

## PRIMARY AUTHORITY ASSURED ADVICE

# Overtime Risk Assessments

Advice Issued June 2014, revised November 2016 and October 2019, Primary Authority Advice is issued by Wakefield Council to The British Frozen Food Federation that the guidance document regarding Overtime Risk Assessments complies with the Health and Safety at Work etc. Act 1974, Regulation 3 of the Management of Health and Safety at Work Regulations 1999, the Working Time Regulations 1998 (as amended) & compliance with the HSE guidance, HSG 256: Managing Shift Work

*If you require further information and the full version of this advice and guidance, please contact the Primary Authority via the Primary Authority Register or email [bfffprimaryauthority@wakefield.gov.uk](mailto:bfffprimaryauthority@wakefield.gov.uk)*  
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**THE PRIMARY AUTHORITY WOULD NOT BE PREPARED TO SUPPORT ENFORCEMENT ACTIONS WHICH CHALLENGE THE ADEQUACY OF THIS POLICY.**

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Planned Review: October 2022

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# Introduction

Under the Working Time Regulations employees are limited to the number of hours they may work over a given period, not more than 48hrs on average over a 17-week period (unless they wish to opt out).

However, it should be borne in mind that under s.2(1) of the Health and Safety at Work etc Act 1974, there is an implied restriction on the employment of any employee for excessively long hours likely to cause physical or mental ill health or precipitate fatigue-induced accidents. The employer has a legal duty to manage risks from fatigue irrespective of an employees' willingness to work extra hours. In respect of the qualification of the general duty by the words "so far as is reasonably practicable", it should be noted that the burden of proving that hours were not excessive falls upon the employer.

The Health and Safety Executive guidance, HSG 256: Managing Shift Work, states that under the Management of Health and Safety at Work Regulations 1999, employers are required to assess the risks to employees from work activities, including "the number of hours worked and how these hours are scheduled".

Focus should be on the system for controlling excessive or fatiguing working hours. Fatigue should be managed like other hazards to protect all employees rather than individual one-off instances.

The main health effect of excessive hours of work is believed to be tiredness and fatigue, which in turn may lead to an inability to concentrate, carry out heavy or strenuous physical work or work at a predetermined rate. If the body becomes run down, then there may be an increased risk of contracting various infections and general malaise. Longer term effects of chronic fatigue can lead to various ill health issues.

Factors to consider when assessing the risks posed by the hazards of long hours include:

- the type of work and the equipment being used
- the workload of employees
- employee health, physical or psychological aspects
- the age of the employee (young person's / older workers)
- rest periods between shifts (shift patterns / rotation)
- personal needs and work experience of employees
- any special circumstances that may be on the site (including cold working environments)
- current work patterns being adopted impacts on other employees
- apply good practice guidelines as per HSG 256 when planning shifts

Where additional hours are allowed, introduce some type of monitoring to determine if longer hours are causing any issues.

This may include:

- investigating any incidents or ill health to determine if the longer hours are a causative factor
- monitoring accident and ill-health statistics for increases in incident rates
- encouraging employees to share any experiences or concerns they may have
- using assessment tools and techniques to highlight any potential problems (HSE tools)





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