

## **FACTSHEET - WORKING TIME REGULATIONS**

The Working Time Regulations govern the hours most workers can work and they set:

- daily and weekly rest periods
- the maximum weekly working time
- statutory entitlement to paid leave for most workers
- limits on the normal hours of night work and regular health assessments
- special regulations for young workers.

The Regulations apply to both part time or full-time workers, including the majority of agency workers and freelancers, although certain categories of workers are excluded.

In general, the Working Time Regulations provide rights to:

- a limit of an average 48 hours a week on the hours a worker can be required to work, though individuals may choose to work longer by "opting out" (see section 3)
- paid annual leave of 5.6 weeks' a year
- 11 consecutive hours' rest in any 24-hour period
- a 20-minute rest break if the working day is longer than six hours
- one day off each week
- a limit on the normal working hours of night workers to an average eight hours in any 24-hour period, and an entitlement for night workers to receive regular health assessments.

### **Night working**

A night worker is someone who normally works at least 3 hours during the night period, which is the period between 11pm to 6am, unless the worker and employer agree a different night period. Night workers should not work more than an average of 8 hours in 24-hour period. This average is usually calculated over a 17-week reference period. Regular overtime is included in the average and workers can't opt out of this limit.

Employers must offer workers a free health assessment before they become a night worker and on a regular basis while they are working nights.

### **48 hour working week**

Normally most workers don't have to work on average more than 48 hours per week unless they agree to. If workers agree to work beyond the 48-hour limit they must put it in writing, this is generally known as an opt-out. Workers have the right to cancel the opt-out agreement, with the agreed notice (contained within the opt out). The choice to opt out applies only to the 48 hour working week. Employees cannot opt out of the other provisions.

Young people (16 and 17 year olds) normally cannot opt-out of the 48 hour working week. Other workers who can't opt out include airline staff and workers in the road transport industry such as HGV drivers.

### **What is the reference period?**

Where there is no workforce or collective agreement in place, there are default periods set out in the WTR. Default reference periods will begin at 00.00 hours on the nearest Monday morning on or after 1 April, 1 August and 1 December each year. At least one of the reference periods each year will contain 18 weeks. When this occurs, the average 48-hour week should be divided by 18 weeks, rather than 17 weeks

### **Calculating working hours**

Average working hours are calculated over a 'reference' period, normally 17 weeks. This means employees can work more than 48 hours one week, as long as the average over 17 weeks is less than 48 hours a week. Working hours can't be averaged out if you're under 18. 16 and 17 year olds can't work more than 40 hours in any one week.

### **What counts as work**

- job-related training
- time spent travelling if you travel as part of your job, e.g. sales rep
- working lunches, e.g. business lunches
- time spent working abroad
- paid overtime
- unpaid overtime you're asked to do
- time spent on call at the workplace
- any time that is treated as 'working time' under a contract
- travel between home and work at the start and end of the working day (if you don't have a fixed place of work)

### **What doesn't count as work**

- time you spend on call away from the workplace
- breaks when no work is done, e.g. lunch breaks
- travelling outside of normal working hours
- unpaid overtime you've volunteered for, e.g. staying late to finish something off
- paid or unpaid holiday
- travel to and from work (if you have a fixed place of work)

### **Weekly and compensatory rest**

Whilst on the face of it, it appears that workers are entitled to a day off each week, days off can be averaged over a two-week period, meaning workers can take two days off a fortnight. Young people (aged 16 and 17) must take two consecutive days off per week.

In some circumstances a worker may be required to work during a rest period and may have to take rest later, this is known as compensatory rest.

### **Young workers (16 and 17 year olds)**

There are special regulations for young workers, which restrict their working hours to 8 hours per day and 40 hours per week. The rest break is 30 minutes if their work lasts more than 4.5 hours. Young workers must have twelve hours' rest between each working day, and 48 hours' rest per working week. (two consecutive days). These cannot be averaged over a two week period. There are special limits on the hours young workers can work at night. They usually cannot work between 10pm and 6am. If they are contracted to work after 10pm, they must stop work at 11pm and not start again before 7am.

### **Under 16's**

Child workers that have not reached the minimum school leaving age must **not** work:

- for more than 4 hours without taking a break of at least 1 hour.
- without having a two week break from any work during the school holidays in each calendar year.
- during school hours or for more than one hour before school (unless local bylaws allow it).