

Ariel House Service Centre: Rest Breaks & Working Hours

LTU has been approached by a number of members working at Ariel House Service Centre in Sheldon, who have been wrongly told by their Managers that they must extend their working hours to accommodate compulsory unpaid rest breaks.

This is a concern for staff who work reduced hours of more than six hours without a formal break and who are entitled to take a 20 minute unpaid rest break if they wish. Often these staff have chosen to work reduced hours in order to balance work and family responsibilities.

These staff have been wrongly instructed that rather than this being an employee entitlement under the Working Time Regulations, they are obliged to take the 20 minute unpaid rest break and, as a consequence, extend their working day by 20 minutes to accommodate it.

This management instruction is quite simply untrue and any member of staff who has been forced to extend their working day can revert to their normal working hours.

Where staff opt to take an unpaid 20 minute rest break in the middle of their working day, they are legally entitled to do so. In these circumstances they may be required to extend their working day accordingly. But equally, they are also perfectly entitled to retain their current working hours without taking a formal unpaid rest break.

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Paid Rest Breaks

Just because staff working more than 6 hours a day choose not to take an unpaid rest break does not mean they are not entitled to take shorter informal paid rest breaks.

We describe inside the entitlement to informal paid rest breaks, to which staff are legally entitled and which are detailed in PPP1.30 of the Bank's own Staff Manual.

LTU Support

LTU has raised its concerns with the Bank and will be discussing them further on Wednesday at a meeting with Group Operations Senior Management. LTU is insisting that the incorrect instruction issued to staff in Ariel House is immediately withdrawn and all staff told that they may retain their previous working arrangements.

Any members needing further advice or support should telephone LTU's 24 Hour Advice Line Service on 01234 262868.

Misrepresenting The Law

The reason for Management insisting that all Ariel House staff must take a minimum of a 20 minute unpaid break each day - adjusting their start and/or finish times to accommodate the break - has arisen through a misunderstanding and misrepresentation of the law.

The fact is that the Bank's own guidelines make it clear that taking such rest breaks is an entitlement for staff ... not an opportunity for management to compel staff to alter their working hours.

In fact, for the Bank to force staff to change their working hours is itself an unlawful breach of contract! Working hours can only be varied with the mutual consent of both the Bank and members of staff.

Anyone who has been forced to change their working hours as a consequence of Management's misrepresentation of the law must therefore have their original hours reinstated.

LTU has raised the matter with the Bank and at our meeting with Senior Management on Wednesday, we will be insisting that the instruction is withdrawn with immediate effect and all staff approached individually to check whether they want to revert to their original working hours.

LTU Support

Any members who remain concerned that they haven't been treated correctly should telephone LTU's Advice Team on 01234 262868.

Right To Paid Rest Breaks

Whilst staff working Reduced Hours cannot be forced to extend their working day to accommodate unpaid formal rest breaks, this does not mean that they are not entitled to informal **PAID** rest breaks as and when required.

In fact, PPP1.30 of the Bank's Staff Manual quite clearly states that:

"if your working day is six hours or less but you are working continuously for a significant period of time (e.g. more than 4.5 hours), your line manager should ensure that you are able to take some reasonable time away from your workstation during this period, e.g. to have a drink. These will not necessarily be formalised rest breaks for set periods of time and will therefore be paid."

Furthermore the Staff Manual - which sets out the rights of staff provided by the Working Time

Regulations and is therefore legally enforceable - goes on to state that where staff:

"are involved in any one of the following activities, or an activity of a similar nature, on a continuous basis:

- * ***data inputting***
- * ***typing***
- * ***VDU work***
- * ***answering the telephone***

or have to work to specific hourly targets, you will be entitled to more frequent breaks (e.g. five minutes every hour). Alternatively, you should have regular opportunities (e.g. every hour) to complete unrelated tasks, for a short-time, which relieves monotony."

Finally, the Staff Manual makes it clear that **rest**

breaks in these circumstances are paid, stating:

“In certain circumstances, e.g.:

- * If you are provided with frequent breaks to relieve you from a monotonous work rate, or*
- * you take a short break (e.g. to have a drink) when you are working for a significant period of time between more formal breaks*

then rest breaks will normally be paid”.

Since Group Operations staff at Ariel House work in the type of activities that the Staff Manual says qualify for regular paid rest breaks - and this will certainly apply to anyone working in ‘Lean’ processes where staff are managed according to specific

hourly targets - many will be entitled to these paid rest breaks without changing their working hours to accommodate.

Based on the Bank’s own guidelines, someone working six hours a day in one of these types of roles should be entitled to paid rest breaks of up to 25 minutes a day;

Rights For All staff

This right to paid rest breaks extends beyond just those staff working Reduced Hours and without a lunch break.

Lunch breaks are, of course, unpaid.

Full-time staff who also work in the type of roles described as qualifying for paid rest breaks may also be entitled to paid rest breaks to split their morning and afternoon work sessions

LTU Support & Advice

The measure of any trade union is the quality of support it is able to provide its members when they are most in need of help.

LTU’s highly experienced staff, our focus just on Lloyds TSB and complete independence from the Bank means that no-one comes close when it comes to being able to provide Group Operations Staff with professional advice and support.

Furthermore, the recent high profile success of our campaign opposing the transfer of work to India - when the Bank announced it was closing its Mumbai Call Centre and returning work to the UK - shows once again how successful

And unlike Amicus, you can be sure that all of our officials are paid direct by the Union. We do not seek or accept management subsidies for our activities, since to do so would compromise our independence from management influence and pressure.

Key LTU support for our members also includes:

- **Detailed Newsletters explaining staff rights and entitlements, and campaigning on behalf of staff.**
- **Regular visits to Ariel House by experienced LTU Officials.**
- **Local support from our JAOR, Shaz Saleem who herself works in Aerial House.**
- **Genuine around-the-clock advice provided by our Advice Team. Members can telephone 01234 262868 to speak to LTU’s Advice Team at any time; whether during the day, night or weekend.**

Any members of staff who are not already LTU members but would like to count on professional advice and support can join straightaway by completing and returning the Application Form overleaf to our Bedford Office.

STEVE TATLOW
Assistant General Secretary