Secondary

Employment

Employee Guidelines

Human Resources

Approved at NLL Board May 2011

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1. **Introduction**

	1. North Lanarkshire Leisure Ltd recognises that in some instances employees wish to undertake other employment, whether paid or unpaid, out with the Trust. It is acceptable for employees to have second jobs providing there is (i) no conflict of interest with NLL Ltd and (ii) no impact on their employment in terms of performance and/or attendance within the Trust.

1.2 Secondary employment is any additional employment an employee undertakes for another employer or work undertaken as a self employed person.

1.3 The purpose of this policy is to:

1.3.1 ensure that employees do not engage in other paid or unpaid work which conflicts or competes with the business and commercial interests of NLL Ltd.

1.3.2 ensure that employees do not engage in other paid or unpaid work which may conflict with or affect their performance or attendance under their Contract of Employment with the Trust.

1.3.3 prevent employees and/or the Trust from contravening legislation on working time/hours.

1.4 The Trust may take disciplinary action against employees who undertake secondary employment which conflicts with the following:

* The business or commercial interests of the NLL Ltd
* The performance of normal duties within NLL Ltd
* The requirements of the Working Time Regulations

**2. Scope of Policy**

2.1 This Policy applies to all staff groups, excluding casual staff and those who are self employed providing a service within our facilities.

**3. Working Time Regulations (WTR)**

3.1 Employees must ensure that their total working hours do not exceed the limit as outlined in the WTR and that they comply with this legislation in respect of taking required rest periods. Details of the WTR are attached in Appendix 1.

3.2 Employees wishing to opt out of the maximum 48 hour working week may exercise their right under Regulation 5 of the WTR by agreeing to sign an Opt Out Agreement (Appendix 2).

**4 Sickness Absence/Timekeeping**

4.1 Any employee who undertakes secondary or self employment whilst receiving occupational/statutory sick pay from the Trust may be subject to disciplinary action in accordance with the Trust’s disciplinary procedure.

4.2 An employee who is absent as the result of injury connected with their secondary employment may not be entitled to occupational sick pay from the Trust.

4.3 Any adverse impact on attendance and/or timekeeping attributable to secondary employment will be investigated in accordance with the Trust’s Disciplinary Policy.

**5 Capability and Performance**

5.1 Employees undertaking secondary employment must ensure that their performance at work within the Trust is not affected in any way. Unsatisfactory performance due to secondary employment will be investigated in accordance with the Trust’s Disciplinary Policy.

**6. Application Procedure**

6.1 All employees wishing to undertake secondary employment must seek written approval from their line manger using the Approval to Undertake Secondary Employment Application Form (Appendix 3).

6.2 The request must be approved by the individual’s line manager and forwarded to the HR Section. Line Managers should respond to requests within 14 days.

6.3 Employees must not commence secondary employment until approval has been granted.

6.4 In the event that a request is deemed unsuitable in the interest of the Trust, the line manager will confirm this decision in writing outlining the reasons for refusal.

6.5 Failure to comply with this procedure may result in action being taken in accordance with the Trust’s disciplinary Policy.

**7. Appeals Procedure**

7.1 If a request for secondary employment is refused, the employee has a right to appeal against this decision. This should be confirmed, in writing, to the Managing Director, within 14 days following confirmation of the refusal of the request.

7.2 The Managing Director or other nominated senior manager shall acknowledge receipt of the notification of appeal within 5 days and shall also inform an HR representative.

7.3 The Managing Director or a nominated senior manager shall arrange a meeting with the employee. The meeting shall be arranged, although not necessarily take place, within 5 working days and the written reply shall be made as soon as possible but in any event within five working days of such a meeting.

7.4 The decision of the Managing Director or nominated senior manager shall be final.

**Appendix 1**

**Working Time Regulations**

**The 48 Hour Working Week**

Adult workers cannot be forced to work more than 48 hours a week on average - this is normally averaged over 17 weeks. You can work more than 48 hours in one week, as long as the average over 17 weeks is less than 48 hours per week.

Your working week is not covered by the working time limits if you have a job:

* where you can choose freely how long you will work (e.g. a managing executive)
* in the armed forces, emergency services and police - in some circumstances
* as a domestic servant in private houses
* as a sea transport worker, a mobile worker in inland waterways or a lake transport worker on board sea going fishing vessels

Since 1 August 2009 if you are a trainee doctor the 48-hour maximum working hours applies to you.

**Opting out of the 48 hour week**

If you are 18 or over and wish to work more than 48 hours a week, you can choose to opt out of the 48 hour limit. This must be voluntary and in writing. It can't be an agreement with the whole workforce.

You shouldn't be sacked or unfairly treated (for example refused promotion or overtime) for refusing to sign an opt-out.

You can cancel your opt-out agreement whenever you want - even if it is part of your employment contract. However, you must give your employer at least seven days notice. This could be longer (up to three months) if you previously agreed this in writing with your employer. Your employer is not allowed to force you to cancel your opt-out agreement.

**Appendix 2**

# NORTH LANARKSHIRE LEISURE LTD

## WORKING TIME REGULATIONS

##### OPT OUT AGREEMENT

This form is to be completed by staff with second jobs or by staff working more than 48 hours over a rolling 17 week period.

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ agree that I may work for more than an average of 48 hours a week.

I confirm that if I change my mind I will give three months’ written notice to North Lanarkshire Leisure Ltd explaining my reasons for doing so.

Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Location \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Employee Payroll Number\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

###### To be returned to- HR Section

North Lanarkshire Leisure Ltd

Broadwood HQ

1Ardgoil Drive

Cumbernauld

G68 9NE

**Appendix 3**

**Approval to Undertake Secondary Employment Application Form**

**Section 1 - Existing Employment within North Lanarkshire Leisure Ltd**

Surname:

Forename:

Post Title:

Location:

Employee Ref:

Start Date:

Number of hours working per week:

Pattern of hours:

**Section 2 - Secondary Employment**

Name and Address of Proposed Employer(s) (If self employed please confirm the name of your company):

Type of work/Nature of business:

Average hours to be worked per week:

Working Pattern:

Risks associated with this employment:

**Section 3 – Employee Declaration**

Having read and understood NLL’s Secondary Employment Policy, I agree to complywith it’s requirements.

Signed:

Print Name:

Date:

**Section 4 – Line Manager’s Decision**

Date Application Received:

Decision: Approved [ ]  Refused [ ]

Please state full reasons for refusing this request, if appropriate.

Date employee notified of decision:

Signed:

Print Name:

Date: