

SHIFT DISTURBANCE ALLOWANCE AGREEMENT
Amended August 2019 – Amendment No [15-081](#)
(Revised effective date of 8th October 2019)

SCOPE OF THE AGREEMENT

1. The provisions of this Agreement shall apply to those grades in the Isle of Man Civil Service which are specified in Appendix A to this Agreement.

EFFECTIVE DATE

2. The revised provisions in this Agreement will be effective from the 1st August 1984.

DEFINITION OF A SHIFT ROSTER

3. For the purposes of this Agreement, a shift roster is a roster of shifts which either:-
 - a) cover a 24 hour period; or
 - b) alternate or overlap and cover a period of not less than 12 hours in any period of 24 hours with at least 4 hours between the starting times of the earliest and latest shifts.

DEFINITION OF A SHIFT WORKER

4. For the purposes of this Agreement, a shift worker is an individual:-
 - a) whose conditioned hours are worked in the form of shifts; and
 - b) who is a member of a shift roster; and
 - c) whose rostered attendance pattern during the course of the shift cycle covers all the shifts which determine the rate of allowance for which he qualifies under paragraph 11 hereof.

CATEGORIES OF SHIFT WORKER

5. **Regular Shift Workers**
 - a) Staff filling posts where management considers it reasonable to assume that shift working will continue for a future period of at least 12 months will be classified as " Regular Shift Workers". (This classification will also include staff in posts where there is a continuous need for shift working although the pattern of the roster may vary throughout the year due to different seasonal requirements).
 - b) Additionally, where departments have a predetermined annual requirement in certain areas for regular periods of shift working on a seasonal basis, regular shift worker status should be given to civil servants in posts involved in seasonal shift working for the duration of the shift working provided that each continuous period of predetermined shift working for the post is not less than 3 months.

Note

Once a post has been designated as "regular" it will continue to be so until the period of shift working comes to an end and the provisions of paragraphs 17 to 20, 24 and 25, as appropriate, will apply. Regular shift worker status will not be affected when the shift duties of a post are temporarily suspended. (See paragraph 17 (b)(i) for continuity of payment in such circumstances).

6. Casual Shift Workers

All other shift workers will be classified as "Casual Shift Workers".

7. Relief Shift Workers

Day workers who occasionally relieve on a shift roster are classified as "Relief Shift Workers" while employed on such duties (see paragraph 30 to 32 hereof).

TYPES OF SHIFT

8. Night Shift

A "night" shift for the purposes of paragraph 10 hereof is defined as a shift involving at least 4 1/2 hours' work between 8.00 p.m. and 6.00 a.m.

9. Day Shift

Work starting and finishing between the hours of 8.00 a.m. and 6.00 p.m. on any day will be regarded as a "day" shift for the purposes of paragraph 10. If the hours of work for the establishment as a whole start before 8.00 a.m. or finish after 6.00 p.m., these hours will be regarded as a "day" shift for shift workers employed at that establishment, but, in no case should the span of hours exceed ten.

10. CALCULATION OF THE NUMBER OF "DAY" SHIFTS ATTRACTING PAYMENT

Where there is a number of consecutive "day" shifts in a roster (ignoring rest days), payments will not be made for more than five in any one sequence. Subject, in all cases, to the overriding limitation:-

- a) where the number of "day" shifts in a roster does not exceed one-third (1 in 3) of the total shifts in the roster, payment will be made for all "day" shifts;**
- b) where the number of "day" shifts in a roster exceeds one-third (1 in 3) of the total shifts in the roster but the incidence of "night" shifts is at least 1 in 4, payment will be made for all "day" shifts;**

- c) **in all other cases in which the number of "day" shifts exceeds one-third (1 in 3) of the total shifts in a roster, payment will be restricted to the number of "day" shifts which represents one-third (1 in 3) of the total shifts in the roster.**

RATES OF ALLOWANCE - METHOD OF CALCULATION

11. The rate of standard shift disturbance allowance will be determined by the proportion of night shifts (see paragraph 8) within the shift worker's roster (excluding rest days) in the following manner: -
- | | | |
|----|---|-------|
| a) | night incidence at least as frequent as 1 in 4 | 20% |
| b) | night incidence as frequent as 1 in 8 but less frequent than 1 in 4 | 15% |
| c) | night incidence less frequent than 1 in 8 and shift rosters with no night incidence | 12.5% |
12. Where a rostered shift lasts 15 hours or more, or 23 hours or more, without a break (other than a meal break), it will be regarded as 2 shifts or 3 shifts respectively. Where a rostered shift of at least 15 hours includes the whole of the period of 8.00 p.m. to 6.00 a.m., it will be regarded as 2 night shifts.
13. Once the appropriate rate of shift disturbance allowance has been determined on the basis of night incidence, it should not be adjusted when the proportion of night shifts is subsequently affected by absences. Where, however, shifts in addition to those for which an individual is rostered are worked, additional payment of shift disturbance allowance should be made in accordance with the provisions of paragraphs 13(a), 19 and 20(b).

