

EMPLOYMENT POLICY

# Night Worker Policy Statement

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### 1. Purpose and Scope

Lothian are committed to preventing work related ill health and injuries in the workforce and therefore we will carry out pre-employment screening and implement health surveillance programmes as necessary to comply with statutory provisions and to identify adverse health effects arising as a result of our work activities.

This policy statement applies to all the Lothian Group employees regardless of service or contract status. This policy defines who is classed as a Night Worker and it details the rules in relation to working hours for colleagues who are Night Workers.

### 2. Hours and limits

Employees who regularly work at least 3 hours during the 'night period' are classed as Night Workers. Someone who works nights only occasionally, on an ad hoc basis, or whilst on call will not normally be deemed a Night Worker.

The Working Time Regulation, 1998 defines the night period is from 11pm to 6am. Alterations can be made to the timing of the night period, if agreement is reached with the employee however it must be at least 7 hours long and include midnight to 5am.

There is no obligation for Night Workers to be paid a nightshift rate.

### 3. Limits on working hours for Night Workers

Additional rules apply to Night Workers on top of the rules on [maximum weekly working hours](#) and [rest breaks](#):

- Night Workers must not work more than an average of 8 hours in a 24-hour period. The average is usually calculated over 17 weeks, but it can be over a longer period of

up to 52 weeks if the workers and the employer agree - for example, by collective agreement.

- Regular overtime is included in the average, but not occasional overtime.
- Employees cannot opt out of the limit.

#### 4. Health assessments

Night Workers will be offered a health assessment, usually in the form of a questionnaire, before they become a night worker, however, they do not have to accept. A repeat assessment for Night Workers will be offered annually.

Night worker assessments will be undertaken by a qualified health professional, either via our occupational health provider or an external health professional appointed by the company to conduct these assessments. The health questionnaires will be offered annually to Night Workers.

The HR team will individually invite Night Workers on an annual basis to complete a health assessment by completing an online questionnaire. The completed questionnaires will be directly sent to our occupational health provider for review.

If following an assessment, the Occupational Health team are unsure if an employee is fit for night work, a follow-up examination will be organised. If the employee is not fit to undertake night work every effort will be made to source a suitable alternative role or to identify suitable reasonable adjustments.

Records of all night worker assessments will be held for at least 2 years. Where the offer of an assessment was declined, a record that the assessment was offered will be kept on file with the HR Team.

#### 5. Linked Policies

- Recruitment Policy
- Attendance at Work Policy

## 6. Version Control

Version No.	Date of Change	Change made by:	Key Amendments
V1.0	26/01/2021	S Murphy	Published
V2.0	20/12/2023	S O'Donnell	4 - night worker questionnaires to be offered annually
V3.0	04/09/2024	D Calciu	Section 4 - Amendments to the process with new OH provider and updated HR process.
V4.0	11/06/2025	D Calciu	Minor formatting amendments.

**This policy does not form part of employees' terms and conditions of employment and may be varied from time to time in accordance with business and legislative requirements.**