

WORKING HOURS POLICY



Purpose

This purpose of this policy is to reduce risk to health and safety that are associated with working patterns, shift work and excessive working hours. It should be read in conjunction with the Company Fatigue Management Policy. Each policy defines the standards of conduct required by all employees of SCCS within the course of their employment (and more particularly sets out the Company's commitments to provide a safe and health workplace).

The Company recognises that personnel undertaking excessive hours may cause safety issues (resulting potentially in injury) to themselves and others who may be affected by our business operations. Safety Critical Work can endanger lives and must be carefully controlled.

Scope

This policy applies to all Company employees and any person acting as a representative of SCCS. References to Safety Critical Work (or Sentinel) requirements are (generally) specifically aimed at those engaged in rail activities. The scope of this policy includes controls for the management working hours & (when read in conjunction with the Fatigue Management Policy) control fatigue & working hour exceedances in the working environment.

This policy is applicable as follows:

- The general remit of this policy is applicable to all SCCS personnel or authorised persons acting on its behalf
- References to Safety Critical Work are aimed more specifically (but not limited to) personnel engaged in rail activities
- The revised Network Rail Safety Standard applies to *all* personnel working on Network Rail infrastructure, assets or systems (regardless of whether such work is deemed safety critical).

Definitions

- "Company" shall mean SCCS
- "Senior Management Team" shall mean the Managing Director and such other senior personnel deemed applicable by the MD (such as the Operations Director and Sales Director)
- "Exceedance" shall mean the exceedance of a working time limit
- "Fatigue" shall mean a perceived state of weariness resulting from physical or mental exhaustion that can result from prolonged working, heavy workload, insufficient rest, and inadequate sleep
- "Safety Critical Work" shall mean work that, if completed incorrectly, endangers lives

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Current issue date:	14/03/2023

Aims & Commitments

- Protection of employees and any person who may be affected by the actions or omissions of any authorised person acting on behalf of the Company in the pursuit of its business operations.
- Fostering of close working relationships which facilitate the monitoring of workload commitments to ensure:
 - The Company commits to meet client and infrastructure requirements
 - The Company remain compliant with all applicable legislation standards
 - The Company remain compliant with all Network Rail Regulations and standards
 - SCCS employees, authorised representatives and other applicable persons remain free from harm to themselves (and others)
- Fostering of close working relationships (which facilitate monitoring of workload activities) of those acting as an authorised representative of the Company in accordance with above.

Applicable standards & legislation

The Working Time Regulations 1998

The Working Time (Amendment) Regulations 2003

Network Rail Standard NR/L2/OHS/003 – as revised (Oct 2022)

S1552 QUENSH Contract Conditions

Such other legal standards and Network Rail guidance issued from time to time

1. What counts (and does not count) as Working Time?

Working Time includes:

- Time spent working in accordance with contractual arrangements
- Time spent working in accordance with any Working Time Opt Out arrangement (subject to any other provisions set out in this policy)
- Paid and unpaid overtime requested by the Company
- Time required “on call” by the Company
- Shift overruns
- Time spent travelling from one work appointment to another work appointment
- Time spent travelling where the purpose of travel is work related (such as deliveries)
- Working lunch requested by the Company
- Job related training

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Working Time does not include:

- Periods of time where you are free to decide how you spend that time
- Break periods
- Commuting periods unless it is for the purpose of carrying out a work task as defined above
- Paid leave periods

2. Working Time Regulation Parameters

2.1 By law an employee (over 18) cannot work more than an average of 48 hours a week unless either of the following apply:

- The employee enters into (with their consent) a Working Time Opt Out arrangement
- The employee undertakes a role not covered by Working Time Regulations. The Company has not identified any roles to which this would apply.

2.2 The Company has identified that it does not currently engage any personnel under the age of 18.

2.3 An average working week is taken to mean the total hours an employee has worked over a 17week period then divided by 17. The reference period is a rolling one.

2.4 If an employee has more than one job that employee must not work more than the stated 48 hours average, in total, across both jobs. The Company should satisfy itself of compliance of this requirement.

2.5 Personnel over the minimum school leaving age but under 18 may not work more than 8 hours a day or 40 hours per week. This is further referenced within this policy.

2.6 Young workers are entitled to a break of 30 minutes if they work a 4.5-hour period. They are entitled to a daily rest period of 12 consecutive hours in each 24-hour period and a 48 hour uninterrupted rest in any 7 day period.

