

STAFF NOTICE 18

Forestry Commission
Human Resources
231 Corstorphine Road
Edinburgh
EH12 7AT

Notice To All Staff

WORKING TIME REGULATIONS

Introduction

1. The Working Time Regulations were introduced in the UK in 1998. The main provisions of the Regulations are set out in the Staff Handbook Chapter 11. The purpose of this Notice is to remind staff and managers of the important requirement in the Regulations about how to 'opt out' of the weekly working limit and to provide new guidance on the impact of second jobs.
2. The Regulations apply to all 'workers', whether employed on a permanent, temporary or agency basis.

Weekly Working Hours

3. One of the most significant provisions of the Regulations is to restrict the average weekly hours to 48 (the average is over a 17-week period), unless an individual voluntarily 'opts out'.
4. No one can be required to work in excess of the limit and jobs cannot be advertised with a requirement to work longer hours. Individuals can however choose to opt out.
5. The Commission's policy, endorsed by the Executive Board at the time the Regulations were introduced, was that:
 - ❑ long hours working was to be discouraged by managers; and
 - ❑ requests by staff to opt out of the working limit should be notified to Country Directors, Chief Executives, Business Unit Managers and Heads of Divisions.
6. Currently, senior managers should put in place whatever ongoing arrangements they wish to ensure they are aware of the extent of opt outs.
7. Any member of staff who is currently choosing to work in excess of the average working hours limit over a 17 week period, wishes to continue to do so and has not signed an opt out form should:
 - ❑ complete the form attached at **Annex A**;
 - ❑ retain a copy;
 - ❑ send the form to their Unit Head who should forward it to Darren Candlish, HR Services, Silvan House.

Health and Safety

7. Unit Heads may wish to review any existing and new 'opt outs' signed as a result of this notice with the aim of ensuring that the health and well-being of anyone working long hours is not being adversely affected.

8. Where a manager has concerns about the effects of long hours working on an individual resulting from overtime in an FC job (even if an opt out form has not been signed), he/she should discuss this with the individual with the aim of:

- agreeing reductions in the excess hours worked; or
- re-arranging work to reduce the demands on an individual; or
- other measures to ensure the health and safety of the individual.

9. Legally, employers are required to maintain a list of those staff who have signed an 'opt out' form. Copies of any new opt-outs should be sent direct to Darren Candlish, HR Services, Silvan House for inclusion on a central record.

Staff with Second Jobs

11. The hours worked for a second employer do count towards the 48-hour limit. This Notice therefore requests staff who have a second job to provide information about their working hours in that job to their line manager. Line managers will check that the two sets of 'working hours' combined do not breach:

- the weekly working hours' limit;
- legal requirements for daily and weekly rest breaks (detailed in the Staff Handbook Chapter 11).

12. Staff whose combined weekly hours exceed 48 over any 17 week period as a result of carrying out two jobs and who intend to keep working at their second job, should sign an 'opt-out' form.

13. The Regulations do not provide for an individual to 'opt out' of rest break requirements and managers should ensure that the individual member of staff carrying out two jobs understands both the rest break requirements and the potential impact on their health of this type of working pattern.

Advice

14. Further guidance can be obtained from:

- Darren Candlish, HR Team Manager, HR Services
- HR Policy, Silvan House
- HR Services Manager, HR Operations

- Staff Handbook Chapter 11, sections headed '*The Working Time Regulations*' and '*What Counts as Working time?*'

Jean Lindsay
Director HR
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