The purpose of this policy is to ensure all colleagues follow the Working Time Regulations. The purpose of these regulations is to protect the health and safety of workers (including all colleagues).

This policy outlines work arrangements including the maximum number of working hours available to a colleague each week, the required rest periods which should be taken on a daily and weekly basis as well as guidance around breaks.

**Key Points**

This policy is applicable to all functions within the business. All references to ‘People Manager’ relate to the individual responsible for People within the function.

The working arrangements as described in this policy must be applied fairly and consistently to all colleagues and ensure that each colleague is treated in compliance with the Working Time Regulations.

- In line with the Working Time Regulations, the number of hours in each working week for Asda colleagues should be limited to 48 hours. (This can be averaged out over 17 weeks, i.e. a colleague can work more than 48 hours in one week, as long as the average over 17 weeks does not exceed 48 hours per week).
- Asda does not give colleagues the option of ‘opting out’ of the 48 hour limit (there are some exceptions within Distribution).
- Colleagues are entitled to a minimum rest period of 11 hours in each 24 hours (12 hours for colleagues under age 18).
- When reviewing the report there may be a time when a colleague's name still appears due to a previous breach. If you are satisfied the colleague hasn’t breached the Working Time Regulations the colleague does not need to be counselled and the reason why should be recorded on the Working Time Report.
- A colleague's break arrangement is determined by the number of hours worked and the time of day they work. Whether or not they attract pay will depend on whether they are linked to an unpaid meal break.
- The breaks offered to Asda colleagues are more favourable than the statutory minimum.
- Breaks for young colleagues (i.e. those under age 18) may vary, please refer to the ‘Young Colleagues’ policy.
- All colleagues within Retail and Distribution are required to swipe in and out. Whilst the swipe system does not drive pay for salaried colleagues, there is still a requirement for salaried colleagues to swipe in and out so that their hours can be managed in line with the Working Time Regulations.
- Within the Home Offices, it is a Line Manager’s responsibility to monitor their team’s working hours and ensure that their working hours are within the working time limit.
- Any breaches of the Working Time Policy may be dealt with, where appropriate, the disciplinary procedure and may lead to disciplinary action (up to and including summary dismissal).

**Managing the Policy**

1a) Retail

**Daily Rest Breaks**
- The daily rest break is the number of hours’ rest that a colleague is entitled to between shifts, i.e. between one shift finishing and their next shift starting.
Different rest breaks apply where shift patterns are split up over the day or change type, e.g. a late shift to an early shift – however, in this case, the correct daily rest breaks should be taken before the start and after the end of the 2 worked shifts.

Colleagues over 18 are entitled to a minimum daily rest break of 11 consecutive hours.

Colleagues under 18 are entitled to a minimum daily rest break of 12 consecutive hours.

**Weekly Rest Breaks**
- The weekly rest break is the number of days off a colleague must have each week.
- Colleagues over 18 must have an uninterrupted rest period of not less than 1 day (24 hours) in each 7 day period. This may be averaged over 2 weeks to give 2 days in every 14 days. These days do not have to be consecutive.
- Colleagues under 18 must have an uninterrupted rest period of 2 days (48 hours) in each week. This cannot be averaged out over 2 weeks in any circumstances.
- The rest days for any colleague are in addition to any authorised paid or unpaid leave, e.g. holidays, bereavement.
- The working week for the purpose of calculating rest breaks starts at midnight between Sunday and Monday.

**Breaks and Working Arrangements**
- A break is the rest period(s) a colleague is entitled to during a whole shift. The number and length of each break is determined by the number of hours worked between each break period.
- Any colleague who works 4 or more hours is entitled to a minimum of 15 minutes break. Whether the break attracts pay depends on if it ‘stands alone’ and is paid, or is ‘linked’ to a longer meal break and is unpaid.
- If a colleague works for another employer, the total number of working hours each week is calculated together, in line with the terms and conditions of employment. Whilst working for Asda, colleagues must not, without first getting our written consent, be employed in any capacity or for any purpose whatsoever by any other person or company. This should be established and monitored.

Colleagues who abuse break arrangements
In cases where colleagues abuse the break arrangement, the matter should be investigated in line with the disciplinary policy. Offences regarding swiping in and out including meal / tea breaks where the intent was to defraud the company should be treated as gross misconduct.

i) **Automatic Break Deductions**
Within Retail, the Time and Attendance (Work Brain) pay system is designed to deduct automatic unpaid breaks between certain time windows. The automatic deduction will happen when the shift worked spans the complete window time. The system will deduct these breaks whether the colleague is entitled to them or not.

ii) **Unpaid Meal Breaks**
- A colleague’s shift must span the whole of the meal break window for them to be entitled to the meal break.
- The shift length must be a minimum of 4 hours to gain entitlement to the meal break.