2.7 Legislation can change and all personnel are encouraged to familiarise themselves with (and stay up to date with) current Working Time Regulations by visiting:

<http://www.hse.gov.uk/contact/faqs/workingtimedirective.htm>

3. Night Workers (WTR Parameters)

3.1 A night worker is someone who usually works at least 3 hours during the night period.

3.2 The night period is defined as between 11pm- 6am but the Company and employee can agree a different night period together if they want to.

3.3 Regular overtime is included in the average and workers cannot opt out of this limit.

3.4 Records of working hours of night workers must be kept. These must show the night worker does not work more than an average of 8 hours in any 24-hour period.

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- 3.5 The 8-hour average period cannot be used and night workers must never work more than 8 hours in any 24 hour period if the work involves special hazards (such as Safety Critical Work), heavy mental or physical strain.
- 3.6 Night workers are entitled to a free health assessment (carried out regularly whilst working nights) but are not obliged to accept such assessment.
- 3.7 For the purpose of this policy the Company has not currently identified any night workers in its operations.

4. Working Time Regulations Opt Out

- 4.1 Any employee may enter into a Working Time Regulations Opt Out agreement with the Company by consent of both parties.
- 4.2 Any such agreement will be in writing and signed by both parties.
- 4.3 Any such agreement will include information pertaining to the ending of the said Opt Out agreement.
- 4.4 Requests to enter into an Opt Out arrangement should be flagged, in the first instance, with the employee's line manager.
- 4.5 Requests to enter into an Opt Our arrangement will take into consideration the full impact (including safety impacts) of entering into such an agreement. In particular it will pay regard to the remit of this and the Company Fatigue Management policy.
- 4.6 Rail safety critical work will be subject to strict adherence to time exceedances and acceptable reasons set out for time exceedances set out in the Company Fatigue Management policy and Network Rail Standard NR/L2/NHS/003 (current and applicable issues).
- 4.7 The Company shall not be obligated to agree to entering into a Opt Our arrangement with employees.
- 4.8 No employee will be forced to enter into a Working Time Opt Out agreement.
- 4.9 A written notice period of 3 months is required to end any Opt Out arrangement.
- 4.10 Any Opt Out arrangement will specify the time frame it will remain in place for.

5. Employee Obligations & Entitlements (General)

Obligations

- To work within the time parameters set out above, their contract of employment, and within agreed periods that may have been agreed by consent in any Working Time Opt Out Agreement.
- Take responsibility for adhering to all working time guidance, taking responsibility for the health & safety of themselves and others.

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- Taking responsibility for flagging any/all concerns with working hours and issues such as workload that may lead to fatigue to their line manager for resolution.
- All personnel must seek permission from the Senior Management Team before undertaking secondary employment elsewhere and will, if appropriate (and with consent) sign a Working Time Opt Out agreement (stating the specific time frame it covers or whether the arrangements are indefinite).
- When the employee declares an interest in secondary employment a meeting must take place with the line manager and Senior Management Team to discuss the impact of total hours to be worked and compliance with these regulations. Discussions must include driver's hours, management of fatigue and all other safety implications. An agreement will be reached on how to monitor working time. The results of meeting shall be recorded.
- This policy should be read in conjunction with the Company Fatigue Management Policy.

Entitlements

- Daily rest of not less than 11 consecutive hours in each 24-hour period during which the employee works.
- Weekly rest of not less than 35 hours (including the 11 hours of daily rest) in each 7-day period. This may be averaged out over a 2-week reference period.
- Minimum uninterrupted breaks of 20 minutes if your daily working time exceeds 6 hours.

6. Employee Obligations (Safety Critical & any person undertaking Rail Work)

6.1 All personnel working on Network Rail Infrastructure shall not work more than:

- 12 hours per shift
- 72 hours per calendar week
- 13 shifts in any 14-day period

6.2 All personnel shall have at least 12 hours rest between shifts.

6.3 All proposed work on Network Rail Managed Infrastructure must be planned in advance and working hours rostered so that personnel are not required to work in excess of the prescribed times.

6.4 All personnel required to undertake activities when working on London Underground shall comply with minimum rest periods and not exceed maximum turns of duty or maximum hours set out within S1552 QUENSH Contract conditions which follow:

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- 6 consecutive days, followed by a rest period of not less than 24 hours
- 12 consecutive days, followed by consecutive rest days, each of which is not less than 24 hours
- Within any 14-day period, 2 rest periods, each of which is not less than 24 hours
- Not more than 12 hours to be worked per period of duty/shift
- In accordance with Network Rail Standard NR/GN/INI/001 door to door time should not exceed a maximum of 14 hours provided the working shift does not exceed 12 hours
- Any personnel selected to undertake activities in a rail environment shall comply with rest periods set out in the current version Network Rail Standard NR/L2/OHS/003
- Any (Sentinel) personnel selected to undertaken rail activities in a rail environment shall comply with maximum turns of duty and maximum working hours as details in the current version Network Rail Standard NR/LS/NHS/003
- Please refer also to trigger levels set out in table 6.5 below.