"FLOOR" AND "CEILING" LEVELS FOR CALCULATION PURPOSES

14. Where the total salary or hourly plain-time rate calculated in accordance with paragraph 16 exceeds the 'ceiling' shown in [Annex C2\(i\)](#) to these regulations payment of shift disturbance allowance will be calculated as if salary were at that level.
15. Where the total salary is less than the 'floor' figure show in [Annex C2\(i\)](#) to these regulations payment will be calculated as if salary were at that level.

METHODS OF PAYMENT

16. For regular shift workers, shift disturbance allowance will be paid as a percentage enhancement to annual salary. For casual shift workers, shift disturbance allowance will be paid as a percentage enhancement of the hourly plain-time rate. Salary and hourly plain-time rate for this purpose will include responsibility allowances in issue.

CONTINUITY OF PAYMENT - REGULAR SHIFT WORKERS

17. The payment of shift disturbance allowances to regular shift workers will continue, subject to the conditions set out in paragraph 18:-
- a) during all periods of annual leave, rest days and bank, public and privilege holidays (or any appropriate days taken in lieu) and periods

of approved absence on internal and external training occurring during shift working;

- b) during the following temporary absences from shift working:-
 - i) temporary transfer to day working at the behest of management, including day work during temporary suspension of a shift roster;
 - ii) temporary absences on official business;
 - iii) official authorised further education occurring during shift working. (Any cases of doubt should be referred to the Personnel Office);
 - iv) paid sick leave (certificated or self-certificated);
 - v) paid special leave
 - vi) paid maternity leave

18. The provisions of paragraph 17 hereof will apply subject to the following conditions: -

- a) payment may only continue where it is intended that the civil servant will return to regular shift duties at the end of the absence. In all other cases, the provisions of paragraph 15 will apply;
- b) payment of shift disturbance allowances should not be made during absences which occur immediately before the commencement of regular shift duties, e.g. during periods of training preparatory to, and occurring immediately before, the commencement of shift working;**
- c) payment during any of the temporary absences listed under paragraph 17 (b) hereof, may continue for a maximum period not exceeding 30 days at any one time (for this purpose, weekends occurring within a period of absence will count against the 30 days' limitation, but weekends occurring at the beginning or end of a period of absence will not count against the 30 days' limitation) but the total of temporary absences listed under sub-paragraph (b) which may attract continuity of payment will be limited to 60 days in any period of 12 months or less;
- d) the rate of allowance payable in all cases of absence will be the percentage applicable at the date of commencement of the absence, i.e., even when it is known that, at the end of the absence, a civil servant returning to shift duties as a regular shift worker on a roster attracting a different percentage allowance. When a regular shift worker is temporarily transferred to day work on temporary promotion or substitution terms, the allowance will be calculated on the

substantive salary and not on the temporary promotion or substitution pay in issue during the temporary period of day work.

CESSATION OF PAYMENT - REGULAR SHIFT WORKERS

19. Payment of shift disturbance allowance should not be made for any days for which salary is not paid
20. The payment of shift disturbance allowance will cease immediately if the shift worker is transferred to day work, or when the operation of the shift roster is discontinued or suspended.
21. Where a civil servant is permanently transferred to day work and, within 30 days of commencement of day duties, is transferred back to shift working in a post which attracts "regular shift worker" status, the period of day work should be treated as temporary transfer to day work under the terms of paragraph 17(b)(i) and the normal continuity provisions should be applied retrospectively.

CHANGES IN PATTERNS OF WORKING

22. Departments should consult with the Government Officers' Association on the introduction, alteration and cessation of shift working, but, if agreement cannot be reached and work requirements make it necessary, changes may be made at the discretion of management.
23. In addition, staff engaged on shift working will be expected to co-operate in working hours other than, or in excess of, their predetermined shifts when this is necessary.

