



WORKING TIME REGULATIONS POLICY AND PROCEDURE

JANUARY 2024

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1. PURPOSE

- 1.1 The Working Time Regulations (WTR) 1998 are based on European Health and Safety legislation. The Company recognises its statutory obligations in respect to these regulations and strives to create a working environment that promotes the health and safety of its workers. This policy provides details of the WTR, clarifies the Company's application of the legislation and explains the expectations of its workers in terms of compliance.

2. SCOPE

- 2.1 This is a group level policy that applies to all employees of Anglian Water Group Limited, with the exception of Anglian Water (Ireland) Limited and Wave Limited (and their respective subsidiaries).
- 2.2 For the purposes of this policy:
- "workers" includes employees, regardless of their contract type and agency workers;
 - an "adult worker" is someone aged 18 and over; and
 - a "young worker" is someone aged between 15-17.
- 2.3 The Road Transport Directive (RTD), implemented in 2005, is applied to all workers within WR Operation Logistics and Commercial Operations Logistics, whose working hours are subject to EU Divers' hours rules.

3. STATUS

- 3.1 This policy is a Collective Agreement.

4. POLICY OWNER

- 4.1 Head of Employee Relations.

5. POLICY – PROVISIONS OF THE WTR AND THE COMPANY'S APPLICATION

[[Appendix 1](#) – provides a summary of the provisions of the WTR and the Company's application of these.]

5.1 Working Time

- 5.1.1 Working time is defined as any period during which a worker is working, is at the employer's disposal and is carrying out their normal duties or attending relevant and approved training. What counts as working time and non-working time is detailed in [Appendix 1](#).
- 5.1.2 Within in the Company it has been agreed that in some business units the first 30 minutes of travel time at the start and end of the day **does not** count as working time.

5.2 48-Hour Week

5.2.1 The WTR restricts working hours to a maximum working week of 48 hours¹ on average, including overtime, where average hours worked are calculated using an agreed reference period, i.e. the start date and end date for which average calculations must be made.

5.3 Reference Periods

5.3.1 The standard reference period applied in the Company is 26 weeks, calculated from 1st April and 1st October.

5.4 Calculating Average Working Hours

5.4.1 Average working hours are calculated as follows:

$$\frac{A + B}{C} = \text{weekly average working hours}$$

5.4.2 **A** is the hours actually worked in the reference period;

5.4.3 **B** is the hours actually worked in a number of days immediately after the reference period equivalent to the number of "excluded days" in the reference period.

"Excluded days" are days spent absent due to the first 20 days of annual leave (or the equivalent pro-rated leave for a part time worker); sick leave, maternity, paternity, parental or adoption leave or where an opt out agreement is in force. Days spent absent for other reasons such as due to suspension, jury service or contractual annual leave in excess of the WTR statutory entitlement are not "excluded days".

In order to ensure the accuracy of the calculation, the Company must calculate the number of "excluded days" and take into account the hours worked during an equivalent number of days immediately after the expiry of the reference period.

For example, if a worker takes four days of statutory annual leave during reference period A (1 April – 30 September), the hours worked during the first four working days of reference period B (1 October – 30 May) must be added to the total hours worked before dividing by the number of weeks in reference period A.

5.4.4 **C** is the number of weeks in the reference period. This will ordinarily be 26 weeks as set out at 5.3.1. However, where a worker has been employed for less than the 26-week reference period, C will be the number of weeks since they started work.

¹ A young worker is restricted to working a maximum of 8 hours per day and total of 40 hours per week (which cannot be averaged over a longer period).

5.5 Opt Out Agreements

5.5.1 The WTR allows for a worker who wishes to work in excess of 48 hours on average per week to opt out of the 48-hour restriction. However, Health & Safety legislation is of prime importance to the Company and, therefore, does not allow its workers to work more than an average of 48 hours per week.

5.6 Rest Breaks and Periods

5.6.1 Under the WTR a worker is entitled to:

- a **rest break** during the working day, i.e. an unpaid, uninterrupted period of at least 20 minutes, where the working day is longer than 6 hours²;
- a **daily rest period** of not less than 11 consecutive hours in each 24 hour period during which they work for their employer;
- a **weekly rest period** of not less than 24 hours' uninterrupted rest in each 7-day period or, if the Company so determines, either:
 - two uninterrupted rest periods each of not less than 24 consecutive hours in each 14-day period; or
 - one uninterrupted rest period of not less than 48 consecutive hours in each 14-day period.

