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Recording Your Working Hours

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Nicky is the owner of HR Support Consultancy. She has a BA(Hons) in Business Studies, is a member of the Chartered Institute of Personnel and Development and has been a practising HR manager for more than 20 years. HR Support Consultancy has provided the BVNA Members Advisory Service (formerly known as the Industrial Relations Service) since it began in 2002.

The European Court of Justice recently ruled that employers need to have a system that accurately records working hours.

Without a system to record working hours, the court said, employees could not reliably determine the length of their working hours or rest periods, making it "excessively difficult, if not impossible in practice, for workers to ensure that their rights are complied with."

This has an impact for all employers.

The Working Time Regulations have been with us for over twenty years, they restrict the total number of hours employees can be asked to work to 48 a week and they specify entitlement to paid holiday and rest breaks. Employees can choose to work more hours by opting out of the 48-hour week.

Calculating your working hours if you work variable hours is usually done by calculating the hours over a 17-week reference period to work out an average, you might work more than 48 hours one week but less in other weeks. If you are under 18 you cannot work more than 40 hours a week.

Working hours includes

- job-related training
- time spent travelling if you travel as part of your job, for example, sales rep
- working lunches, for example, business lunches
- time spent working abroad
- paid overtime
- unpaid overtime you're asked to do
- time spent on call at the workplace
- any time that is treated as 'working time' under a contract
- travel between home and work at the start and end of the working day (if you don't have a fixed place of work)

Working hours do not include

- time you spend on call away from the workplace
- breaks when no work is done, for example, lunch breaks
- travelling outside of normal working hours
- unpaid overtime you've volunteered for, for example, staying late to finish something off
- paid or unpaid holiday
- travel to and from work (if you have a fixed place of work)

The recent judgement recognises that in order to calculate hours worked, there need to be records, and these records need to be reliable, the actual daily working time needs to be recorded.

The ECJ (European Court of Justice) has said that the Working Time Directive requires employers to have a system which records the actual number of hours worked by workers each day.

Having detailed accurate records of time spent working has advantages for both employees and employers, but perhaps not the return of the old clocking in machines?

A quick recap of the Working Time Regulations:

Workers are entitled to

- Take at least a 20-min break if they will work longer than six hours (many employers give more breaks than this)
- Not to work on average more than 48 h per week. Unless they have 'opted out'
- 11 consecutive hours' rest in any 24-h period
- One day off each week or two consecutive days off in a two-week period
- A limit on the normal working hours of night workers to an average eight hours in any 24-h period

There are more details to the regulations, if you require more information, or advice on this or any other employment matter please contact us at nicky@hrsupportconsultancy.co.uk

For further support with this or any other HR issue, BVNA members can call the BVNA Advisory Service Helpline on 01822 870270 or email nickyackerley@hrsupportconsultancy.co.uk

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