REGULAR SHIFT WORKERS - TRANSFER TO A ROSTER ATTRACTING A LOWER RATE OF ALLOWANCE

24. Except when a civil servant is transferred to another shift roster at his own request departments should aim, wherever practicable, to give regular shift workers 4 weeks' notice of their transfer to a shift roster attracting a lower rate of shift disturbance allowance, whether they are being posted to new shift duties, e.g. on promotion, or because the roster of which they are members is being redesigned.
25. If a regular shift worker is permanently transferred to a shift roster attracting a lower rate of shift disturbance allowance and, within 30 days, is transferred again to a shift roster attracting a rate of shift disturbance allowance as high as the original rate of shift disturbance allowance and to a post which attracts "regular shift worker" status, the provisions of paragraph 21 hereof should be applied by analogy to him.

OVERTIME

26. Wherever possible, regular overtime working should be avoided. However, when operational requirements make overtime working at short notice essential, staff will be expected to co-operate in working hours other than, or in excess of, their predetermined shifts.

**PAYMENT FOR HOURS WORKED IN EXCESS OF CONDITIONED HOURS:
REGULAR SHIFT WORKERS**

27. a) **Excess hours built into the shift roster**

Where excess hours are built into a shift roster, the total roster determines the rate of shift disturbance allowance payable under the provisions of paragraph 11 hereof. Where hours in excess of conditioned hours are built into a regular shift worker's roster in the form of a separate complete shift, which is taken into account in determining the percentage of shift disturbance allowance payable, an additional payment of shift disturbance allowance calculated on hourly plain-time rates of pay will be paid for each such shift worked. If the shift worker is in an overtime grade, the excess hours will attract an additional payment at the hourly plain-time rate of pay.

b) **Other excess hours**

Where regular shift workers make an attendance additional to that for which they are rostered, whether the attendance involves the working of a whole shift or a part shift, they should be paid, in addition to any overtime payment for which they may be eligible, an additional payment of shift disturbance allowance at the percentage rate of allowance applicable to the roster which the additional shift forms a part and calculated on hourly plain-time rates of pay.

28. Where regular shift workers work additional hours on a shift roster consecutive to a rostered shift attendance and;

a) the additional hours comprise a complete additional shift, they should be paid, in addition to any overtime payment for which they may be eligible, an additional payment of shift disturbance allowance at the percentage rate of allowance applicable to the roster of which the additional shift forms a part and calculated on hourly plain-time rates of pay;

b) the additional hours are less than a complete additional shift, i.e. they are a part shift they should be paid any overtime payment for which their attendance makes them eligible, but no additional payment of shift disturbance allowance.

**PAYMENT FOR HOURS WORKED IN EXCESS OF CONDITIONED HOURS:
CASUAL SHIFT WORKERS**

29. When a casual shift worker works hours in excess of conditioned hours on a shift roster, the following rules apply:-

a) when excess hours are built into a shift roster staff should be paid, in addition to any overtime payment for which they may be eligible, an additional payment of shift disturbance allowance for each rostered

shift hour worked, the calculation being based upon hourly plain-time rates of pay, provided that the additional payment of shift disturbance allowance is not precluded under the terms of paragraph 10 hereof (payment for "day" shifts);

- b) when the excess hours are not built into the roster i.e., when casual shift workers either make a shift attendance additional to that for which they are rostered, or work additional hours on a shift roster consecutive to a rostered shift attendance, they should be paid, in addition to any overtime payment for which they may be eligible, an additional payment of shift disturbance allowance for each additional shift hour worked at the rate applicable to the roster of which the additional shift hours form a part and calculated on hourly plain-time rates of pay.

RELIEF SHIFT DUTIES

- 30. Notwithstanding the provisions of paragraph 4 hereof, a day worker who occasionally relieves on a shift roster will be regarded as satisfying the definition of a "shift worker" while employed on such duties, except in those cases in which the period of relief is less than a week or is wholly comprised of duties falling within the "day" shift period. For the purpose of applying this rule, day workers will be regarded as having completed a week of shift duties if they do not resume their normal duties within 7 calendar days of commencing relief duties i.e. an individual who commences relief duties on a Tuesday and returns to day duties on the following Monday will not be regarded as a "shift worker".
- 31. Notwithstanding the provisions of paragraph 4 hereof, when casual or regular shift workers are temporarily removed from a shift roster in order to undertake relief duties on another shift roster, they will be eligible to receive shift disturbance allowance at the rate appropriate to the relief roster. In the case of a regular shift worker, however, the continuity provisions of paragraph 17(b)(i) will, by analogy, be applied if the relief roster attracts a lower rate of shift disturbance allowance. These arrangements will not apply when casual or irregular shift workers carry out relief duties in addition to their normal shift duties. In this case, the provisions of paragraphs 27 and 28 hereof will apply.
- 32. When the period of relief shift duties undertaken by regular shift workers involves temporary promotion or substitution, any continuity of payment calculation will be based on their substantive rate of pay. If, therefore, a lower rate of shift disturbance allowance applies to the relief shift roster, but the amount of the allowance calculated in relation to the civil servant's rates of pay on temporary promotion or substitution are greater than the allowance payable under the continuity provisions, they will be paid the allowance appropriate to their relief duties.

