

# A GUIDE TO ECJ RULING

## TRACKING EMPLOYEES THE KEY TO MEETING WORKFORCE REGULATIONS

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### 1. INTRODUCTION

#### **The ECJ Ruling – what it means for the UK workplace**

The recent ECJ ruling states that all workers have a right to limit their working hours and to take adequate rest. The ruling also recommends that the only way to ensure that these rights are met is for employers to accurately record hours worked, including overtime.

This EU Working Time Directive (WTD) is more stringent than the UK Working Time Regulations (WTR). In the UK, the Health and Safety Executive (HSE) enforces the requirements of the WTR.

Nevertheless, Regulation 9 of the WTR requires a UK employer to keep “records which are adequate” to show whether weekly working time limits and the time limits on night working are being complied with.

#### **An employer’s responsibility – duty of care**

While this is a recent ruling, it has always been the case that employers have a duty of care to employees. Indeed, a lack of time recording can open up employers to claims if an employee has come to harm, either with an accident or ill health, as a result of working excessive hours.

Many companies find that accurate recording of hours can also improve staff wellbeing and morale, by ensuring that they are compensated for time worked by monitoring absences and holidays and time off in lieu (TOIL).

#### **Accurate recording of working hours also brings business benefits**

Workforce management technology has become a key tool to help organisations record and manage staff working time. Time and Attendance (T&A) systems used to be a way of managing hours for traditional workforces – for factories, retail outlets and the public sector. Today a T&A system can provide real time visibility of the entire workforce attendance and location anytime, anywhere.

With integrated HR systems, an accurate recording of hours can help to:

- provide accurate HR data - provide essential data for HR, whether payroll, sickness or holiday leave taken
- support legislation compliance - such as health and safety risks for lone-workers or machinery operation
- ensure fairness and transparency - enable staff working hours to be managed equitably, improving morale
- improve efficiency and productivity – by creating shift patterns that marry up staff skills, expertise and choice with the needs of the business
- provide insights into employee working habits - and the true productivity of the organisation.

New cloud-based T&A solutions available today can offer additional flexibility. They enable companies to provide staff with a remote login facility - and to add or take off staff as numbers go up or down, according to demand. Cloud technology also ensures no costly IT overheads, hardware or software upgrade maintenance and they provide the benefit of extra security with hosted data.

## 2. MEETING WORKING LEGISLATION - WAYS TO MANAGE STAFF HOURS

Workforce Management solutions help organisations to manage three key areas of workforce attendance:

- Time and Attendance
- Access Control
- Rostering

These systems can also now become integral to HR and workforce planning to support key business decisions. They can provide the foundations to help companies better manage labour costs, productivity and ensure employee wellbeing – and provide a healthy return on investment.

### Time & Attendance

Every organisation is different and may need to monitor working hours to support flexible working hours and Time off in Lieu (TOIL). Or they may have annualised hours contracts, to meet seasonal peaks and troughs, which require close tracking to ensure they meet working legislation.

A Time and Attendance system enables a company to record staff attendance, often in real-time by collecting data in a number of ways. They range from the traditional clock on the wall that uses cards, tokens or biometrics, to apps that employees can download to their mobile devices, online apps, even dialling in by telephone.

The data provides an accurate record of staff working hours, including absences, lateness and overtime. A T&A system provides a transparent and equitable way to record hours and ensures that staff are accurately paid in a timely manner. By providing a fairer way to manage habitually late arrivals or those who take longer lunch breaks, it can also help with employee morale.

As well as providing managers with data on attendance to comply with legislation and wellbeing, from an operational perspective it ensures managers are alerted if staff do not turn up, so that cover can be arranged. Integrating the attendance data with payroll software ensures automatic and accurate overtime calculations. This not only reduces administration, but also builds trust and confidence in staff that they are being fairly compensated.

### Key benefits of an HFX T&A system

- enforces compliance to employment regulations
- ensures accurate attendance data and automated timesheets to populate payroll
- provides real time data collection and instant views of staff whereabouts
- reduces absence, time theft and overtime
- helps manage multi-site operation, even worldwide
- improves efficiency and reduces labour costs
- enables efficient management reporting
- reduces administration and increases productivity.