5.6.2 For workers where the work is monotonous or the work-rate is pre-determined 'adequate' rest breaks will be allowed.

5.7 Compensatory Rest

5.7.1 In accordance with the WTR, where a worker is required to work during a period that would otherwise be a rest period or rest break, the Company, wherever possible, will allow the worker to take an equivalent period of compensatory rest. In exceptional cases, where it is not possible for objective reasons to grant such a period of rest, the Company shall afford the worker such protection as may be appropriate in order to safeguard the worker's health and safety, e.g. by completing the fatigue self risk assessment (see [Appendix 4](#)).

5.7.2 Standby is treated as an 'emergency' for the purpose of the Working Time Directive. The Company provides for "sleep time", which is a period of rest time offered equivalent to one hour for each hour worked between midnight and 06:00am where a work day follows. Any hours worked during this period should be recorded by the individual and submitted to the line manager so that an opportunity for compensatory rest is provided.

² A young worker is entitled to rest break of at least 30 minutes, where the working day is longer than 4.5 hours; daily rest of not less than 12 consecutive hours in each 23 hour period during which they work for their employer; and weekly rest of not less than 48 consecutive hours in each 7-day period during which they work for their employer.

5.8 Night Work

- 5.8.1 A night worker is defined as someone who normally works at least three hours of their working time during the night. For the purpose of the WTR, night-time shall be regarded as the period between 11pm and 6am³.
- 5.8.2 A night worker's normal hours of work must not exceed an average of eight hours in each 24-hour period. Average normal hours of work for a night worker are calculated as follows:

$$\frac{A}{B - C} = \text{average normal hours of work for a night worker}$$

A is the number of normal working hours (whether night or day work) during the reference period set out at 5.3.1. 'Normal working hours' includes contractual hours plus any compulsory or regular overtime but not changes due to ad hoc overtime or a reduction in hours due to holidays, sickness, maternity or other reasons.

B is the number of days in the reference period;

C is the total number of hours spent by the worker in statutory weekly rest periods divided by 24.

- 5.8.3 However, where night work involves special hazards or heavy physical or mental strain, there is an **absolute limit** of 8 hours work in each 24 hours, i.e. the hours cannot be averaged.

5.9 Shift Work

- 5.9.1 The WTR define 'shift work' as 'any method of organising work in shifts whereby workers succeed each other at the same workstations according to a certain pattern, including a rotating pattern, and which may be continuous or discontinuous, entailing the need for workers to work at different times over a given period of days or weeks'.
- 5.9.2 A 'shift worker' means any worker whose work schedule is part of shift work.
- 5.9.3 The provisions concerning daily and weekly rest **do not** apply in relation to a shift worker when he or she changes shift and cannot take a daily or weekly rest period between the end of one shift and the start of the next or where the worker's activities are split up over the day.
- 5.9.4 However, the Company aims to ensure that shift workers receive rest breaks, daily and weekly rest periods as detailed in [5.6.1](#).

³ Young workers are not permitted to work between the hours of 10 pm and 6 am or, where a young worker is obliged under their contract to work after 10 pm, the period between 11pm and 7 am.

5.10 Health Assessments

- 5.10.1 All workers are required to complete a pre-employment health assessment questionnaire and their fitness for work to be assessed **prior** to being offered/starting a post.
- 5.10.2 In addition, in accordance with the WTR, night workers shall be offered a free annual health assessment.
- 5.10.3 Managers employing night workers must undertake a risk assessment of the night work and complete the risk assessment form before a night worker can be employed.
- 5.10.4 Managers must carry out a further risk assessment if there are any changes in working conditions that could involve special hazards or heavy physical or mental strain.
- 5.10.5 Managers are required to carry out a risk assessment on all expectant/nursing mothers, including those employed as night workers – this assessment should be undertaken in addition to the regular health assessment for night workers.