SUPPLEMENTARY PROVISIONS

33. Except where the continuity and cessation provisions may apply, shift disturbance allowance will be paid only for periods of effective duty either at the place of work or, if appropriate, on call-out, i.e. periods spent on-call or stand-by will not attract payment of the allowance.
34. Where the conditions for payment are satisfied, the allowance may be paid in addition to any payments for overtime, or premium payments for attendance at weekends or on bank or public holidays; but these payments may not be included in the calculation of shift disturbance allowance.
35. Shift disturbance allowance may not be included as a reckonable allowance for the purposes of calculating overtime or weekend or bank or public holiday premium payments.
36. Shift disturbance allowance is reckonable for superannuation purposes in accordance with the Principal Civil Service Pension Scheme.

Date: 9th August 1984

APPENDIX A

The Shift Disturbance Allowance Agreement dated the 9th August, 1984 between the Official and Staff Sides of the Whitley Council for the Isle of Man Public Service shall apply to the grades listed hereunder subject to the proviso that either Side may from time to time ask the Council to amend the list as may be appropriate.

Dept of Transport

Air Traffic Control Assistant II (Obsolete)
Air Traffic Control Officer II (Obsolete)
Air Traffic Services Assistant 1
Air Traffic Control Officer 3
Senior Air Traffic Engineer
Air Traffic Engineer I
Air Traffic Engineer II
Watch Commander (Airport)
Information Assistant (Airport)
Meteorological Forecaster

Duty Harbour Officer
Harbour Control Officer

Treasury

Computer Operator

Dept of Home Affairs

Telephonist/Receptionist (Police Headquarters) (wef 1 September 2019)
Department of Home Affairs (Constabulary) First Contact Officers (wef 1 July 2017)

Road Transport Licensing Committee

Inspector (wef 1 January 2003)

Department of Health and Social Security

Nobles Hospital Switchboard Staff

NOTE:

The Manager Air Traffic Services (replaces Senior Air Traffic Controller post wef 12 November 2001), Senior Forecaster, Fire Officer and the Scientific Officer on the staff of the Airports Board will be treated as Relief Shift Workers for the purposes of this Agreement.

SHIFT DISTURBANCE ALLOWANCE AGREEMENT

**IOM WATER AUTHORITY – OPERATIONS CENTRE
CUSTOMER SERVICES TECHNICIAN**

The Joint Negotiating Committee for the Civil Service is agreed that the post of Customer Services Technician on the staff of the Isle of Man Water Authority should receive an allowance in respect of the current shift roster for the Operations Centre of 5% of basic salary.

For the purpose of paying this allowance the following provisions of the IoM Civil Service Shift Disturbance Allowance Agreement shall apply as if the post holder is a "regular shift worker"

Para	
13&14	Floor and Ceiling levels
16	Methods of Payment
17&18	Continuity of Payment
19-21	Cessation of Payment
	Overtime Working
	Supplementary Provisions

The allowance is based on the current shift roster for the Operations Centre and covers:-

Working one full shift per week on the roster; and

Working the full roster for 13 weeks to cover annual and sick leave

Whilst this allowance is in payment the post holder is not eligible for any other payment under the provisions of the Shift Disturbance Allowance agreement except that:-

If in any financial year (1 April to 31 March), the post holder works the full shift roster for a period exceeding 13 weeks the allowance may be increased from 5% to 12.5% for any periods of relief shift work which qualify for payment under para 30-32 of the Shift Disturbance Allowance Agreement.

The allowance will only continue whilst the present roster is in operation. It will be reviewed if the roster is amended and the allowance withdrawn or amended as appropriate.

This allowance shall be payable with effect from 1 April 2003.

Signed on behalf of the Commission
GOA
B Skillicorn
Date 21 November 2003

Signed on behalf of the
P Henderson
Date 18 November 2003