

Working Time Regulations Policy

February 2026

Contents

Contents	2
1. Introduction	3
2. Scope	4
3. Limit on average weekly working time	4
4. Night workers	4
5. Multiple employment	5
6. Recruitment	5
7. Call out	5
8. Reference periods	6
9. Other exceptions	6

1. Introduction

Bury Council is committed to providing safe working conditions for all its workers and as such will take all practical measures possible to operate within the Working Time Regulations 1998 (as amended) rather than unnecessarily agree exceptions to avoid the provisions of the legislation.

The principal provisions of the Regulations are for:

- (i) a limit on average weekly working time to 48 hours (though individuals can choose to work longer by mutual agreement);
- (ii) a limit on night workers' average normal daily working time to 8 hours;
- (iii) a requirement to offer regular health assessments to night workers;
- (iv) a minimum daily rest break of 20 minutes during the working day if working for more than 6 hours. The break should be taken during the 6 hour period, not at the beginning or end of it;
- (v) 11 hours consecutive rest in every 24 hours;
- (vi) a 24 hour rest break each week; and
- (vii) 5.6 weeks' paid annual leave.

The Regulations give some rights to young workers (those over the minimum school leaving age but under 18) which differ from those given to adult workers. These relate to:

- (i) a limit on normal working hours of 8 hours a day, 40 hours a week;
- (ii) should not ordinarily work at night (10-6 or 11-7) except in certain sectors;
- (iii) capacities assessments for night workers, to assess the worker's ability to perform night work, taking into account his/her maturity, experience and competence;
- (iv) a minimum daily rest break of 30 minutes during the working day if working for more than 4½ hours. The break should be taken during the 4½ hour period, not at the beginning or end of it;
- (v) 12 hours consecutive rest in every 24 hours; and
- (vi) a 48 hour rest break each week.

The Council supports the implementation of the Working Time Regulations as part of its general obligation to ensure the health and safety of all employees.

2. Scope

This policy applies to all workers, as defined under the Regulations, who have a contract of employment with Bury Council. Policy principles also apply to casual and agency workers.

The Council has adopted the 'Green Book' provisions as well as Local Conditions of Service and therefore the majority of workers will be covered by existing arrangements. This Policy Statement outlines the Council's specific position on the Working Time Regulations together with those areas which have been agreed with the trade unions.

3. Limit on average weekly working time

The Council discourages employees from working above the 48 hour limit on the average weekly working time. This limit applies to total working time, irrespective of whether the employee has more than one contract with the Council, or additional contracts externally. Working beyond this limit will only be agreed on a truly exceptional basis, and only for time limited periods.

Where an individual has more than one contract with the Council, they will not normally be permitted to work above the 48 hour limit on average weekly working time.

4. Night workers

The Council has chosen to define night-time as 11.00 pm to 6.00 am. A night worker is a worker who works at least three hours of their daily working time during these hours.

Bury Council employs a number of night workers, including:

Job Title	Department
Night Mechanics	Environment & Development Services
Security Officers	Corporate Core
Emergency Control	Corporate Core

All night workers will be asked to complete a medical questionnaire on an annual basis. This questionnaire will be checked by the Occupational Health provider, and occasionally a physical examination may subsequently be carried out. Where a worker has a health condition which is aggravated by night work, he or she will be offered a transfer to day work where possible.

The reference period for night workers will be 17 weeks, although this will be subject to review.

5. Multiple employment

Under the Code of Conduct, individual workers are asked to inform the Council when they have more than one employment contract.

This is particularly important where they work in two or more separate jobs for Bury Council and each individual's line manager should be informed at interview or prior to the additional contract being accepted.

The Council is keen that workers who have other jobs elsewhere declare their hours of employment. This will enable the Council to meet its health and safety obligations under the Working Time Regulations and other relevant legislation. The Council reserves the right, where an employee's working time equates to more than 48 hours, to insist that the worker reduces their hours for health and safety reasons.

6. Recruitment

All new workers will be made aware of their responsibilities within the Working Time Regulations and in particular details of the 48 hour working time limit. Candidates at interview will be informed of the requirement to inform the Council of any other work undertaken and will be advised that where they work beyond 48 hours, even if this includes work outside the Council, the Council may insist that the worker either reduces their hours, or forfeits one job, for health and safety reasons. If, in an exceptional circumstance, for a time limited period, both parties agree to the exception, the employee will be asked to sign an individual agreement to 'opt out' of the 48 hour maximum limit. The agreement will read as follows:-

"I agree to opt out of the 48 hour maximum weekly working limit set within the Working Time Regulations 1998. Either myself or my employer can withdraw this agreement at any time."

7. Call out

The Regulations will be dis-applied where a worker with “call out” arrangements is called out. In such circumstances compensatory rest will be provided, the period of rest being equivalent to the time worked when called out.

Wherever possible, compensatory rest should be taken within 24 hours of the missed period of rest. For example, where a daytime worker is called out at night they will normally be expected to take compensatory rest the following morning. In call out situations managers must consider the health and safety of employees and their consequent ability to deliver to expected standards.

Occasionally, where the health and safety of an employee is not at risk, it may not be possible for them to take compensatory rest within 24 hours. In such circumstances the rest should be taken within two weeks.

8. Reference periods

The standard 17 week rolling reference period applies to the majority of employees. However, the following workers are deemed to fall within the exceptions under Regulation 21 of the legislation and therefore may be subject to a 26-week reference period.

Continuity of Service:

- Employees who work in residential institutions
- Refuse collectors
- Night mechanics
- Library staff

Foreseeable Surge in Activity:

- Committee Administrators
- Senior managers
- Grounds maintenance workers
- Art Gallery attendants
- Information Services employees
- Workers involved in Election duties

Security and Surveillance Activities:

- Security officers and attendants
- Emergency control co-ordinators

9. Other exceptions

For workers listed under 'Reference Periods' above, the daily, weekly and rest break provisions do not apply, subject to equivalent compensatory rest provisions.

In addition, in unforeseeable circumstances (eg to cover sickness absence), managers may use the exceptions for other groups of workers as appropriate.

Chief Officers are excluded from all parts of the Regulations, except annual leave entitlement, as the Regulations do not apply to individuals who have working time which cannot be measured, predetermined, or fixed by the employer. Compensatory rest should be taken within two weeks for daily rest breaks and two months for weekly rest breaks. Compensatory rest will be unpaid.

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