5.11 Exclusions and Derogations

- 5.11.1 There are a number of special circumstances where a worker can be exempted from certain provisions of the WTR; these are called exclusions and derogations.
- 5.11.2 The Company, as a utility company, may exempt workers from the WTR in the following circumstances:
- where the worker's activities involve the need for continuity of service or production;
 - where the worker's activities are affected by a 'Force majeure', i.e.
 - an occurrence due to unusual and unforeseeable circumstances beyond the employer's control;
 - exceptional events, the consequences of which could not have been avoided, despite the exercise of all due care by the employer; and/or
 - an accident or the imminent risk of an accident.
- 5.11.3 In these circumstances, the WTR in relation to rest breaks, daily and weekly rest can be disapplied, but compensatory rest must be provided and appropriate risk assessments must be carried out for continued working. The exclusions and derogations applied in the Company can be seen at [Appendix 2](#).
- 5.11.4 Workers who have the potential to work beyond 13 hours continuously in a 24-hour period **must** complete a Fatigue Self Risk Assessment to ensure that they are safe to continue working and to ensure appropriate compensatory rest is provided. Guidelines on the Self Risk Assessment process are provided at [Appendix 3](#) and a copy of the Fatigue Self Risk Assessment is provided at [Appendix 4](#).

6. WORKERS' RESPONSIBILITIES

- 6.1 Workers have a responsibility to ensure, for their own health and safety, that they are not working more than an average of 48 hours a week and have a responsibility to ensure that they take their annual leave and rest periods. Managers have a responsibility to ensure that their staff are not working more than an average of 48 hours a week and have the opportunity to take their rest periods, including compensatory rest where appropriate.
- 6.2 The Company should be the primary focus with regards to employment. If a worker wishes to take up additional employment, they must seek the prior written consent of their line manager. If they do not, this could lead to disciplinary action being taken under the Disciplinary Policy & Procedure. If permission is given for a worker to have additional employment, it is the responsibility of the worker and the Company to ensure that the worker is not working more than an average of 48 hours a week. The worker must cooperate with the Company by providing accurate information about the hours worked for any additional employment when requested.

7. RECORDS

- 7.1 All business units shall have governance arrangements in place to enable the recording and monitoring of working hours and to ensure compliance with the WTR.

8. FURTHER ASSISTANCE

Please contact your Employee Relations Manager for further assistance.

LAST REVIEWED

January 2024

Appendix 1 – WTR Provisions and Company Variations

WORKING TIME		
What the Regulations say....		Company Application
<i>What counts as work</i>	<i>What does not count as work</i>	
Any period of time during which a worker is working, is at the disposal of the employer and is carrying out their work activities / duties, this includes job-related training.	Excluded days, as per reg.4(7): Paid holiday* Unpaid holiday Sick Leave* Paternity/Maternity Leave* Jury Service Evening and day-release classes not related to work * Paternity/Maternity/Sick Leave and the first 20 days of annual leave are excluded from the calculation of average working hours (see 5.4)	Compliant
Time spent travelling for workers who have to travel as part of their job, e.g. travel between AW sites during work time.	Normal travel to and from work, i.e. commuting.	Compliant
Time spent travelling from and to home for the first and last customer visits of the day, i.e. to and from a workplace other than the worker's regular workplace.	Travelling outside normal working hours.	In some business units, there is a collective agreement in place that states the first 30 minutes of travel at the start and end of the day doesn't count as working time.
Working lunches, e.g. business lunches.	Breaks when no work is done, e.g. lunch breaks.	Company provides a minimum of 30-minute lunch breaks.
Time spent on call at the workplace, e.g. time spent working during a call out period.	Time on call away from the workplace, e.g. time spent at home during a call out period.	Compliant
Paid overtime.	Unpaid overtime for which a worker has volunteered e.g. taking work home at the weekend on own initiative.	Compliant

REFERENCE PERIODS		
What the Regulations Say...		Company Application
48-hour week	Weekly working hours are restricted to an average of 48 hours a week, where average hours worked are calculated using an agreed reference period	26 week reference periods and no opt outs – starting on 1 st April and 1 st October.
REST PERIODS		
What the Regulations Say...		Company Application
Rest periods	<p>Workers are entitled to:</p> <p>A rest break of 20 minutes for a working day of more than 6 hours</p> <p>Daily rest of 11 consecutive hours</p> <p>Weekly rest of</p> <ul style="list-style-type: none"> not less than 24 hours in a 7-day period; or Two uninterrupted rest periods of not less than 24 hours in each 14-day period; or One uninterrupted rest period of not less than 48 hours in each 14-day period 	<p>Minimum of 30-minute lunch break</p> <p>Compliant</p> <p>Compliant</p>
Compensatory Rest	<p>The Regulations state that, where a worker has had to work during all or part of a period that would otherwise be a rest period or break, they should be allowed wherever possible to take compensatory rest.</p> <p>The compensatory rest should be equivalent to the additional time spent working.</p>	<p>Provides compensatory rest.</p> <p>Standby is treated as an 'emergency' for the purpose of the Working Time Directive. Compensatory rest for those required to work on standby/call out duty, is provided as "sleep time" and is a period of compensatory rest offered equivalent of 1 hour for each hour worked between midnight and 6am where a work day follows. Additional compensatory rest may also be taken at a later time where appropriate.</p>
Shift Work	<p>Daily rest and weekly rest do not apply where:</p> <ul style="list-style-type: none"> the shift worker changes shift and cannot take a daily or weekly rest period between the 	<p>Provides daily and weekly rest (though not required to under WTR).</p> <p>Where it is not possible for shift workers to have the daily and</p>

