



## **WORKING TIME REGULATIONS POLICY AND PROCEDURE**

**APRIL 2025**

---

**CONTENTS PAGE**

1. [Purpose](#)
2. [Scope](#)
3. [Status](#)
4. [Policy Owner](#)
5. [Policy](#)
  - 5.1 [Working Time](#)
  - 5.2 [15-Hour Cap](#)
  - 5.3 [48-Hour Week](#)
  - 5.4 [Reference Periods](#)
  - 5.5 [Calculating Average Working Hours](#)
  - 5.6 [Opt Out Agreements](#)
  - 5.7 [Rest Periods](#)
  - 5.8 [Rest Time and Compensatory Rest](#)
  - 5.9 [Night Work](#)
  - 5.10 [Shift Work](#)
  - 5.11 [Health Assessments](#)
  - 5.12 [Exclusions and Derogations](#)
6. [Workers' Responsibilities](#)
7. [Records](#)
8. [Further Assistance](#)

[Appendix 1](#) - EU Drivers' Hours Rules Summary

[Appendix 2](#) - Domestic Drivers' Rules Summary

[Appendix 3](#) - Summary of WTR Provisions and Company Variations

[Appendix 4](#) - Exclusions and Derogations

## 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 and its subsidiaries (including but not limited to Alpheus Environmental Limited, AVH Parks Limited, TIDE Services Limited and AWG Group Limited) but excluding Anglian Water (Ireland) Limited and Wave Limited (and their respective subsidiaries, which include Celtic Anglian Water Limited and Anglian Water Business (National) Limited).
- 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 Drivers' Hours Rules**. A summary of these rules can be seen in [Appendix 1](#).
- 2.4 The British **Domestic Rules**, found within the Transport Act 1968, apply to those areas within the business that use goods vehicles, which are exempt from the retained EU **Drivers' Hours Regulations**, e.g. Restoration (Water Services), Groundwater Engineering Team (Water Services), Canwick Workshop operators and 'occasional drivers' in Water/WR Operations. A summary of these rules can be seen in [Appendix 2](#).

## 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 3](#) – 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 3](#).
- 5.1.2 Within the Company it has been agreed that in some business units up to the first 30 minutes of travel time at the start and end of the day for field-based workers **does not** count as working time.

## 5.2 15-Hour Cap

- 5.2.1 Whilst a daily working cap is not required by the WTR, the Company is committed to supporting the health, safety and wellbeing of its workers. Therefore, the Company has set a cap on the number of hours that may be completed within a 24-hour period. The calculation of the 15-hour cap varies depending on the type of role held. For example:
- where a field based worker is required to spend up to 30 minutes of their own time travelling at the start and end of the day to/from a job (see 5.1.2), the 15-hour cap consists of a minimum of 14 hours' working time plus a maximum of 1 hour of personal travel time;
  - for all other workers, the 15-hour cap is a maximum of 15 hours' working time, which does not include home to work commute travel time.
- 5.2.2 For the purpose of calculating a 24-hour period, typically, this begins at the start of a normal working day for each individual. The 15 hours do not have to be completed consecutively. The following **do not count** towards the 15-hour cap:
- When on standby, time spent as being available for work but not deployed - this time should be spent as a worker sees fit to ensure that they are rested and are supporting their wellbeing.
  - Unpaid breaks. Allocated breaks should be taken throughout the day to ensure adequate rest during the working day, they must not be taken at the end of the day in order to shorten the working day.
- 5.2.3 Where a worker is still deployed to an active job but would soon reach the 15-hour cap, factoring in time to travel home, they should complete a [fatigue self risk assessment](#) and contact the OMC to confirm their stand down and arrange an appropriate handover.
- ## 5.3 48-Hour Week
- 5.3.1 The WTR restricts working hours to a maximum working week of 48 hours 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.
- 5.3.2 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).

#### 5.4 Reference Periods

- 5.4.1 The standard reference period applied in the Company is 26 weeks, calculated from 1<sup>st</sup> Monday in April and 1<sup>st</sup> Monday in October.

#### 5.5 Calculating Average Working Hours

- 5.5.1 Average working hours are calculated as follows:

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

- 5.5.2 **A** is the hours actually worked in the reference period;

- 5.5.3 **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.

- 5.5.4 **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.

#### 5.6 Opt Out Agreements

- 5.6.1 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, it does not allow its workers to opt out of the average 48 hours per week restriction.

#### 5.7 Rest Breaks and Periods

- 5.7.1 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 hours;
- 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.