### Key benefits of an HFX T&A system

A fully hosted cloud T&A system is fast to implement, with no waiting for a lengthy software implementation project. It is easy for staff to use and there are no costly server upgrades and ongoing maintenance costs required. Integration with existing third party HR and Payroll systems means that data can be easily shared, avoiding re-keying, saving time and potential errors.





## Access Control

Many organisations can also benefit from a single system to manage attendance and access to their building and secure areas. Today's Access Control systems do more than just control access to a company's premises. They provide a wealth of information about a building or area occupancy data, for example, which parts of a building or site that are being used, and when. This is useful to:

- secure areas and staff, for example, hazardous areas or offices where sensitive information is kept (important for GDPR data security)
- help monitor and ensure lone worker safety and maintain accurate records
- manage building heating and lighting use efficiently.

A new addition to physical proximity cards and coded access for clocking in is biometric access control, which provides a more secure means of authentication. PIN numbers can be shared and fobs or cards lost or stolen, whereas a biometric device with a fingerprint is truly secure. The access data provides real time details of which members of staff are in and where.

Again, a cloud solution, such as Imperago EveryOneCloud, provides additional security benefits. Information is stored in the cloud as well as locally, so even if the network fails, doors will still operate. Security is maintained and should the worse happen, data can still be accessed.

## Rostering

Workforce management systems can help to ensure that schedules address working time compliance issues, as well meet staff requirements based on demand for services. Rostering ensures that staff attendance is planned and within working legislation – and that work is completed on time and to budget.

### 3D Rostering for a multi-dimensional view of the workforce

Almost every workforce management solution provides rostering, but this can be limited to basic shift planning. While traditional T&A systems focused purely on recording time to pay, now with Access Control they form next generation systems that enable organisations to gain a multi-dimension view of staff activity.

This includes not just when they worked, but where they carried out their work, what activities were completed and for which client or customer. This multi-dimensional view enables organisations to identify where the costs are going and optimise their plans and workforce accordingly.

HFX Imperago 3D rostering takes it a step further by enabling staff to plan not just staff time, but also location, activity, client (and any other important attribute). Costing and budgeting can also be associated with each roster or shift, providing managers with the hard facts when deciding to approval extra overtime, for example. With T&A and Access Control systems seamlessly working together, organisations can Plan-Record-Optimise in a continuous feedback loop until real efficiencies are truly gained.

### 3. SUMMARY

Workforce Management solutions offer flexible ways to support the operational deployment and management of staff hours, ensuring compliance with working legislation. Today, T&A, Access Control and Roster systems have become integral to HR and workforce planning to support key business decisions. They can provide the foundations to help companies better manage labour costs, productivity and ensure employee wellbeing. They can also provide a healthy return on investment.

For over forty years HFX workforce management solutions have been used by many private and public sector organisations to manage working hours transparently and equitably, on site or remotely, improving productivity and employee wellbeing. Many organisations are already realising the benefits of managing their workforce with T&A and effective, proactive rostering, supported by the right technology to make it happen. It's all about time.



The Court of Justice of the European Union [Directive 89/391] [https://curia.europa.eu/jcms/jcms/j\\_6/en/http://curia.europa.eu/juris/document/document.jsf?text=&docid=214043&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=7740630](https://curia.europa.eu/jcms/jcms/j_6/en/http://curia.europa.eu/juris/document/document.jsf?text=&docid=214043&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=7740630)  
<http://www.hse.gov.uk/contact/faqs/workingtimedirective.htm>



## ABOUT US

Founded over 45 years ago and with over 1,500 customers, HFX has a proven history of developing innovative time management solutions. The latest generation of SaaS Cloud solutions are highly customisable and can be configured to meet exact requirements, support unlimited numbers of work patterns and provide seamless integration with all major HR and payroll systems.

HFX works with organisations of all sizes and sectors including manufacturing, public sector, services industry, leisure, construction, retail, contract cleaning, recruitment, logistics and hospitality.

For more information about the HFX Group, please visit  
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