

## **Working Time Regulations (WTR)**

The working time regulations of 1999 are essentially a piece of health and safety legislation that sets out minimum standards for employers for the care of their employees including Police officers.

It sets out the minimum periods of daily rest between shifts, your length of meal breaks, your weekly rest periods, your maximum periods of night working and your maximum weekly average hours.

The only part of the regs that you can opt out of is the weekly average. Everyone is set a weekly average of 48 hours over a period of 20 weeks in Hampshire. Should you wish to opt out then contact your duties office explaining your reasons for wanting to do this.

All the other regulations relating to working time will still apply to you.

You must have one day off in seven, or failing that two single days in fourteen or a two day block in fourteen.

You must have eleven hours rest between rostered tours of duty. If this doesn't happen then you may be asked to start your next duty later or to take another period of eleven hours rest elsewhere in your rest day pattern. The later is known as compensatory rest.

In essence for a RD to be counted as a RD for weekly rest under WTR then there must be eleven hours daily rest after the end of the shift, followed by 24 hours weekly rest. If the total of 35 hours is achieved before the next start of duty then that counts as your one day in seven.

Where working time regs and Police regulations are in conflict we will always work to the better regulation for the officer.

### **What do I do if I don't get a Refreshment Break?**

Your right to a refreshment break is contained within Police Regulation 22 Annex E. This states that where an officer is on duty for a continuous period of 5 hours or more, time for refreshment shall, as far as exigencies of duty permit, be allowed as in the following table;

#### **Number of Hours Refreshment Time**

- Less than 6 hours 30 minutes
- 6 hours or more, but less than 7 hours 35 minutes
- 7 hours or more, but less than 8 hours 40 minutes
- 8 hours or more, but less than 9 hours 45 minutes
- 9 hours or more, but less than 10 hours 50 minutes
- 10 hours or more 60 minutes

The refreshment period should be between the 3rd and 6th hour of your shift, whenever practicable. Therefore it should never be the norm that you are required or rostered to take your break outside this period.

Refreshment breaks are granted subject to exigencies of service, which is a pressing need or requirement which cannot be reasonably avoided. However, this does not mean that they can be abused or ignored. Unfortunately, we are aware from feedback from members that this is increasingly the case, and refreshment breaks are increasingly being interrupted or there is no opportunity to take them.

Unlike most other workers Police Officers are paid for their refreshment break as they are required to remain available to return to duty. For this reason it is not lawful if you do not get a refreshment break to take it at the end of your shift as time due. However, as Police Regulations offer little protection when refreshment breaks are not taken or interrupted we must rely on other legislation which may assist.

Working Time Regulations are Health and Safety legislation which covers Police Officers. They set down minimum standards which all workers are entitled to by law. Regulation 12 of the Working Time Regulations provides that where a worker's daily time is more than 6 hours they are entitled to a rest break. This is a minimum standard and does not mean that a 20 minute break should be the norm and Police Regulations can be ignored. What it does set down is your entitlement to take that break. This should be an uninterrupted period and you are entitled to spend this away from your work station if applicable.

Breaches of the Working Time Regulations can be dealt with by an Employment Tribunal or complaint to the Health and Safety Executive who can issue the Force with an improvement notice, or even prosecute the Force if the situation is not improved.

When you do not get your entitlement to a refreshment break, or it is interrupted by a requirement to return to duty, you should ensure that this is recorded in your pocket book. You should bring this to the attention of your supervisor and also send a note to your local Safety Representative/ Federation Representative. This will allow the Safety Representative to monitor the situation and provide the evidence to raise the problem at Area Health and Safety meetings. This will ensure that the problem is addressed by the Local Commander and if it is not, we can address it through a complaint to Employment Tribunal or Health and Safety Executive as outlined above.

Assist us to assist you to ensure your working environment remains safe

