

From: [REDACTED]
To: [Wylfa Newydd](#)
Subject: Wylfa Newydd: Workers Hours
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Attachments: [Wylfa Newydd DCO note on Workers Hours D4.docx](#)

I am attaching a note on this subject

Roger Dobson

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Wylfa Newydd Development Consent Order January 2019

Note on Workers Hours by Roger Dobson

In my remarks to the Examining Authority in October 2018 I listed the potential serious consequences of people working excessive hours being:

- poor productivity and quality
- a high incidence of accidents at work and commuting
- poor health and high absenteeism
- and social issues such as family break down

I have conducted further research since and I can now add to this list

- high incidence of chronic disease
- alcohol abuse
- drug abuse

There is therefore irrefutable evidence that working excessive hours is extraordinarily counterproductive and irresponsible. My research sources are detailed at the end of this note.

I agree with Horizon's argument that workers living on site will minimise the travel time to work and that this supports the case for a 4,000-bed campus. However, at this stage we cannot rely on agreement for the site campus and we should remember that several thousand will live off site.

Horizon's response to my earlier contribution (REP2 – 006) recognises its responsibility to protect the health, safety and welfare of its employees.

Horizon management and I have a shared understanding about the Working Time regulations that followed the European Directive. We also understand the UK concession for workers to 'opt out' of the 48-hour limit. This limit is defined as an average of 48 hours calculated over a reference period - normally 17 weeks but for Wylfa Newydd Horizon wish the reference period to be 12 months. I have reservations about such a long period with the risks that individuals might work excessive hours over a period of several months.

I welcome Horizon's intention to develop shift patterns that are compliant with WTR. However, I am unhappy with their intention to monitor workers who wish to "exercise their right to 'opt out'". This is a strange way of looking at the 'opt out'.

ACAS (the Advisory Conciliation and Arbitration Service) provides the following guidance:

In general, a worker has the right to:

- at least a 20-minute break if they will work longer than six hours. However, organisations often allow longer and/or more frequent breaks
- not work on average more than 48 hours per week. Individuals may choose to work longer by "opting out" (see below)
- 11 consecutive hours' rest in any 24-hour period
- one day off each week or two consecutive days off in a fortnight
- a limit on the normal working hours of night workers to an average eight hours in any 24-hour period.

The **right** is **not** to work more than 48 hours rather than a right to 'opt out'. Workers can enter into an 'opt out' agreement which must be in writing. Workers have the right to cancel such an agreement.

I am emphasising this point because many unscrupulous employers pressurise workers to sign 'opt out' agreements particularly at the recruitment stage. Legislation to prohibit this is being considered but is not in force.

Providing a reference period of 17 weeks or even 6 months should provide ample flexibility to respond to short term problems such as breakdowns or extreme weather events without the necessity of exceeding the 48 hours average.

With competent management and sophisticated resource planning there should be no need for individuals to exceed the WTR limit with all the negative consequences that would follow. I believe that rather than Horizon monitoring individuals who 'opt out' that Horizon should prohibit the use of 'opt out' agreements for its own employees and those of its contractors.

That the appointed Project Management Contractor has experience of major construction projects including the UK Rail Industry is encouraging. In recent times our rail industry has an enviable safety record achieved through 179 years of learning from accidents all investigated by the Railway Inspectorate. It would be reassuring if the contractor could demonstrate a record of low level of accidents.

I am not familiar with the HSE sponsored Fatigue and Risk calculator which appears to have been derived from the rail industry. If this is a reliable tool for identifying hazardous shift patterns, then I welcome its use. I note that part of the research behind the 2013 revision of the calculator looked at the cumulative effect of working shifts. We should remember that some of Horizon's workers have a pattern of 11 consecutive shifts followed by 3 rest days. I also welcome Horizon's intention to adopt fatigue management procedures including mandatory rest time.

Many researchers have reported the importance of recovery time. My own experience of coal mining illustrated the importance of recovery time. An embedded culture of long hours resulted in the return of pneumoconiosis because there was insufficient time for dust to be ejected from the lungs during rest periods.

Robert Owen was probably the first to use the phrase:

"8 hours labour, 8 hours recreation, 8 hours rest".

200 years later our work practices are a long way from such an ideal.

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