

ENERGY NETWORKS ASSOCIATION – SHE POSITION PAPER

Position Paper 10

Occupational Fatigue Management within ENA Electricity Networks Member Companies

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Foreword

ENA Electricity Member Companies are committed to sharing best practice and working with the Regulators to successfully manage the risks to health and safety within our industry. Where all Energy Networks Association (ENA) Electricity Member Companies agree to follow a similar approach to manage a specific risk the intention will be to formalise a common standard. This will be communicated to the Health and Safety Executive (HSE) for their information and will provide operational inspectors with an understanding of the minimum standards they should expect when visiting an ENA Electricity Member Company (MCs).

Where it is agreed that companies will work in different ways to achieve the same objective this will be documented as a Position Paper. This Position Paper is aimed at providing high level guidance to companies in the management of fatigue. The guidance represents a common framework to achieve this objective and ensure as a minimum that legal duties are met. It complements and is supported by more detailed company specific operational policies and procedures.

Introduction

This paper has been drafted to clarify the current position regarding working time and fatigue management across ENA Electricity Networks Member Companies (MCs). The paper has been put together by ENAs Fatigue Management Task Force with input from ENAs Occupational Health Committee and ENAs SHE Committee. The package is based on the core syllabus outlined in the guidance produced by the HSE and subject matter experts. This paper will document how MCs work in-line with the Working Time Regulations (1998) which is the UK statutory instrument that implements the related EU Working Time Directive. It is believed that a new approach is needed and one which primarily concentrates on 'fatigue management' whilst also setting out guidelines for acceptable working hours. This paper contains information and suggestions in this regard.

In principle, it is suggested that the agreed arrangements for fatigue management and working time would normally require persons to work their contracted working hours only. Contracted hours may include incidental overtime hours and/or overtime incurred on standby (emergency work) or general availability; working arrangements should not however include regular high levels of overtime which may lead to an unhealthy balance between time spent at home and work.

There is a legal duty on employers in the UK to manage any risks from fatigue that arise from work. Fatigue needs to be managed, like any other hazard, through risk assessment and risk management. Simply complying with the Working Time Regulations alone is insufficient to manage the risks of fatigue, although it is a helpful step toward an overarching process. Employers shall ensure that they are aware of the hours a person works and take reasonable steps to prevent any risk to the worker or to others. In addition, there is a legal requirement to consult within the workplace, either directly or through the health and safety representatives.

ENA MCs will over a period that is deemed appropriate by each, apply the principles outlined within this position paper to their own fatigue management policies.

ENAs Fatigue Management Task Force will monitor the adoption by MCs of the position papers principles and where appropriate ensure that the position paper is reviewed and updated to reflect learning from MCs or other sources.

Definitions

- **Fatigue**

Fatigue is a workplace hazard that needs to be suitably risk assessed. It is usually defined as the decline in mental and/or physical performance that results from prolonged exertion, sleep loss or disruption of the internal clock. The word "fatigue" is usually used to refer to a more chronic (long-term) condition than just sleepiness or acute fatigue (also called somnolence) which is generally caused by not enough restful sleep or a lack of stimulation.

Much of the discussion about fatigue at work (occupational fatigue) is related to 'shift work' and shift systems. However, it should be recognised that fatigue is not just associated with shift working. Within the workplace, fatigue can be a product of long working hours in general; the demands of the job; environmental conditions; organisational culture; among other factors including influences outside of the working environment. In the short term this can impact on an individual's ability to work safely and in the long term can impact an individual's physical and mental health and wellbeing.

- **Working Time**

Working time is defined as time spent at work and working whilst 'on-standby' including any travel time to and from the work location as appropriate.

- **Business as Usual (BAU)**

Business as usual for the purpose of this position paper refers to what MCs would describe as shift work / shift systems (contracted hours) which companies often describe as 'normal business' hours throughout the day. This also includes "standby" or call out rotas, which are used to manage and respond to unplanned network events to comply with MCs license conditions.

- **Standby / On Call Workers**

As part of a standard 'business as usual' arrangements, MCs will also design and manage a series of 'standby' or 'on call' employees ranging from operational operatives (i.e. Fitters, Jointers, Linesman etc.) to managerial staff (Duty Managers etc.). These employees are planned for in advance through use of 'standby rotas', which will vary dependent upon the location and work-load and are set by agreement with local teams and management. These rotas have been developed over time and are set through custom and practice (they can be daily or weekly with some variations). Employees are placed on 'standby' or 'on call' for specific periods and durations to manage and respond to unplanned network events to comply with MCs license conditions.

