



**Isle of Man
Government**

Reillys Ellen Vannin

Guidance on the Management of Time off in Lieu (TOIL)

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1. Introduction

- 1.1 In what is increasingly a 24/7 society, it is recognised that flexibility in working arrangements is an important consideration in the delivery of services which meet the needs of the public.
- 1.2 The Public Services Commission (PSC) is committed to encouraging the use of flexible working arrangements for employees where such arrangements provide benefit to both management and staff.
- 1.3 Whilst there is no negotiated and agreed policy relating to Time Off in Lieu (TOIL) within PSC employee's terms and conditions, there is provisions under the Public Service Commission Civil Service Regulations and Manual and Craft workers Memorandum of Agreement to grant TOIL.

2. Purpose

- 2.1 The purpose of this guidance is to provide an overarching framework for managers and employees and to provide clarification and advice over the use of TOIL.

3. Aim

- 3.1 This guidance aims to provide a more consistent and standardised approach to the management of TOIL across the PSC.
- 3.2 The aim of this guidance is also to:
 - Provide appropriate information to managers about the use of TOIL and how to appropriately record TOIL;
 - Provide employees with information on their ability to take TOIL;
 - Provide explicit definitions and a greater distinction and understanding between TOIL and flexi time.

4. Scope

- 4.1 This policy applies to all PSC employees and should form the basis of any local policy or procedure in respect of the management of TOIL.
- 4.2 It is accepted that some departments will have their own internal policies relating to the use of TOIL. In such instances the Department's existing policy should be adhered to first.
- 4.3 This guidance is effective from 1 September 2023.

5. TOIL and Flexi Time

- 5.1 TOIL and Flexi Time can at first glance seem to be very similar mechanisms. It is therefore important to highlight differences between them.
- 5.2 Flexi Time is a system used in certain areas within Government, and is designed to allow employees to be more flexible in their working hours.
- 5.3 The general principle of Flexi Time is that the employee chooses when to start and end work (within agreed limits with line management). It could, therefore be described as a regular feature of an employee's working pattern.

- 5.4 TOIL is intended to be a more infrequent solution and a form of remuneration for staff who are required to work beyond their standard contractual hours.
- 5.5 A staff member and their manager could come to an agreement that certain instances of overtime worked will be taken as TOIL, as opposed to receiving a payment at a standard or overtime rate of pay.
- 5.6 TOIL should not be used as a regular feature of employee's working pattern.
- 5.7 TOIL should also not be used as a method to take multiple consecutive days off or to increase annual leave allowances and should be seen as separate from annual leave provisions.

6. TOIL in Practice

- 6.1 TOIL can only be taken by employees in overtime grades as per the terms and conditions for Civil Servants and Manual and Craft workers.
- 6.2 TOIL should not be seen as an automatic entitlement by employees. Before any TOIL can be accrued it requires approval by a manager and should only be agreed to when it is necessary and alternatives have already been explored.
- 6.3 TOIL may not be granted to any PSC employee, who is eligible, as an alternative to premium pay (i.e., conditioned overtime for work carried out on a weekend or a bank holiday), however TOIL may be granted for any hours worked in excess of conditioned hours as an alternative to overtime pay. It is not an alternative to overtime pay, TOIL is to be used in exigencies as and when it arises.
- 6.4 If an employee wants to take TOIL then they must have agreement from their manager before taking the TOIL. This should be done through the same process that is used by the employee to request annual leave.
- 6.5 TOIL must be equal to actual hours worked.
- 6.6 Any TOIL accrued must be taken within **3 months** of being accrued. If TOIL is not taken within this timeframe, employees will be paid as per the employee's overtime rate as stated in their terms and conditions. It is the responsibility of a line manager to inform Payroll when an employee's outstanding TOIL balance reaches the 3 month limit and should be paid.
- 6.7 Employees who already have a TOIL balance which was accrued prior to the implementation of these guidelines should continue to follow the existing processes, however TOIL accrued after the effective date of these guidelines should abide by the 3 month principle as outlined above.
- 6.8 Managers are responsible for keeping accurate records and ensuring that employees are given sufficient opportunities to take TOIL they have accrued. However, at the same time TOIL must be arranged to be taken at a time that is suitable for the Department, for instance TOIL should not be taken during particularly busy periods or when there is a lack of available staff to cover the absence. See **Appendix 1** for a TOIL Record Form Template which managers may use to maintain an employee's TOIL balance record.

7. Outstanding TOIL Upon Employee's Departure

- 7.1 In circumstances when an individual's employment is terminated, there may be instances where accrued TOIL has not been taken. Employees should be encouraged to take any remaining TOIL before their departure. If an employee is specifically prevented from taking any outstanding TOIL before leaving the organisation, Departments, Boards and Offices should pay any remaining TOIL balance as they would with any outstanding annual leave.