	<p>end of one shift and the start of the next one</p> <ul style="list-style-type: none"> The worker’s activities are split up over the day <p>In these cases, shift workers must, wherever possible be allowed to take an equivalent period of compensatory rest.</p>	<p>weekly rest set out in the WTR, the Company will ensure that wherever possible, they receive an equivalent period of compensatory rest.</p>
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Young Workers	
What the Regulations say	Company Application
<p><u>Rest breaks:</u> If daily working time is more than 4.5 hours, a young worker is entitled to a rest break of 30 minutes.</p>	Compliant
<p><u>Daily rest periods:</u> Rest break of 12 consecutive hours in each 24 hour period.</p>	Compliant
<p><u>Working Week:</u> Limit of 8 hours a day and 40 hours a week (neither of which can be averaged over a longer period).</p>	Compliant
<p><u>Weekly Rest period:</u> Length of rest break – 48 hours in each 7-day period.</p>	Compliant
<p><u>Night Work:</u> Must not work between the periods of 10pm and 6am or (where the contract requires them to work after 10pm) the period between 11pm and 7am.</p>	Compliant

Record Keeping	
What the Regulations say	Company Application
<p>Employers must keep records that are adequate to show that the Regulations are being complied with and to retain the records for two years.</p>	<p>Hours worked are managed by:</p> <ul style="list-style-type: none"> CAM teams / scheduling teams / planning teams who schedule the work Managers who monitor weekly working hours – reporting via Actionable Insights may be used for this purpose.

Appendix 2 - Exclusions and Derogations

	48-hour week	Length of night work	Health assessments	Monotonous work	Daily rest	Weekly rest	Rest breaks	Compensatory rest
Workers covered by Road Transport Directive	✓	✓		✓	✓	✓	✓	
Shift workers*					✓	✓		
Continuity of Service					✓	✓	✓	
Force Majeure					✓	✓	✓	

* Where this derogation applies, workers are entitled to 'adequate rest' unless the 'force majeure' derogation also applies. 'Force majeure' is to allow employers to deal with genuine emergencies and other unforeseeable events flexibly.

Appendix 3 - Self Risk Assessment for Extending Working Hours – Guidelines

1. Purpose

- 1.1 These guidelines outline the Self Risk Assessment Process that must be followed where there is potential for a field-based worker (field resource) to work over 13 hours within a 24-hour period.
- 1.2 Whilst the flowchart and process described below refer to field-based workers, the principles apply to all workers.

2. Summary of Terms

ADT	Asset Delivery Team
AH	Alarm Handler
CDT	Customer Delivery Team
OCM	Operational Control Manager
FLM	First Line Manager
FR	Field Resource
MDT	Maintenance Delivery Team
RA	Risk Assessment
WMS	Work Management System e.g. SAP

3. Responsibilities

Field Resource	
1	When reaching a total of 13 hours worked, or if you feel unable to continue working, complete Fatigue Self RA.
2	If the outcome of the Fatigue Self RA is to cease work, phone the OMC Tactical Operations line and use the appropriate option to inform OCM of intention to stand down and confirm when you have arrived home.
3	If the outcome of the Fatigue Self RA is to continue working, contact DM to discuss RA and number of hours worked including time spent driving, and agree completion time.
4	If continuing to work, carry out agreed actions - if the situation changes or you have completed a further two hours work, complete the Fatigue Self RA again. (For Water Network employees you need to follow the current process in place around 15 hours' working).
5	Hand paper/send electronic copy of Fatigue Self RA to FLM.