6.5 The full Network Rail NR/L2/OHS/003 is summarised below:

Trigger	Fatigue Assessment/ Exceedance form/Management plan required?	Minimum controls to be put in place	
More than 60hrs in 7 rolling days	All	No individual working alone No safety critical duties without additional controls	No driving duties Minimum 12 hrs rest before next period of work
More than 72hrs in 7 rolling days	All	No individual working alone No safety critical duties	No on track plant operations No on train metering operations Minimum of 24hr rest before next period of work
14hrs more door to door	All	To be agreed following fatigue assessment	
More than 12 hrs in on shift/ working day	Assessment	To be agreed following fatigue assessment	
Less than 12 hrs rest between shifts/working days	Assessment	To be agreed following fatigue assessment	
More than 13 day or nights in 14 rolling days	Assessment	To be agreed following fatigue assessment	
Day time fatigue score (FRI) of 35 or more	Assessment	To be agreed following fatigue assessment	
Night time fatigue score (FRI) of 45 or more	Assessment	To be agreed following fatigue assessment	
Risk score (FRI) of 1.6 of more	Assessment	To be agreed following fatigue assessment	

6.6 The Company have access to a Fatigue and Risk Index Calculator. Calculation of risk should be undertaken by the SCCS Health & Safety Manager in conjunction with the Line Manager.

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7. Company Obligations

- 7.1 The Senior Management Team shall have overall responsibility for the implementation of this policy and its content.
- 7.2 The Senior Management Team will cascade responsibility for monitoring working hours and fatigue via both HR resources and line managers as appropriate.
- 7.3 Working hours for office-based personnel are captured in the Company Entry Sign system.
- 7.4 Some personnel work off site. Where this occurs the line manager shall be responsible for any appropriate monitoring of hours worked within their team (recording if appropriate), to ensure compliance with the remit of this policy.
- 7.5 Line managers will engage in regular discourse and one to one with the members of their respective teams. Any issues with workload and/or working commitments (which might lead to a requirement for completion of overtime) shall be discussed, planned, and monitored (as appropriate). Where possible plans will be made to eliminate or ease the need for overtime. This might include, but not be limited to:
- Re-allocation of some work tasks for a set period
 - Allocation of extra resource for a set period
 - Flexibility within normal work patterns to accommodate needs and deadlines (provided legal compliance is met). For example, lieu time may be authorised, if appropriate.

8. Management of Time Exceedance

- 8.1 An exceedance is generally identified as working beyond a time limit.
- 8.2 Exceedance must only occur when:
- Authorised by line management in accordance with the remit of this and associated Company Fatigue Management Policy
 - The Exceedance authorisation will not breach safety and/or legal obligations
 - The proposed exceedance is recorded and identifies the exceptional circumstances that warrant the exceedance when having regard to all possible options, safety implications and steps which might be available to mitigate against the exceedance demand.
- 8.3 Full guidance on managing exceedance is set out in the Company Fatigue Management Policy.

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9. Records

All records relating to Time Management will be held for a (minimum) period of 5 years unless otherwise stated and will be subject to all relevant data retention and data protection legislation.

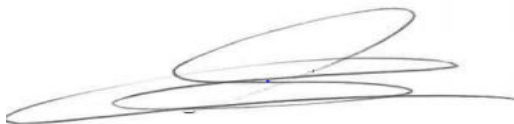
10 Monitoring & Compliance

- 10.1 The Company Senior Management Team will be responsible for managing compliance of the remit of this policy.
- 10.2 The Company Senior Management Team may delegate responsibility (for compliance) to suitably competent personnel where appropriate.
- 10.3 The Company will access a range of solutions for the purpose of monitoring working hours. This will include but not be limited to:
- Entry Sign clocking in/out system
 - Working hours set by contractual arrangement
 - Authorisation of agreed paid and unpaid overtime periods
 - Agreement of additional working structure within the confines any Working Time Opt Out
 - Recording of working hours (for appropriate non office personnel) capable of identifying working hours for the purpose of compliance with the remit of this policy

11 Review

- 11.1 This policy will be reviewed (at least) annually or as otherwise required.

Signed:



Print name: Kevin Smith

Position:
Revision

Managing Director
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Date: 14/03/2023
Next review: 14/03/2024