<table>
<thead>
<tr>
<th>Break Time</th>
<th>Time Window</th>
<th>Automatic Deduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lunch</td>
<td>11:30 – 14:30</td>
<td>60 minutes unpaid</td>
</tr>
<tr>
<td>Supper</td>
<td>16:00 – 19:00</td>
<td>30 minutes unpaid</td>
</tr>
<tr>
<td>Night Meal</td>
<td>01:30 – 04:30</td>
<td>60 minutes unpaid</td>
</tr>
</tbody>
</table>

iii) **Paid Breaks**
Colleagues may be entitled to additional paid breaks; such breaks are determined by the meal breaks and will be calculated in line with the remaining time left of the shift.

<table>
<thead>
<tr>
<th>Shift Length</th>
<th>Under 4 hours</th>
<th>Over 4.5 hours (Under 18’s only)</th>
<th>4&lt;6 hours</th>
<th>6&lt;8 hours</th>
<th>8 hours or more</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Break</td>
<td>Nil</td>
<td>30 minutes</td>
<td>15 minutes</td>
<td>20 minutes</td>
<td>30 minutes</td>
</tr>
</tbody>
</table>
Actions When the System Meal Deduction Does Not Match Break Taken

- When the colleague works a complete time window and is not entitled to a break, the deduction will need to be cancelled.
- When a colleague is taking a different break to the amount of time the system will deduct, the colleague will need to manually swipe for their break during the time window being worked. The system will then deduct the manually swiped break instead of the normal automatic deduction for this time window.

Colleagues Taking Incorrect Breaks

- There may be shift patterns where colleagues may be receiving additional breaks. Sites should apply the correct rules to new colleagues and to existing colleagues when contract changes are actioned or when departmental re-rostering opportunities arise.
- Care must be taken where colleagues have previously had paid breaks and would no longer be strictly entitled to them. Situations that affect a large number of colleagues should be discussed with the Senior Manager of People and any future rota changes confirmed by a contract change form, which should also state break arrangements.

Compensatory time off when a correct rest break is not taken

If a colleague does not receive their correct rest breaks, a compensatory period of time off should be given within the following guidelines:

- Break – equivalent break period to be given within 2 weeks
- Daily rest – an extra 11 hour rest period within 14 days (12 hours in the case of young colleagues)
- Weekly rest – an extra day within 8 weeks for colleagues over 18
- Weekly rest – an extra day within 3 weeks for colleagues under 18

1b) Distribution

- Colleagues are allowed to take 2 x 10 minute breaks. The first break is to be taken between the second and third hour of the shift and the second break is to be taken between the fifth and sixth hour of the shift. The taking of the breaks must be supervised locally.
- Breaks cannot be rolled together and taken in one go.
- Within ALS, the Kronos pay system is used to monitor and manage working hours and break arrangements.

2) The Working Time Regulations Report

In order to ensure Working Time Regulations are not exceeded, on a weekly basis it is necessary to print and review a copy of the Working Time Regulations Report from Work Brain / Kronos. The report should be reviewed to identify any violations and a signed copy of the report should be included in the weekly compliance file. Where appropriate, actions that have been taken when a violation occurs should be recorded on the report too.

For Supermarkets and Living, HR Shared Services will send a copy of the report to each store on a weekly basis. The store must then follow up any violations and notify HR Shared Services of the actions that have been taken.

3) FAST Scheduling

When FAST warns of a potential breach of Working Time Regulation, it must not be overridden unless in exceptional circumstances. If it is, the appropriate compensatory rest must be offered. Knowingly allowing colleagues to breach the Working Time Regulations without a reasonable explanation may result in disciplinary action.

4) Managing Violations of the Working Time Regulations

If a colleague has breached the Working Time Policy due to their Manager scheduling them to work extra hours, a discussion must take place with the Manager to prevent any further policy breaches against a colleague. The colleague should also be notified of this and their hours need to be reduced to remedy the breach. A written record must be taken and transferred to their file. Where a second or further breach occurs the Manager of the colleague will need to be dealt with under the disciplinary procedure, please refer to the Disciplinary Policy.
If a colleague has breached the Working Time Policy by working hours that have not been scheduled by their Manager, this must be addressed with the colleague and a discussion must take place to prevent any further policy breaches. The colleague should also be notified that their hours need to be reduced to remedy the breach and monitored over a period of time to ensure it doesn't happen again. A written record must be taken and transferred to the colleague’s file. On the second or further occasion the colleague will need to be dealt with under the disciplinary procedure, please refer to the Disciplinary Policy.

Flowchart

To ensure that the Working Time Regulations are met, the process outlined below should be followed:

1. Issue hourly paid and salaried colleagues with a swipe card and brief them on their individual entitlement in line with the Colleague Handbook at Best Welcome

2. On a weekly basis the Working Time Regulations Report should be:
   - Printed from Work Brain / Kronos
   - Reviewed to identify any violations
   - Signed and included in the Weekly Compliance File

3. If any Managers/Colleagues have breached the working time requirements, follow the ‘managing violations of the Working Time Regulations process outlined in point 3 of the policy

Last Update: July 2015