OMC Operational Control Manager (OCM)

1	When outcome of FR's Fatigue Self RA is to continue working discuss RA and number of hours worked, including time spent driving, with the FR and agree completion time. This should include time needed for actions such as completion of paperwork and driving home. Record details in the DM Log.
2	When outcome of FR's Fatigue Self RA is to stand down ensure that this is recorded in the DM Log.
3	If FR stands down and they have a current job that needs further work completing, ensure that alternative and transitional arrangements are put in place.
4	Ensure that sleep time is updated in WMS.

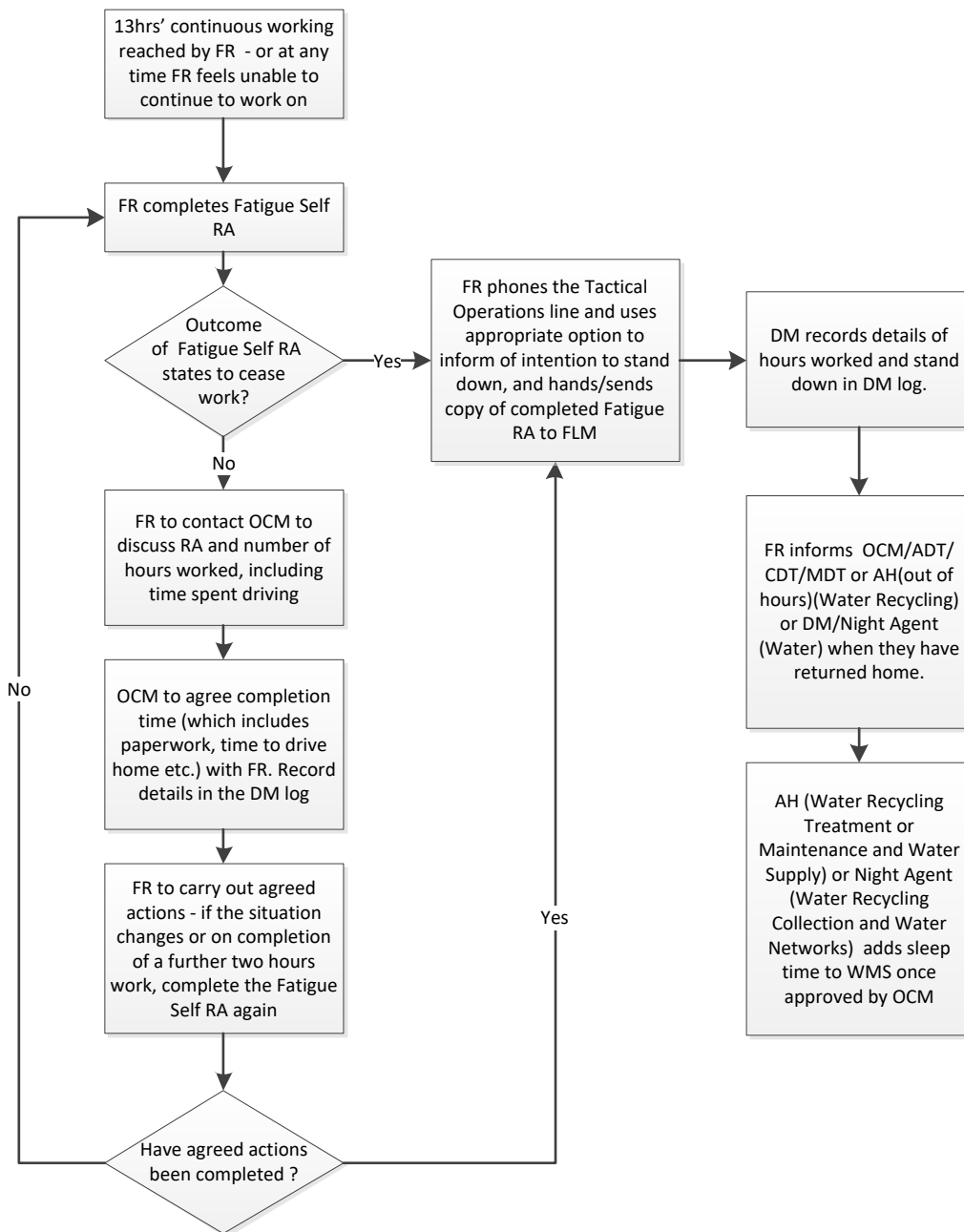
Asset / Customer / Maintenance Delivery Team / Alarm Handler / Night Agent

