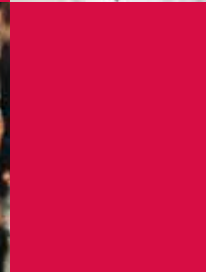


The UK Working Time Regulations



An Amicus Guide



2005



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Amicus guide to the UK Working Time Regulations

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■ IN BRIEF

- A limit of an average 48 working hours per week that a worker can be required to work
- A right to a rest break of at least 20 minutes during a working day of 6 hours or more
- A right to 11 consecutive hours rest per day
- A right to a full 24 hour rest period each week, or a full 48 hours in a fortnight
- A right to 4 weeks paid leave per year
- A limit of an average 8 hours work in any 24 hours which night workers can be required to work
- A right to free health assessments for night workers

■ A 48 HOUR WEEK

A worker's working time should not exceed 48 hours (including overtime) per week when averaged over a reference period. This reference period is usually 17 weeks but it can be increased to 26 in some cases, or up to 52 weeks by agreement. The period cannot include any time off such as holiday, sick or maternity leave and for any such period an equivalent number of working days is added to the reference period.

Although employees are entitled to voluntarily work more than 48 hours by signing an individual "opt out" agreement, employers cannot force or coerce employees to do so, nor can signing such an agreement be made a condition of employment. Workers can cancel their opt out with between 7 days and 3 months notice, depending on the wording of the original opt out agreement.

■ REST BREAKS

Workers are entitled to a rest break of at least 20 minutes if working for 6 hours or more. This should be an uninterrupted period away from any workstation.

■ DAILY REST

Workers are entitled to a rest period of at least 11 consecutive hours in any 24 hour period. Where shift workers cannot take a full daily rest period on a day in which they have changed shifts, employers must allow for compensatory periods of rest. This does not apply to workers whose work may be split up over several periods of the day.

■ WEEKLY REST

Workers are entitled to an uninterrupted rest period of at least 24 hours in any seven day period. In practice this entitlement may be taken in a 14 day period as one uninterrupted rest period of 48 hours or two separate 24 hour periods. Where shift workers cannot take a full weekly rest period on a day in which they have changed shifts, employers must allow for compensatory periods of rest. This does not apply to workers whose work may be split up over several periods of the day.

■ ANNUAL LEAVE

Workers are entitled to 4 weeks paid leave per year. Employers may include bank holidays in this annual entitlement unless the contract of employment says otherwise. Each week of leave should be equivalent to the normal working week, ie workers who work 5 days a week should have 20 days leave, those who work 2 days a week should have 8 days leave, etc. Such leave must be taken in the leave year for which it is due and cannot be substituted with payment in lieu except where the worker's employment ends.

Leave accrues per month proportionately throughout the year and workers who start after the leave year begins are entitled to leave proportionate to the remainder of the leave year. Any leave entitlement accrued in a worker's first year of less than a whole day is rounded up to the nearest half day.

Workers requesting leave must give their employer at least twice as much notice as the period of leave and employers must give as much notice of the period of leave if refusing the request. Employers may also require workers to take their leave on specified dates with the same period of notice.

■ NIGHT WORK

Night workers should not work more than an average of 8 hours in every 24. Night work is defined as a 7 hour period which includes that between midnight and 5am, usually 11pm to 6am. Anyone who normally works at least 3 hours of their working day during this night period is classed as a night worker. Where such work involves any “special hazards or heavy physical or mental strain” the 8 hours limit applies to each 24 hour period, not an average 8 hours over the reference period.

■ FREE HEALTH ASSESSMENTS

Workers assigned to night work should be offered a health assessment beforehand to determine their suitability for night work. An earlier health assessment may count. Once night work has commenced, regular health assessments should be offered.

■ YOUNG WORKERS

For young workers (aged 16-17) the working time limit is 8 hours a day and 40 hours a week, not averaged over a reference period. There is no opt out available. They may work longer hours if necessary to maintain continuity of service or production, or to respond to a surge in demand for a service or product, provided that there is no adult available to perform the task and the employer ensures that the training needs of the young worker are not adversely affected. If a young worker is required to work for more than four and a half hours at a stretch they are entitled to a rest break of 30 minutes.

Young workers may not ordinarily work at night between 10pm and 6am, or between 11pm and 7am if the contract of employment provides for work after 10pm. However the same exceptions apply as in the paragraph above and, in addition, young workers must be allowed an equivalent period of compensatory rest and be adequately supervised where necessary for their protection.

■ ON-CALL HOURS

On-call hours count as working time when workers are required to be at their place of work and either working or available for work, and this includes time spent sleeping-in. When workers are on-call but based at home or elsewhere, on-call time only counts as working time from the time they are called out.

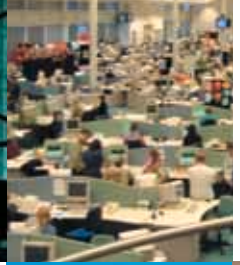
■ EXCEPTIONS

A number of sectors – road, rail, air, sea, inland waterway and lake transport, sea fishing, "other work at sea" (off-shore oil and gas exploration) and the activities of doctors in training – are covered by different regulations. For more details contact the Amicus research department.

■ TRADE UNION FLEXIBILITIES

The following rules of the Working Time Regulations can be varied by collective agreement between employers and trade unions. Amicus representatives may wish to consider using these to negotiate away long hours.

- Definition of working time can be extended beyond the definition in the regulations
- Reference period for 48 hour week can be extended to 52 weeks
- Definition of night time can be extended for night workers
- Definition of night workers can be extended to include more people
- Reference period for night work can be converted from the rolling 17 week average to consecutive blocks of 17 weeks
- Definition of night work involving heavy physical and mental strain can be broadened - in such cases the 8-hour night work limit is an absolute one, not an average
- Night-work limits can be loosened by agreement, providing that 'compensatory rest' of the same time value is given later on
- Right to 11 hours rest per day can be loosened by agreement, providing that 'compensatory rest' of the same time value is given later on
- Right to 24 hours rest in seven-day period can be loosened by agreement, providing that 'compensatory rest' of the same time value is given later on
- Definition of seven-day period can be varied - where there is no agreement it is the beginning of each working week
- Timing of rest break of 20 minutes where working day is more than six hours
- Date when annual leave year begins
- Period of notice before annual leave can be taken



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