



etbi
Education and Training
Boards Ireland
*Boird Oideachais agus
Oiliúna Éireann*

TIME OFF IN LIEU (TOIL)

POLICY

*For all staff in
Education and
Training Boards
Ireland*

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1. Introduction

1.1 This guidance is for managers and employees and sets out how Time off in Lieu (TOIL) will operate at Education and Training Boards Ireland (ETBI).

1.2 TOIL is defined as time off, taken with prior agreement from the line manager, when an employee has been asked by their line manager, or equivalent level manager, to voluntarily work beyond their contracted hours to complete a specific piece of work.

2. Purpose

2.1 This policy seeks to create a consistent and flexible approach to working arrangements that enables employees and ETBI to manage fluctuations in work requirements that are not accommodated through normal working practices.

3. Scope

3.1 This policy applies only to staff from Grade III to Grade VII in ETBI.

4. TOIL Definition

4.1 TOIL stands for Time Off In Lieu. This is where an employee works pre-approved additional hours and compensated by taking the time off at another point. The use of TOIL should be unusual. This policy is only to be used for anticipated situations, including but not limited to: ETBI conference days, ETBI Training days off-site or unplanned situations as they arise. Authorisation from the line manager and notification to Human Resources Department via email are necessary for the accumulation of TOIL.

4.2 TOIL is not appropriate to be used for general flexible working arrangements.

5. Additional Hours

5.1 The working of additional hours is voluntary and there is no contractual entitlement to be paid overtime or granted TOIL .

- 5.2 TOIL only applies to additional periods of work at the weekend or either before or after the employee's normal working day.
- 5.3 Line managers must plan in advance the most effective way of achieving service needs, in order to minimise the need for the working of additional hours.
- 5.4 Line managers must give reasonable notice to staff if they are requesting the staff member to work beyond their contracted hours. There is an expectation that both parties will agree on the hours required and the assigned work.
- 5.5 TOIL should not be accrued on a regular basis; it should be an unusual event rather than the norm. Only line managers or higher can authorise the accrual of TOIL when all other mechanisms, such as adjusting the working pattern for that week, have been exhausted.

6. Working Times Regulations

- 6.1 When asking an employee to work additional hours or planning travel for an event in another part of the world, the Working Time Regulations 1997 must be considered.
- 6.2 These Regulations state that an employee:
- should not work more than an average of 48 hours per week and this can be averaged out over a four-month, six-month or up to a 12-month reference period.
 - must be allowed at least one day off each week or two days off in a fortnight. A rest day is not necessarily a Saturday or a Sunday,
 - should have 11 hours of uninterrupted rest in a twenty-four-hour period,
 - is given at least a thirty-minute unpaid break during their shift if their shift lasts six hours or more.

7. Responsibilities

- 7.1 Each employee has a responsibility to comply with the provisions of this policy.
- 7.2 Those with responsibility for the management of other staff have a responsibility to ensure that:
- the provisions of this policy are complied with;
 - work is managed such that it is completed during the normal working day insofar as is possible;
 - they maintain accurate records of TOIL accrued and taken by staff under their supervision.

- 7.3 The Human Resources department has responsibility for providing appropriate guidance to management and staff in relation to this policy as required.
- 7.4 The Human Resources department and the Executive Leadership Team (ELT) of ETBI are responsible for the implementation of and adherence to this policy.

8. General Principles

- 8.1 In most circumstances, work duties should be carried out during normal contracted working hours. However, it is accepted that it may not always be possible to set up events/conferences within normal working time.
- 8.2 Agreed hours worked beyond the standard thirty-five-hour working week, or contracted hours for part-time staff, may be claimed on the following basis:
- TOIL is awarded on:
- a single hourly rate basis for supplementary hours worked between Monday and Friday (7 hours must be worked in the day before TOIL is awarded).
 - at 1.5 hours x for supplementary hours worked on Saturdays
 - at 2 hours x on Sundays or Public/Bank Holidays/Concessionary Days
- 8.3 The minimum of TOIL that can be allocated is 3.5 hours for hours worked for a specific piece of work.
- 8.4 TOIL must not result in changes to normal working arrangements as outlined in the Time and Attendance Policy.
- 8.5 These procedures must be utilised in the best interests of effective service provision. This requires cooperation between employees and line managers to ensure adequate cover is provided as necessary.
- 8.6 The success of the TOIL scheme is based on trust. Any member of staff who is found to have abused the TOIL scheme may have it withdrawn and may be subject to disciplinary procedures.
- 8.7 There is no monetary alternative to TOIL at any point and any TOIL that is not used in line with this policy will be lost.

9 Operation of TOIL when Travelling Away Including the Weekend

9.1 If an employee has to travel to a distant location, especially for overseas work over the weekend, they will receive Time off in Lieu (TOIL) for only one day, *i.e.*

- For Saturday, it will be earned at a rate of time and a half for a maximum of seven hours
- For Sunday, it will be earned at a rate of double time for a maximum of seven hours.

If the travel occurs on a Saturday, TOIL is earned on the Saturday, but the Sunday thereafter counts as a regular rest day. Alternatively, if the travel occurs on a Sunday, TOIL is earned on the Sunday, and the Saturday preceding the Sunday is considered the regular rest day.

9.2 International travel can be tiring, particularly long-haul flights or flights landing during the night. When this happens, managers should make arrangements for an appropriate rest break before the first appointment. Managers must agree on an itinerary, in writing, for staff who are going away so that it is clear before the event takes place:

- which days will attract TOIL (as agreed by the line manager),
- which will be annual leave, which will be normal contracted hours so that it is clear in advance, and the Line Manager must lead on this.

10 Accruing and Taking TOIL

10.1 The line manager must submit TOIL hours that have been worked by the staff member to the HR Department by email. HR will add the additional hours to the staff member's TOIL balance in Zoho People.

10.2 Staff can apply for this TOIL leave by submitting their request through Zoho People.

10.3 TOIL not availed of by the end of the third month after the TOIL was originally accrued will be considered lost unless there are exceptional reasons to retain it for a further month.

10.4 It is extremely important that all line managers ensure that the taking and granting of TOIL is essential to the effective running of the operation.

10.5 Excessive use of TOIL in any particular area will be monitored by the HR function

10.6 All TOIL must be taken prior to ceasing employment.

11 Review of Policy

11.1 There will be a review of this policy two years after its introduction or earlier if deemed necessary by ETBI management.

