

POLICY STATEMENT: WORKING TIME REGULATIONS

With effect from 1 October 1998, the Working Time Regulations fulfilled the British Government's obligation to implement the European Working Time Directive. Aston University positively discourages the working of excessive hours and has reviewed working practices in order to ensure compliance with the law.

The Working Time Regulations are extremely complex but the main provisions are as follows:

- That employees should not be required to work more than a maximum of 48 hours per week (including overtime) averaged over a 17 week period
- That employees should not be required to work more than a maximum of an average of eight hours' night work per 24 hour period
- That employees should have a minimum daily rest period of 11 consecutive hours
- That employees should have a rest break where the working day is longer than 6 hours
- That employees should have a minimum rest period of one day per week
- That employees engaged continuously for a period of 13 weeks or more, should have a minimum period of annual paid leave of three, rising to four weeks (pro rata to the number of weeks/hours worked per annum)

Employers are required to keep records of the hours worked by all employees who fall within the remit of the Regulations to ensure that excessive hours are not being worked. The Health and Safety Executive has the power to enforce these provisions and to check that adequate records are being kept.

However, not all employees are considered to fall within the remit of the Working Time Regulations. For example, employees who are considered to be **managing executives** or who have **autonomous decision-making powers** are not covered by the Regulations except for the provision related to annual leave. These definitions are far from clear at the moment but at Aston have been interpreted to mean that, with the exception of the annual leave requirements, all staff employed in the following job categories fall outside of the scope of the Regulations (i.e. the Regulations do **NOT** apply to these groups of staff) and they will therefore not be required to maintain formal records of hours worked.

- Professors
- Readers
- Senior Lecturers
- Lecturers
- Academic Related staff in grades 4-6

For certain other groups of employees, the provisions in respect of rest breaks, daily rest, weekly rest and length of night work do not apply. These groups include employees engaged in security and surveillance activities which require a permanent round the clock presence and workers engaged in research and development activities which require continuity. At Aston, this has been interpreted to mean that staff employed in the following categories will be entitled to the minimum periods of annual leave and will be covered by the maximum average working week of 48 hours, including overtime, but will not be covered by the provisions relating to rest breaks, daily rest, weekly rest and length of night work:

- Chief Security Officer
- Security Shift Officers
- Deputy Shift Officer
- Security Patrol Officers

In order that Aston may comply with the Working Time Regulations, all other staff groups will be required, by law, to comply with all provisions of the Regulations as noted above. The only way that employees will be permitted to work in excess of an average of 48 hours per week averaged over a seventeen week period will be if they agree formally to opt out of this provision which has been introduced to protect their health and safety at work. Whilst the University wishes to discourage excessive working hours, it accepts that individual employees have the right to waive their rights to the 48 hour limit provided they sign a formal document to confirm it is their intention to opt out of this provision of the Working Time Regulations. However, even if an employee elects to opt out of the 48 hour ruling, hours of work must still be recorded for all employees other than those who fall into the category of managing executive or employees with autonomous decision-making powers.

Individual employees who do not fall into the category of managing executive or employees with autonomous decision-making powers as listed above and who wish to exercise their right to work in excess of 48 hours averaged over a seventeen week period should complete and return to Human Resources an [opt out form](#).

As stated at the outset, The Working Time Regulations are extremely complex and if you are unclear as to how they will affect you, or if you would like to discuss any related issue in more detail please contact your designated HR Advisor.