

### A short guide to the Working Time Regulations

#### 1. Introduction

The Working Time Regulations (WTR) 1998 introduced rights and obligations relating to work and rest. They are the application of the EC Working Time Directive, aimed at ensuring workers in Member States do not work excessive hours in their employment.

Everyone has to balance their lives between work and other commitments. The Working Time Regulations support this work life balance because they set down in law:

- your maximum weekly working time;
- when you should take breaks;
- what rest periods you should take between days or nights at work.

The WTR apply to both paid and unpaid work. Therefore the work an MSE (or any non-stipendiary minister) undertakes for a church, church organisation, chaplaincy or any other organisation - over and above their paid employment - falls within the scope of the WTR. Thus the WTR must be considered when drawing up and reviewing your working agreement as an MSE.

As explained below, there is provision for an individual worker to opt out of the WTR. If used, this option must always be carefully considered and freely exercised.

#### 2. Overview

The principal provisions provide:

- minimum rest breaks within the working day;
- minimum daily and weekly rest periods;
- minimum paid annual leave;
- a limit on night workers' average working time of 8 hours in each 24 hour period;
- an offer of free health assessments to night workers;
- a limit on the average weekly working time of 48 hours (over a rolling 17 week period);
- specific requirements for young workers under 18 years of age.

The WTR aim to:

- ensure you do not work hours above a prescribed limit **unless you consciously choose to do so**;
- ensure that where you opt to work hours above the limit the position is monitored to protect your health;
- set limits on working hours - enabling you to achieve a balance between work and home life; and

- support equal opportunities - because a long hours culture creates barriers for people with caring responsibilities.

Each employer, whether paying the worker or not, has a duty of care to all jobholders and to actively:

- discourage a 'long hours' culture;
- encourage work/life balance;

### **3. Working long hours**

A worker's first work-related responsibility is to their employer(s), to help fulfil their business and service requirements. So there may be times when jobholders need to work more than their normal contracted hours (always taken to include meal breaks).

However, working long hours consistently can have a negative impact on health and well-being and may in turn affect business efficiency.

Thus the work an MSE in undertakes in other contexts as part of their ministry, such as the local church, must be balanced with the responsibility to their employer, and as part of the overall work-life balance.

### **4. Work-life balance**

Everyone can benefit from having a good work-life balance. A good work-life balance can help to improve your:

- Health;
- Confidence;
- Concentration; and
- job satisfaction.

The employer's business can benefit too. If people are happier and less stressed at work they are likely to feel more motivated and be able to work more effectively.

It is difficult to achieve a good work-life balance if you regularly work long hours. Working long hours over a period of time can:

- increase stress or otherwise affect health;
- affect morale;
- affect the quality of your work and decision-making; and
- put pressure on your home life.

We can all help ourselves and others to improve work-life balance. To achieve a good balance between work and life commitments you have to consider both our employer's business needs, work undertaken in other contexts, and your individual needs.

As a minimum, you should try to:

- take proper breaks and get out of the office at lunchtime;
- leave work on time;
- discuss with your colleagues how to manage the work more effectively to reduce the need to work long hours;

- look at flexible working options and flexible working hours arrangements.

If you are a manager:

- act as a role model – remember, if you work long hours your team may think that that's what's expected of them too;
- use team meetings to discuss how your team can improve work-life balance;

## **5. Breaks and rest periods**

Under Working Time Regulations (WTR), you are entitled to an uninterrupted break of at least 20 minutes in any working day of 6 hours or more. (Workers under the age of 18 and work longer than 4.5 hours a day, are entitled to an uninterrupted break every day of at least 30 minutes).

Breaks should be taken during the working day, not at the start or end of it, and if possible away from the working area. However, if you are unable to take your break at the appropriate time for operational reasons you should take an equivalent break at another time or be recompensed accordingly.

Under WTR, you are entitled to a rest period from work for at least:

- 11 consecutive hours (12 hours if under 18) in each working day; and
- 24 consecutive hours (48 hours if under 18) in each week.

Different arrangements apply for shift workers (see below).

MSEs are therefore entitled to a rest day each week. For those working Mon to Friday, this is normally Saturday. Where asked to undertake church-related work on a Saturday, this should be compensated for by another day as rest day, which may be a Sunday.