5.7.2 Where a job role requires a worker to carry out standby duties, the WTR allow for an exemption to the regulations set out in clause 5.7.1. This exemption only applies when an employee is attending to an emergency. Please see section on Exclusions and Derogations [below](#).

5.7.3 Under the WTR 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.

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

5.7.5 On occasion it may be necessary for planned work to take place overnight. Where this happens, adequate rest will be provided before and after periods of planned work overnight.

## 5.8 Rest Time and Compensatory Rest

5.8.1 In accordance with the WTR, where a worker is required to work during a period that would otherwise be a daily rest period or rest break, the Company, wherever possible, will allow the worker to take an equivalent period of unpaid compensatory rest, to be taken within a period of 2 weeks. 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](#).

5.8.2 Standby is treated as an 'emergency' for the purpose of the Working Time Directive. The Company provides for paid "rest time", which is a period offered equivalent to one hour for each hour worked between 10:00pm and 06:00am where a normal work day (i.e. not a standby day) follows up to a maximum of 8 hours or 1 contractual working day if contracted daily hours are less than 8.

5.8.3 Paid rest time will be provided where a worker has been disturbed on company business for advice either between the hours of 10:00pm and 06:00am or during paid rest time. For each disturbance a rest allowance of 1 hour or the length of the call, whichever is the greater, shall apply. If multiple calls are taken within a 1-hour period then only 1 hour rest time shall apply.

5.8.4 As far as reasonably practicable, paid rest time should be taken from a worker's usual start time on the working day that follows. Manager discretion can be applied to allow individuals to take due paid rest time at the end of their working days following an assessment of operational risk and fatigue. If paid rest time is offered, it is expected that the worker will begin their next working day following the deduction of the paid rest time from their usual start time, e.g. if a worker is entitled to 4 hours' paid rest time and would usually start work at 8am, they will be at work and ready to start working at Midday.

5.8.5 Compensatory rest and rest time offered under 5.8.1 and 5.8.2 should be used as each individual sees fit. It is offered by the Company to enable workers to rest before returning to work. The Company will not stipulate what constitutes rest but encourages individuals to utilise this time effectively, taking their own preferences and wellbeing into account.

## 5.9 Night Work

5.9.1 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 6am.

5.9.2 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.

5.9.3 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.

5.9.4 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 Shift Work

5.10.1 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’.

5.10.2 A ‘shift worker’ means any worker whose work schedule is part of shift work.

5.10.3 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.

5.10.4 However, the Company aims to ensure that shift workers receive rest breaks, daily and weekly rest periods as detailed in [5.8.1](#).

## 5.11 Health Assessments

5.11.1 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.

5.11.2 In addition, in accordance with the WTR, night workers shall be offered a free annual health assessment.

5.11.3 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.

5.11.4 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.

5.11.5 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.

## 5.12 Exclusions and Derogations

5.12.1 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.

5.12.2 The Company, as a utility company, under Regulation 21 of the WTR may exempt workers, including night 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.

5.12.3 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 4](#).

- 5.12.4 Workers who have the potential to work beyond 12 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 can be found on [Lighthouse](#) as can a copy of the [Fatigue Self Risk Assessment](#).

## **6. WORKERS' RESPONSIBILITIES**

- 6.1 Workers have a responsibility to ensure, for their own health and safety, that they are not working more than 15 hours per shift, an average of 48 hours a week and have a responsibility to ensure that they comply with the Fatigue Risk Assessment process, take their annual leave and rest periods. Managers have a responsibility to ensure that their staff are not working more than 15 hours per shift, an average of 48 hours a week, comply with the Fatigue Risk Assessment process and have the opportunity to take their rest periods, including unpaid 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 (ERM)/Advisor (ERA) for further assistance. Details of the areas covered by each ERM/ERA can be accessed [here](#).

