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Human Resources

Viktoria Järnegren

Human Resources Consultant

Katarina Broman

Legal Counsel, Labour Law

Memo concerning non-regulated working hours for T/A staff

This memo aims to clarify the conditions for granting non-regulated working hours to T/A staff, as well as the process for such decisions. Non-regulated working hours are working hours that employees are entrusted to organise for themselves on the basis of their work duties.

Applicable rules

Pursuant to the general agreements on terms and conditions, employees covered by the agreement for managers have non-regulated working hours. Non-regulated working hours may be introduced for other T/A staff on condition that a separate agreement is reached on the matter.

As a rule, employees with non-regulated working hours are not subject to the Working Hours Act. In principle, those with non-regulated working hours do not have to strictly follow any standard working hours. The idea is instead that a natural flexibility should allow the employee to work more or less during certain periods, depending on how the work is organised or on temporary variations in work duties. Please note, however, that the applicable standard working hours (e.g. on average 40 hours' work per week in the case of full-time employment) are to be observed. As a starting point, the working hours should be organised between Monday and Friday included, during conventional office hours and in respect of rules on daily and weekly periods of rest.

The provisions in the Work Environment Act and associated regulations apply to employees who have non-regulated working hours. Therefore one of the most important conditions for non-regulated working hours to be applicable is that the line manager continuously follows up how the employees use their non-regulated working hours. This applies above all if the individual works too much or too little, i.e. taking account of the entire workload.

The employer retains the right to lead and allocate work even in the case of employees with non-regulated working hours. The employees are thus not completely free to organise their own working hours but must take part in various forms of collaboration in the workplace. The individual

employees themselves are to be responsible for attending the workplace to the extent required by the organisation. It is understood that there must be a continuous dialogue between the manager and the employees with non-regulated working hours on what this implies. For the organisation to work, other employees may need to know when employees with non-regulated working hours will be available and when they will not.

Employees with non-regulated working hours are covered by the conventional applicable rules on annual leave (Annual Leave Act, collective agreements, etc.).

Conditions for agreement on non-regulated working hours

Individual agreement

Individual agreements are entered into on the basis of the General Agreement on Terms and Conditions. The authority to take decisions on and thereby sign individual agreements on non-regulated working hours has been delegated to the director of human resources. The relevant local employee organisation is to be informed before a decision is taken.

Individual agreements are to be in writing. The agreement is only to apply for a maximum of twelve months, with the possibility of early termination by either party.

Due to the above, decisions on appointment are henceforth not to include specification of non-regulated working hours.

Compensation

No compensation is paid out on the basis that an agreement on non-regulated working hours has been reached.

Reporting

Non-regulated working hours are to be registered in Primula.

Template

A template for individual agreements on non-regulated working hours is to be applied, see [appendix 1](#).

Grounds for assessment

Initially, it is important to obtain an overview of all the aspects of the issue in order to determine what can be gained by introducing non-regulated working hours. Other models for working hours may be more appropriate than non-regulated working hours on closer examination of the case, taking account of the organisation and the circumstances of individual work duties.

Non-regulated working hours do not work for all types of work duties. The work duties must be of such a nature that they entail a high degree of autonomy and independence. Non-regulated working hours can therefore not be seen as a general solution to different organisational needs for flexibility and increased accessibility.

Initially, an analysis of the way in which the work duties justify non-regulated working hours is to be conducted, above all to establish the potential benefits of applying the system. The questions below constitute a support for such an analysis.

- With what degree of autonomy does the employee plan and implement his or her work duties?
- Can the work duties be clearly defined and followed up? Are the conditions in place for regular follow-up of results?
- As a manager, what need for continuous follow-up of work efforts do you have? What trust do you have as a manager that the employee really does what he or she is supposed to do? To what extent do you assess the employee as needing direction?
- How great is the need for attendance during set working hours in the workplace? What margin is there for employees themselves to control their own working hours?
- Within what framework can employees organise their own non-regulated working hours?
- How much does the workload vary over time? Is there a natural variation which could benefit from greater work efforts during certain periods and reduced efforts at other times?
- Is the workload relatively constant, although not so dependent on what time of day or what day of the week the work is done?
- Must the work be conducted in a particular workplace or can the employees themselves assess whether the work can be done from home, for example?

Before a decision on non-regulated working hours, the manager is also to consider and take a stance on the following:

- How are results to be followed up?
- The provisions in the Work Environment Act with associated regulations apply, which means that the manager is to systematically check that the employee is not exposed to physical or mental strain which could entail ill health. How is this to be managed in practice? How does the employer intend to manage the “working hours”?
- How is attendance in the workplace to be communicated between the employee and the line manager? Can the employee come and go without notifying the manager of when he or she intends to work? Is it sufficient for employees to communicate their planning or does some free time require approval from the manager?
- Within what framework does the employee have the freedom to dispose of his or her time? In what way can the working hours be scheduled and varied? Is it reasonable for an employee who has worked very hard for a period of time to take out several free days in a row?

Practical management

In dialogue with the employee, the conditions that apply are to be reviewed, both with regard to non-negotiable aspects determined by laws and agreements, and with regard to the conditions desired by the employer. Non-regulated working hours also entail a responsibility for the employee to signal when the work duties become either excessive or insufficient, which it is important to emphasise in the discussion. When both parties are in agreement, a proposal for an individual agreement can be drawn up and reviewed with the employee.

Explain to the individual employee that the agreement is entered into, on behalf of the University, by the director of human resources. The head of department or equivalent signs in their capacity as manager.

The proposal for an agreement is to be submitted to the director of human resources. The proposal is to be accompanied by a justification as to why the individual should be granted non-regulated working hours as well as the individual’s position on non-regulated working hours.

Information to the relevant local employee organisation is to be provided by the

department or equivalent, once the director of human resources has given the green light. The information is to be accompanied by the *proposal* for the individual agreement as well as the justification.

The employee organisation then has the opportunity to comment on the proposal within five working days. Only after that can the agreement be signed.

The department or equivalent registers the individual agreement according to the applicable records management plan.

Non-regulated working hours are to be registered or removed from the register in Primula according to applicable procedures at the National Government Service Centre.

Follow-up

For non-regulated working hours to function optimally, it is essential to maintain a continuous dialogue between the manager and the employee. This is to enable the manager to take his or her responsibility for both the work environment and health, as well as to follow up the employee's performance. Follow-up is to be conducted at least as often as the annual staff appraisal and before entering into any new individual agreement.