

WORKING TIME DIRECTIVE

STAFF QUESTION AND ANSWERS

Who does the Working Time Directive apply to?

All staff members must adhere to Working Time Directive regulations.

What is the Working Time Directive?

The Working Time Regulations came into force on 1 October 1998 by the Government. A staff members' average working week (calculated over a 17 week period) should not exceed 48 hours (including overtime). Individuals cannot opt-out of the 48-hour limit.

What is the aim of the Directive?

The aim is to tackle the problem of long working hours, this is to ensure that employees do not voluntarily work excessive hours, are not overworked and that they can balance their work and home lives.

Why do I need to abide by Working Time Regulations at Badger?

Badger must adhere to its obligations under its contractual service requirements to the Commissioning Groups, abide by legislation and meet CQC regulatory requirements.

In addition to the legal requirements, due to the nature of work, Badger requires all staff to take individual responsibility for the number of hours worked to ensure delivery of a safe level of patient care. Staff must take care of their own health when considering working additional hours, their duty of care to patients and the image of the organisation.

Why do I need to declare any and all other employment to Badger?

It is a condition of employment that staff must declare any other work they undertake outside of their employment with Badger and provide evidence at the recruitment stage and any future change.

Staff have an obligation to declare other work outside of Badger to ensure that staff members do not work in excess of the 48 hours week in line with legal requirements, CQC requirements and Commissioner service requirements.

Total working hours in a week do not apply to just one employer. If the total hours worked aggregate more than 48 hours, it is considered an unacceptable health risk in the environment in which they work. This risk is to the staff themselves, the patients Badger services and the image of Badger as an organisation.

How do I let Badger know that I have changed my working hours elsewhere?

At the recruitment stage, Staff must complete a Declaration of Additional Employment Form (Appendix 1 of the Working Time Directive Policy) and provide evidence of any hours worked elsewhere.

Should your working pattern change at another employer you are required to immediately inform Badger via a new Declaration of Additional Employment. You will be required to provide evidence of any adjustment in working hours at the other employer. The hours you work for Badger will be adjusted to meet the 48 hour working week.

Badger HR will request you to submit an updated Additional Employment Form annually so that it can work to comply with the requirements of the CQC, Legislation and Commissioner service requirements.

REST BREAKS

QUESTIONS AND ANSWERS

What are my rest break entitlements?

In line with your Badger contract, when working a shift of 6 hours or more you will be entitled to unpaid rest breaks and a 20 minute unpaid break will be allocated. Should you work a shift of 8 hours or more a 30 minute unpaid break will be allocated.

Any time taken over and above the minimum should be made up to meet the hours agreed in individual contracts of employment. Individuals cannot opt-out of taking a rest break.

If you work less than 6 hours in length, short breaks for personal needs, may be taken, but there are no compulsory breaks.

If you work more than 8 hours an hour's break is recommended.

Do I get paid for rest breaks?

The allocated rest breaks are unpaid for all staff groups, except:-

The Home Visiting Teams - Doctors and Drivers are the only staff groups that will be paid from the start of their shift to the time they finish their sessional duties. Doctors and Drivers have been deemed as special cases in respect of the fact that they cannot necessarily go back to their base for a break.

When do I take my rest break?

All breaks are to be taken in line with the needs of both staff and the service and break times should be agreed with the Team Leader or Line Manager before any break is taken. Each department will manage breaks so that the specific needs of their particular operation are addressed.

What if I was unable to take a break due to business need?

Glover Street - If your Team Leader has been unable to allocate a break to you due to business needs, you must obtain authority from your Team Leader who will record this on the Team Leader Report.

PCCs – HCSW/Receptionists should arrange cover for each other at PCCs. If for any reason you are unable to take a break due to business needs, please inform your Team Leader who will record this on the Team Leader Report.