


Policy No: 03-1209	Authorised: 	Date: 07/02/2020
<b>POLICY ON THE WORKING TIME REGULATIONS 1998</b>		

This Policy summarises the arrangements within the Organisation that assure compliance with the general requirements of the Working Time Regulations 1998 as they apply to the Domiciliary Care sector:

1. For the purposes of this Policy, the following definitions will apply:
  - 1.1 "Working Time" is defined as any period during which the staff member is undertaking work duties from the moment of "signing in" to the moment of "signing out"; i.e. at the Organisation's disposal. This does not include time spent travelling to and from home but DOES include time spent during shift duty hours travelling between service users.
  - 1.2 A "worker" is any individual working under a Contract of Employment or a Personal Contract in order to perform his / her allocated duties.
  
2. In preparing duty rotas and work placements, the Organisation's management will ensure compliance to the following key points of the *Working Time Regulations 1998*:
  - 2.1 The maximum hours worked by any one individual is 48 hours averaged over 17 weeks. HOWEVER: a staff member can voluntarily agree to "dis-apply" this element, and a format for an "Opt-out Agreement" as indicated in their contract.
  - 2.2 A staff member who has chosen to avail themselves of the Opt-out, reference 2.1 above, may revoke that Opt-out at any time by giving the Organisation seven days notice. (Depending upon individual contracts this may be extended to a period not exceeding three months notice).
    - 2.3 Each individual is entitled to a minimum of 5.6 weeks annual leave on a pro-rata basis including bank holidays
    - 2.4 Each individual is also entitled to:
      - a weekly rest period of 24 hours;
      - a daily rest period of 20 minutes where the working day is longer than 6 hours.
    - 2.5 Staff members who undertake work duties at night have the right to a preliminary Health Screening & Assessment. This will be renewed annually where duties require the staff member to working continuously at night.
  
3. The Organisation will maintain records of duty hours worked by each staff member for a minimum period of 2 years. The requirements of the Organisation's Record-keeping *Policy No 1500* in respect of safe and secure storage will apply.

**FORMS REFERENCES:**

*Working Time Regulations 1998 - Employee Opt-out Agreement*