

Overtime Payments for Meal Breaks

Police Staff - Guidance

Owner: Intranet Team

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The majority of police staff have an unpaid meal break as part of their contractual terms and conditions of employment. There may be exceptions to this and some roles have working hours which incorporate a paid meal break due to the nature of the duties and pattern of working.

Under the Health and Safety at Work Act 1974, employers have a general duty of care, which extends towards preventing employees working excessive hours and/or inappropriate working patterns, which may lead, to an increased risk of health problems or accidents. The work pattern should provide sufficient breaks for rest or meals. Employees should also take reasonable care of their health and safety and co-operate with the Force to enable compliance with health and safety legislation.

The Working Time Regulations – Rest Breaks states that adult workers have a statutory entitlement to a rest break if their working time is more than six hours. This can be improved upon by collective agreements.

The provision of rest and meal breaks should also be included in the agreed risk assessment and control measures to comply with legislation. For example, when staff attend a major incident as part of their normal duties the risk assessment should ensure that sufficient rest/meal breaks are included. The work pattern must also comply with Display Screen Equipment Regulations in that there must be sufficient rest breaks and resources to allow these breaks to be taken.

It should be ensured that when claims are submitted for police staff overtime, or for Bank Holiday workings, an unpaid meal break is taken during that period of duty when this exceeds six hours. Managers should plan sufficient resources to enable staff to take a rest break. There may be exceptions to this but these should be limited to exceptional operational circumstances such as major incidents. Denial of the rest break cannot be enforced and can only be worked with the consent of the member of staff.

Should any employees be unable to take their rest break due to unforeseen exceptional circumstances, this should be an occasional event and not become the norm, which may then conflict with legislation. For example -

1. Roles which are contracted to work 40 hours and to a paid meal break as part of the terms and conditions of employment.
2. Police staff who have been required to attend major operational incidents and were unable to take a meal break (risk assessment would need to be undertaken and include a control measure to ensure staff can take a rest break).
3. Where minimum staffing levels are in operation and through **exceptional operational needs** staff are unable to take a meal break. This is to compensate staff who are unable to take a meal break and should not become normal working practice.
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Overtime payments for meal breaks in the above circumstances must be approved by the Head of Department/Divisional Commander manager who will sign to confirm that a member of staff has been prevented from taking a meal break and has agreed to work for all the additional hours due to exceptional circumstances.

Heads of Department and Divisional Commanders and relevant line managers must also be aware of any Health and Safety implications associated with working through meal breaks. Staff should only be prevented from taking these in exceptional circumstances.