- **Exceptional Events (e.g. severe weather)**

From time to time, employees of MCs may be required to work under conditions which are different to what is considered 'BAU'. Whether a business is presented with the need to manage a localised issue (e.g. significant network incident or unusual large plant failure) or a wide spread issue (e.g. significant storm damage to network assets); situations such as these which present themselves outside of 'BAU' should be considered as 'exceptional events'. These types of events present significant risk to the integrity of the network and extended hours may be necessary in order to avoid significant disruption to services and it is not reasonably practicable to take alternative action to avoid other significant risks.

Response to weather events causing damage will essentially be in line with OFGEM severe weather categories 1, 2 and 3. MCs will have specific measures in place to ensure sufficient resources are implemented to manage exceptional events on the balance of risk.

It is suggested that when an 'exceptional event' occurs, the working time records of the employees involved are marked specifically to indicate the hours were incurred outside of what is 'BAU', or the MC has the means to record the hours worked by an employee against such events or incidents.

Arrangements and expectations regarding 'fitness for work' and fatigue management remain in place during 'exceptional event' situations. When such events occur the business continuity processes used by management will consider and effectively manage workforce safety and reasonable steps will be taken to minimise the risk of fatigue.

- **Vulnerable workers**

These include:

- workers with pre-existing health conditions, which may be made worse by shift work, such as those with gastro-intestinal problems, coronary heart disease and sleeping problems;
- workers taking time-dependent medication such as insulin.

- **Fit for Work/Fitness for Work**

For this document, 'Fit for Work' refers to an employee being able to safely and reasonably carry out their normal duties safely.

General Arrangements/ Principles

Each ENA member company will consider the following principles as part of their overall safety management system to ensure employee's health and safety is managed from the risk of occupational fatigue so far as is reasonably practicable.

1. ENA MCs shall use reasonable measures (either electronically or manually) to monitor as accurately as possible the actual hours worked by their individual employees and take reasonable and suitable steps to ensure their employees are not adversely affected.

It is essential that ENA MCs ensure they are compliant with the requirements of the Working Time Regulations (1998) *see 'opting out' in other considerations section*. It is recommended that all ENA member companies have arrangements and systems in place to monitor the actual working time of their employees and these systems should provide data relating to agreed working time thresholds and any important agreed management arrangements, e.g. number of hours worked under 'BAU' and number of hours worked under 'Exceptional Event' situations.

ENA MCs recognise that 16 hours is the recommended maximum working time limit for any consecutive working shift within a 24-hour period. In some situations (e.g. exceptional events) where an incident or network event may result in 16 hours working time being exceeded, other measures will be considered so as to assess and manage the situation and minimise the risk and likelihood of fatigue.

2. ENA MCs shall carry out a suitable and sufficient assessment of the risks associated with working extended hours as part of their organisation's health and safety management system. It is reasonable for ENA member companies to, at specific intervals between any consecutive working shift (e.g. at 12 hours or 14 hours) carry out a suitably enhanced risk assessment. This assessment should take full account of the hazards associated with fatigue or risk of fatigue developing because of working extended hours. It should also inform the operative on suitable and sufficient controls to support completion of the work/s safely. Where appropriate,

the assessment should consider the number of hours worked, the type and duration of the task to be undertaken and time needed to complete the task safely. It should also consider any consecutive days of extended working periods recently worked by the individual or staff groups, so the hazards associated with fatigue or the risk of fatigue developing is managed effectively and appropriately.

Whether under 'BAU' circumstances or under 'exceptional events', the above should apply and all works should be suitably risk assessed to minimise risk of fatigue and to ensure the health and safety of employees and the work being undertaken is managed effectively.

3. ENA MCs should consider the requirements and enforcement of a recuperation / rest period to be offered accordingly for any workers who have been working extended hours as described above. These may include recommended and/or mandatory periods away from work for the specific circumstances of the individual employee and hours worked within an assigned period together with anything identified by the employee or work risk assessment. The recuperation / rest periods between shifts should permit sufficient time for commuting, meals and sleep. Where appropriate the ENA MC may consider changes to the existing working arrangements so as to minimise the likelihood of fatigue development.
4. ENA MCs should include necessary travel associated with work activities (including commuting to and from work locations) when considering the hours worked and on the risk of fatigue to employees. Companies should take reasonable measures to ensure that both travel times and type of transport are considered when assessing the risk to employees and the impact on their ability to work safely (this includes driving but would also cover public transport as well as considering or making alternative transport arrangements for how the employee can be transported home during or at the end of an extended period of working).
5. ENA MCs shall provide suitable information, instruction, and training to their employees. From a fatigue management perspective this may include but is not limited to: working time management; information & training regarding risk assessment; sleep & fatigue awareness training (causation and identification) and self-management guidance as well as management procedures.

