their normal weekly contracted hours. However, this should be the exception rather than the rule - see section 6.0 "Exceptional Circumstances".

Young workers are not allowed to work more than 40 hours per week but, again, the University does not expect that it would ever be required – see also Maximum daily working hours below.

3.2 Maximum Daily Working Hours

The legislation does not explicitly state a maximum daily working day but does specify 11 hours consecutive rest in each 24 hours (see 4.1 below). However, the University does not expect its staff to work such long days. It allows some days to be longer than an average of the contracted hours (e.g., 9-day fortnight working patterns) and allows many staff to make their own decisions with respect to their work patterns, provided they take appropriate breaks and rest periods.

Young workers are not allowed to work more than 8 hours per day. This is an absolute requirement which must never be exceeded, even in exceptional circumstances.

Night work must not exceed an average of 8 hours per day.

4.0 Rest

4.1 Daily Rest

All staff are entitled to at least 11 hours consecutive rest in each 24 hours.

Young workers are entitled to at least 12 hours.

4.2 Weekly Rest

All staff are entitled to at least 24 hours uninterrupted rest per 7-day period. This can be 2 days (together or otherwise) in a 14-day period.

Young workers are entitled to at least 48 hours uninterrupted rest per 7-day period.

4.3 Rest Breaks

Staff are legally entitled to a break of at least 20 minutes in any working day (away from their workstation) if they work longer than 6 hours on that day.

However, the University encourages all staff to take a break of at least 30 minutes during a working day where they are due to work for a period of 6 hours, away from their workstation, and to plan that to be roughly halfway through their day wherever possible. It also encourages regular changes of activity, wherever practical, (including "screen breaks" from computer work) as this helps improve concentration and productivity, reduces fatigue and avoids or reduces postural problems.

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4.4 Pay for Rest Breaks

There is no legal requirement to pay staff for rest breaks, however the payment arrangements for staff should be documented in the contract of employment.

If you are unsure if you are paid for your breaks, see your contract of employment or check with an HR Adviser.

5.0 Night Working, Health Assessment and Surveillance

Staff who regularly carry out night work must be offered a health assessment before doing so and then regular health surveillance.

This normally involves the annual completion of a questionnaire which is evaluated by the Occupational Health provider. However, if this identifies a health problem which may be related to the night work, then an occupational health appointment may be required to establish whether changes to the work is necessary.

Young workers would not normally be expected to carry out regular night shifts.

6.0 Exceptional Circumstances

In exceptional circumstances staff may be asked to exceed their normal working time for the day and/or week. An example of this would be an unforeseen event such as an emergency situation when there is a need for additional hours to deal with it.

However, even in such unusual circumstances, staff will need to take rest breaks. Indeed, in challenging or demanding situations (such as when needed to make important decisions under pressure) they may need to take more frequent breaks and/or work shorter shifts.

The Working Time Regulations allow greater flexibility, by averaging many of the requirements stated in this guidance to be averaged over a much longer period of 17 week. However, the University recognises the risks in doing so, both for the individual(s) concerned and the organisation as a whole. Therefore, this should not be done without seeking advice from either the Health, Safety and Resilience Team or an HR Partner.

Note: In circumstances such as a serious incident, the University of Aberdeen Resilience Plan will be implemented. If the situation persists for a long period, as soon as this becomes apparent arrangements will be put in place to ensure that the incident is managed effectively by staff who are rotated regularly so that they are able to recover and are able to perform effectively again when required.

7.0 Sources of Further Advice

Related issues such as pay for rest breaks, leave entitlements, employment contract requirements, "on call" responsibilities etc. are outside the scope of this guidance.

Please contact HR for advice on these.

Similarly, health and safety risks associated with working patterns, types of work and health surveillance are not covered in any detail here.

If you require advice on a health and safety related matter, please contact your Local Safety Co-ordinator or the Health and Safety Team.

Alternatively, your local union representative can provide advice on the issues contained within this Guide.