



## **PROCEDURE ON WORKING TIME REGULATIONS**

Updated: 1<sup>st</sup> April 2019 / Reviewed: November 2025

European law implemented the Working Time Regulations in 1998 with an amendment in 2003, as a preventative measure, to safeguard staff from working excessively long hours as this could impinge on employees' health and safety at work.

The Regulations state that employees can only work a maximum of 48 hours in any seven day period, calculated over 17 weeks. The legislation also allows employees to opt out of this ruling, with certain conditions. The main condition being that new staff cannot choose to opt out until they have completed a probationary period.

ELCAP operate the Opt Out agreement but strive to ensure that staff do not work over the 48 hour average. The Register Manager monitors, on a monthly basis, employees working hours.

### **Step 1:**

All new staff are asked to declare any secondary jobs with their line manager, in writing, giving details of all paid work undertaken outside their ELCAP working hours. *[See Appendix 1]*

The contract of employment states that staff have an obligation to ensure that they are not working excessive hours and endangering either their own health or that of others. Any secondary job undertaken must be compatible with their primary job with ELCAP. The Registered Manager monitors staff with secondary jobs as part of the overall monitoring process to ensure no excessive hours are being worked.

### **Step 2:**

New staff will not receive an 'Opt Out' form when commencing employment. When the probationary period is completed, new staff will receive a letter of confirmation of appointment together with the choice to sign an 'Opt Out' agreement.

The Registered Manager monitors all hours worked by staff, on a monthly basis, and where there are health and safety concerns, the Registered Manager writes to the member of staff and their line manager highlighting the concerns with instructions to reduce the working hours.

This continues to be monitored and if the pattern does not stop, a more formal approach will be taken.