## **6. Annual leave**

Working Time Regulations (WTR) state that everyone who has worked for an employer for more than 13 weeks has the right to 28 days paid leave, including public and privilege holidays each year. (Note that actual leave entitlement be more than this).

Churches set levels of leave entitlement for stipendiary clergy and other paid staff. Unless stated otherwise, these entitlements also apply to non-stipendiary clergy, and to other voluntary workers such as Readers and Lay Preachers. Where an MSE works, for example, for a local church during their annual leave from paid employment, this may reduce leave actually taken below the 28 day figure provided for by the WTR. Where this is the case, the MSE must consider whether the opt-out should be exercised.

## **7. Night workers**

Night workers are staff who work at least 3 of their daily working hours during the period from 10pm to 6am. This includes staff who work a pattern of rotating shifts, some involving night work and therefore work at night on a regular basis.

If you are a night worker:

- your **average** 'normal hours of work' must not exceed an average of 8 hours within each 24-hour period. The average is calculated over a period of 17 weeks;
- your '**normal** hours of work' means the hours your manager would expect you to work based on your working pattern, regardless of the actual hours worked;
- however if your work involves special hazards you will be subject to a 8 hour limit on actual, as opposed to normal, working hours in each 24-hour period when you perform night work.

## **8. Maximum weekly working hours**

The WTR set a 48 hour maximum average working week, over a rolling 17 week period. Your employer(s) must take reasonable steps to ensure that in principle you work no more than 48 hours on average in each working week, unless you have opted out of this maximum.

If you:

- regularly work more than your contracted hours; or
- work overtime; or
- work at a second job.

you should monitor your average weekly working time.

For those on flexible working hours schemes, all hours worked count towards the maximum 48 hours limit. Use flexible working hours arrangements sensibly - you should try to avoid working long hours on a regular basis.

## **9. What counts as working time?**

In addition to time spent carrying out your duties at your normal place of work, you should count the following as working time:

- meals when actively engaged in your employer's business, for example working lunches;
- on-call time when actively engaged in your employer's business when called upon;
- travel time that is normal business travel (excluding time spent travelling between home and the normal place of work), travel in the exercise of work duties, and additional time spent travelling to a different work station;
- work performed away from the normal place of work, for example drafting a document at home;
- other business engagements, for example attending a work-related function;
- agreed time spent undertaking trade union or health and safety representative duties.

For MSEs, work thus includes time spent in a ministry activity that would normally be regarded as working time for a minister in a paid post. This includes for example:



## 12. Working outside your principal job

If you have one or more jobs in addition to your principal job, your total working hours might exceed the average 48-hour weekly limit laid down in the Working Time Regulations (WTR). The following actions are recommended if the 48 hour average is exceeded.

<b>If this applies</b>	<b>then</b>
jobholder actions	<ul style="list-style-type: none"><li>• tell your employer / manager that you work outside the principal employment;</li><li>• calculate your average working time;</li><li>• if it exceeds the average 48-hour limit, discuss with your employer / manager ways of reducing long hours;</li><li>• if your working hours continue to exceed the WTR limit you need to consider signing an Opt-out agreement;</li><li>• co-operate with your employer / manager in protecting your health and safety and that of others.</li></ul>
manager actions	<ul style="list-style-type: none"><li>• ensure your team are aware that WTR requires them to notify you about any other job(s) they have if their total working hours on average exceed the 48 hours limit;</li><li>• explain the implications of WTR if a member of the team has taken on another job which means that they may exceed the 48-hour limit;</li><li>• look at ways of reducing the jobholder's hours;</li><li>• obtain a completed Opt-out agreement form if the jobholder wishes to continue working hours above the 48 hour limit.</li></ul>

## 13. Exclusions and exemptions

WTR excludes from all of its provisions the activities of the civil protection services which conflict with the Regulations, except those provisions dealing with young workers. This covers, for example, police, the coastguard, and criminal investigation staff in some Government departments and agencies, particularly those involved in Police and Criminal Evidence Act duties.

## 14. Working Time Regulations (WTR) Opt-out

Where a worker wishes to exercise their right to opt out of the WTR, they must ask their employer for an opt-out agreement form. (The WTR prescribe the information to be recorded; individual employers produce their own final form). The employer must also have procedures for recording that a worker has exercised the option and for regular reviews.

It is also good practice to inform each other employer, including the Church authority where applicable, that the option has been exercised.