

# EMPLOYMENT LAW AND THE WORKING TIME REGULATIONS

BIGGA's Management Support series produced by Xact



**In the last edition of The Greenkeeper we advised you of one change in the Working Time Regulations, namely the extension of paid holiday, which was effective from 1 October 2007. Those rights will be further extended in April 2009.**

The Working Time Regulations also introduced the concept of the 48-hour week. In short, this means that employees, unless they have signed an Opt Out Agreement, are prohibited by law from working more than an average of 48 hours averaged over a 17 week period. Clearly this has serious implications for golf club employees, where relatively little work can be done in the winter months but conversely much more requires to be done in the summer when there is more daylight and the grass is growing!

Fortunately, the framers of the European Directive were aware of this problem and allowed member states to provide for a longer reference period in certain "special cases" in which case the reference period can be extended up to 26 weeks. One such special case occurs where, "There is a foreseeable surge of activity".

This, we believe, covers golf courses and therefore clubs can feel reasonably confident that, as long as employees do not work in excess of 48 hours over a 26 week period, they are not in breach of the Regulations. However, in some parts of the country, particularly in northern Britain, even that may not be a long enough reference period where daylight hours are considerably longer.

Where employees wish to work longer hours than the Regulations allow they will have to have signed an Opt Out Agreement, which requires to be carefully worded and legally compliant to be effective. An Opt Out will permit the employee to work longer hours without the employer facing legal consequences. It should be noted that the EU are planning to scrap all Opt Outs once they get the agreement of member states. However, no date has been set for their removal.

The Xact Group currently provide state of the art health and safety advice to golf clubs. We have recently added a similar employment law/HR service, which can provide both advice and draw up the necessary documentation to assist in any employment law/HR issue.

For further information on this or any other aspects of our employment law/HR service please feel free to telephone us on 0845 665 3006.



WHAT'S YOUR NUMBER?



## WHAT'S YOUR NUMBER?



**Name:** John Nicholson  
**Position:** Principle  
**Company:** John Nicholson Associates

**How long have you been in the industry?**  
"14 years, working on predominantly golf courses."

**How did you get into it?**  
"I always had a love of the traditional British golf course and a passion for great architects, such as Harry Colt, and could see many of the wonderful courses from the 1920s and 30s were being destroyed by the ingress of scrub and woodland. I was aware no one was giving practical and achievable advice to golf clubs regarding woodland and heathland management. I therefore embarked on a mission to ensure clubs had the right trees in the right place rather than the wrong tree in the wrong place!"

**What other jobs have you done?**  
"I also have a business that deals in 19th and 20th century art."

**What do you like about your current job?**  
"It's great to see the results of the work, the effect on the design strategy is immediate and the following season the benefits to the playing surfaces become evident. It is always nice when you achieve results and go from being the enemy to the vector for improvement. I love working with Ken Moodie and Ken Brown doing the strategy

for golf courses, they are both very knowledgeable and we all have a love of the traditional British style course."

**What changes have you seen during your time in the industry?**  
"The biggest change I've seen in the industry is the difficulties many clubs are having with finance and membership numbers. I strongly feel clubs that don't invest in their courses will find it increasingly difficult to compete as proprietary clubs are becoming increasingly competitive."

**What do you like to do in your spare time?**  
"I play golf and love country sports and the arts. I should say I play at a links course, no trees!"

**Where do you see yourself in 10 years time?**  
"Alive I hope."

**Who do you consider to be your best friends in the industry?**  
"I hope most of my clients regard me as a friend, as well as a colleague, along with all my associates, Ken Moodie and Ken Brown and Mike Edwards."

**What do you consider to be your lucky number?**  
"I don't really have one."

**Pick a number "6"**  
**John has picked Richard Campey from Campeys Turfcare**