The training and guidance should include the effects of 'Fatigue', highlight personal roles and responsibilities, provide support on how to perceive and manage risk and raise awareness on how a person's activities both in and away from work can impact their overall wellness and ability to work safely.

ENA MCs should develop strategies and provide practical guidance and advice for employees to use to improve their individual health and well-being which can contribute to their individual health and ability to work safely and ultimately avoid the risk of fatigue.

Note: MCs should offer specific advice and guidance to their employees depending on their roles and responsibilities within the organisation (i.e. leadership team / managers / operatives and contractors etc.) but may also have different arrangements in place to suit the local working environments, specific work activities and competencies of staff.

6. ENA MCs should take reasonable steps to regularly review their incident investigation process and review where appropriate factors associated with fatigue. A thorough investigation process should seek to identify whether fatigue has been a contributing factor (i.e. working time, rest/break periods, travel times etc.).

7. While all workers are potentially at risk from fatigue, ENA MCs will take into consideration the requirements of groups that are more vulnerable than others when making arrangements for managing fatigue and the conditions that may lead to fatigue without appropriate intervention.
8. ENA MCs should take into consideration the physiological impacts of alternative working patterns (e.g. circadian rhythms).
9. ENA MCs will ensure that their Trade Union colleagues and safety representatives are involved in any discussions relating to the working times of individual employees and or staff groups.

Notwithstanding the requirements of the Working Time Regulations (1998), an employer, and its employees, have responsibilities under UK Health and Safety legislation to take reasonable actions to prevent danger. With this and the management of fatigue in mind, the guidelines listed below are suggested:

- Employees should ensure they present themselves fit for their intended work.
- Employees should inform their line management at the earliest opportunity if, for any reason, they are not fit for work or have personal health conditions that may affect their ability to work safely.
- Employers and Managers must foster a working environment within which it is acceptable for an employee to 'escalate' and advise that they are not fit for work or able to continue to undertake their intended/contracted work safely.
- Employees and Managers should not take chances regarding fitness for work; if any person is incapacitated such that their fitness for work level (e.g. level of fatigue) may put them or other persons at risk, they should not work until their manager deems the employee fit for work. In cases of disagreement the employee should escalate their case accordingly (e.g. to HR and Occupational Health).
- Fitness for work should not be used by employees as a common / regular excuse for not completing their intended/contracted work.
- Employers have a duty to inform their employees on any changes to policy by providing suitable and sufficient information, instruction, training and supervision (where appropriate). Employees have a responsibility to ensure they adhere to the guidance and processes accustomed to them.

Other Considerations

- Night or Shift Workers

Due to nature of working night shifts or shift patterns and possible impacts on health, ENA MC's may choose to provide alternative arrangements to risk assess and suitably manage the effects of shift or night working when making arrangements for managing fatigue (e.g. being offered periodic health surveillance, shorter durational shifts etc.).

- Opting Out

ENA member companies may offer individual employees the opportunity to choose to opt out of the working time parameters provided by the Working Time Regulations (1998), e.g. not exceeding an average of 48 hours per week over a 17-week period. Opting out allows individuals the option to work longer hours, it does not remove or dilute the responsibilities ENA member companies and its employees have under UK Health and Safety legislation to take reasonable actions to prevent danger, e.g. if an employee chooses to 'opt out' they still have responsibilities to ensure they present themselves fit for their intended work, and to stop work and inform their manager if they become not fit for work at any time. A register of staff who 'opt out' should be held on file and retained by the employees' organisation and reviewed regularly or when changes are made to standby or shift working

arrangements.

- **Drivers**

ENA MCs may have more specific requirements set out for professional drivers (e.g. full time lorry drivers, mini-bus drivers, etc); these take precedence over any other guidance provided regarding working hours as the requirements are, for good reason, more stringent. These will be covered by individual company processes.

- **Fitness for Work**

Statutory health surveillance must be made available to all employees based on a Health risk assessment, and the results acted on. Fitness to work programmes should be carried out where appropriate to ensure that an individual is capable of carrying out the tasks required, without risk to themselves or others. For certain specific activities there are legal duties to carry out pre-placement assessments of an individual's fitness for work.

Workplace risk to the health of employees must be minimised by identifying, evaluating and controlling potential health risks. Together with periodic exposure monitoring, health surveillance should be carried out for employees who are potentially exposed to risk to ensure that controls continue to be effective.