1	Check FR's schedule for any scheduled work when sleep time has been added and take action to reschedule where appropriate.
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4. Records

Record name	Record to be retained by (Job role)	Retention period
Duty Manager's Log	Tactical Operations Team	30 years
Paper or electronic copy of Fatigue Self RA	FLM	12 months

5. Flowchart



6. Fatigue Self Risk Assessment

6.1 A copy of the Fatigue Self Risk Assessment can be found [here](#).

Appendix 4 - Working Time Regulations - Fatigue Risk Assessment Form

In order to promote the health and safety of workers, the need for working excessive hours should be managed by proper planning. However, it is sometimes necessary (in order to ensure continuity of service) for people to work beyond 13 continuous hours in a 24-hour period in order to complete a task(s). Before doing so it is important that the possible impact of such tasks on their health and safety (and that of others who may be affected by their activities) is properly considered. This self-risk assessment sets out the factors that need to be considered and if stand down is a likely outcome this will be verified and recorded with the Duty Manager.

Please also note that this risk assessment is relevant to all workers and can also be applied before the 13 continuous hour period if individuals are feeling excessively fatigued. If this is the case, please ensure you verify this with the Duty Manager

All employees are reminded that they are expected to take a daily rest break of 30 minutes where the worker's continuous working time is more than 6 hours. If you have been unable to take this break please arrange with the Duty Manager or your line manager for this to be taken immediately, regardless of your current activity.

Remember: nothing is so important that we cannot take the time to do it safely - if it isn't safe, don't do it!

Question	Factors to be considered	Guidance	Comments	Risk Assessment (task should not continue if deemed high risk)
1. When did you last have 24 hours uninterrupted rest?	<ul style="list-style-type: none"> What type of work have you previously been undertaking? 	Must be 24 hours in the last seven days or two periods of 24 hours in the last fourteen days = Continue to Q2 If not = High Risk		High Risk - Cease Work
2. When did you last complete an uninterrupted rest of 11 hours between rostered days?		If under 4 days = Continue to Q3 If over 4 days = high risk		High Risk - Cease Work
3. What concentration levels are required to safely complete the task?	<ul style="list-style-type: none"> Dependant upon complexity of task 	Simple/moderately complex task = Continue to Q4 Highly complex task = high risk		High Risk - Cease Work
4. How long is the current task expected to take to complete?	<ul style="list-style-type: none"> Allow for foreseeable delays (additional RA after further 2 hours) 	If less than 3 hours = Continue to Q5 If more than 3 hours = high risk		High Risk - Cease Work

5. How long is your journey time from the last task to your home?	<ul style="list-style-type: none"> Consider this in addition to the duration time of your last task 	If less than 2 hours = Continue working If over 2 hours = high risk		High Risk - Cease Work. Otherwise - continue working in 2-hour periods.
6. If you have completed the above questions and they suggest continuing working, please consider: do you still feel too tired to work safely?	<ul style="list-style-type: none"> Are you able to drive home safely? 	This requires contact with the Duty Manager for verification of standing down. If you are unable to contact the Duty Manager, then you must leave them a message stating your reasons for standing down.		High Risk - Cease Work.

If the outcome of this risk assessment is that work can continue, you must complete an additional risk assessment if the situation changes or after a further 2 hours to verify the assessment of risk has not changed.

If the likely outcome of this risk assessment is that you may need to cease work, then ring the Duty Manager line and use the appropriate option to inform the Duty Manager of your intention to stand down. If this relates to a job that needs further work completing, then the Duty Manager will ensure alternative and transitional arrangements are put in place. NB the workplace needs to be left safe and tidy.

Please remember that when you get home, after working for more than 13 hours, to ring the Duty Manager line and use the appropriate option to let them know you have arrived safely

Risk assessment completed by: _____ Work Order no. _____ Date: _____ Time: _____

Complete as applicable

I have continued to work with a further risk assessment to be completed on: _____ Date: _____ Time: _____

_____ Date: _____ Time: _____

_____ Date: _____ Time: _____

I have stood down after notifying the Duty Manager direct or via voicemail: _____ Date: _____ Time: _____

Reason for standing down / Additional comments:

Retain this risk assessment and hand/send to your Line Manager at the earliest opportunity