## **LAST REVIEWED**

February 2025

**Appendix 1 - EU Drivers' Hours Rules Summary**

<b>EU Drivers' Hours Rules</b>	<b>Summary</b>
<b>Driving hours</b>	<p>The main EU rules on driving hours are that you must not drive more than:</p> <ul style="list-style-type: none"><li>• 9 hours in a day - this can be extended to 10 hours twice a week</li><li>• 56 hours in a week</li><li>• 90 hours in any 2 consecutive weeks</li></ul> <p>You must record all driving you do under EU rules on a tachograph.</p>
<b>Breaks</b>	<p>The main points of EU rules on breaks are that you must take:</p> <ul style="list-style-type: none"><li>• a break of at least 45 minutes after no more than 4.5 hours driving</li></ul> <p>This break can be split into two periods, the first being at least 15 minutes and the second at least 30 minutes (which must be completed after 4.5 hours driving)</p>
<b>Rest</b>	<p>The main points of EU rules on rest are that you must take:</p> <ul style="list-style-type: none"><li>• at least 11 hours rest every day - you can reduce this to 9 hours rest 3 times between any 2 weekly rest periods</li><li>• an unbroken rest period of 45 hours every week - you can reduce this to 24 hours every other week</li><li>• your weekly rest after 6 consecutive 24-hour periods of working, starting from the end of the last weekly rest period taken</li></ul>

**Appendix 2 - Domestic Drivers' Rules Summary**

<b>Domestic Drivers' Rules</b>	<b>Summary</b>
<b>Duty Time</b>	<p>Duty Time is any working time.</p> <p>You must not be on duty for more than 11 hours in any working day. This limit does not apply on any working day when you do not drive.</p>
<b>Driving hours</b>	<p>The main Domestic rules on driving hours are that you must not drive more than:</p> <ul style="list-style-type: none"> <li>• 10 hours in a day</li> </ul> <p>You must record all driving you do on a tachograph.</p>
<b>Breaks</b>	<p>The rules are silent on breaks. As a Company we advise:</p> <ul style="list-style-type: none"> <li>• a break of at least 30 minutes after no more than 4.5 hours driving</li> </ul>
<b>Rest</b>	<p>The rules state adequate rest. As a Company we say:</p> <ul style="list-style-type: none"> <li>• 30 minutes in an 8 hour shift and 11 hours between shifts (as per HSE guidance)</li> </ul>
<b>Exemptions</b>	<p>The rules state that you do not need to follow the GB domestic rules if you are dealing with an emergency - for example, a major disruption to public services or danger to life (this only applies while you're dealing with the emergency).</p> <p>As a Company we say even when dealing with an Emergency maximum shift time is 15 hours</p>

**Appendix 3 – WTR Provisions and Company Variations**

<b>WORKING TIME</b>		
<b>What the Regulations say....</b>		<b>Company Application</b>
<b><i>What counts as work</i></b>	<b><i>What does not count as work</i></b>	
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 or unpaid travel.	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 up to 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 <sup>st</sup> April and 1 <sup>st</sup> October.
Night Work	A night worker's normal hours of work must not exceed an average of eight hours in each 24-hour period.	Compliant and applies derogation of continuity of service where appropriate
REST PERIODS		
What the Regulations Say...		Company Application
Rest periods	<p>Workers are entitled to:</p> <p>A <b>rest break</b> of 20 minutes for a working day of more than 6 hours</p> <p><b>Daily rest</b> of 11 consecutive hours</p> <p><b>Weekly rest</b> of</p> <ul style="list-style-type: none"> <li>not less than 24 hours in a 7-day period; or</li> <li>Two uninterrupted rest periods of not less than 24 hours in each 14-day period; or</li> <li>One uninterrupted rest period of not less than 48 hours in each 14-day period</li> </ul>	<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 rest time and provision for unpaid compensatory rest</p> <p>In accordance with the WTR, where a worker is required to work during a period that would otherwise be a daily rest period or rest break, the Company, wherever possible, will allow the worker to take an equivalent period of unpaid compensatory rest, to be taken within a period of 2 weeks.</p> <p>Standby is treated as an 'emergency' for the purpose of the Working Time Directive. The Company provides for paid "rest time", which is a period offered equivalent to one hour for each</p>

		hour worked between 10:00pm and 06:00am where a work day follows up to a maximum of 8 hours or 1 contractual working day if contracted daily hours are less than 8.
Shift Work	<p>Daily rest and weekly rest do not apply where:</p> <ul style="list-style-type: none"> <li>the shift worker changes shift and cannot take a daily or weekly rest period between the end of one shift and the start of the next one</li> <li>The worker's activities are split up over the day</li> </ul> <p>In these cases, shift workers must, wherever possible be allowed to take an equivalent period of compensatory rest.</p>	<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 weekly rest set out in the WTR, the Company will ensure that wherever possible, they receive an equivalent period of compensatory rest.</p>

### 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**

Employers must keep records that are adequate to show that the Regulations are being complied with and to retain the records for two years.

**Company Application**

Hours worked are managed by:

- 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 4 - Exclusions and Derogations**

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

\* 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.