

WORKING TIME REGULATIONS 1998

Information for Managers

Working Time Regulations came into effect in October 1998. The purpose of this information sheet is to provide a summary of the Regulations and whom they affect and to provide a definition of working hours.

The Regulations will apply to workers over the minimum school leaving age of 16 years. The Regulations cover workers with a contract of employment and other types of contract, eg agency and freelance work, it does not cover the self-employed.

The following workers or work sectors are specifically excluded at the present time:-

- Transport;
- Sea fishing;
- Other work at sea;
- Certain activities in the Civil Protection Service.

There are special provisions relating to adolescent workers, these are workers over school leaving age, but under the age of 18 years.

The Provision of the Regulations

The main provision of the Working Time Regulations are:-

- A limit on average weekly working time to 48 hours per week (although individuals may choose to work longer, their agreement is required in writing).
- A minimum daily rest period of at least 11 hours in 24 hours (under age 18 years \geq 12 hours/24 hours).
- A minimum weekly rest period of at least 24 hours in every 7 days or \geq 48 hours/14 days (under age 18 years \geq 48 hours/7 days).
- A minimum rest break of 20 minutes away from the work in every 6 hours (under age 18 years \geq 30 minutes every 4.5 hours).
- Paid annual leave of at least 4 weeks per year.
- A limit to night workers' hours of 8 hours in 24 hours. This can be averaged over 26 weeks with an employee's agreement.
- A requirement to offer Health Assessments to night workers before starting night work and at regular intervals.

Limit on Average Working Time of 48 Hours Per Week

The Regulations require employers to take all reasonable steps to ensure workers do not work more than an average of 48 hours per week, averaged over a 17 week period. An individual worker may choose to work more than the 48 hours average weekly limit. If they do so, the agreement must be in writing and allow for the worker to bring the agreement to an end. The maximum period of notice should be 3 months. Where travelling is part of the job it is included in the working time, so are working lunches and job-related training. It does not include travel between home and work.

Minimum Daily and Weekly Rest Periods

A worker is entitled to a rest period of uninterrupted 11 hours between each working day. A worker is also entitled to an uninterrupted rest period of not less than 24 hours in each 7 day period. The weekly entitlement is in addition to the daily entitlement, thus there should be one break of 35 hours during a 7 day period.

Rest Breaks at Work

A worker is entitled to an uninterrupted break of 20 minutes, when daily working time is more than 6 hours. For workers under the age of 18 years the rest break should be at least 30 minutes when daily working time is more than 4.5 hours. This should not be taken at the start or end of the working day.

Paid Annual Leave

A worker is entitled to at least 4 weeks paid leave each year. The leave entitlement may not be replaced by payments in lieu of taking annual leave.

Health Surveillance for Night Workers

Those individuals who, by definition, work nights as a normal course (means on a regular basis), are entitled to a free health assessment before starting night work and regularly thereafter (annually or more frequently, if this is appropriate in individual cases).

The health assessment must be performed by a competent person, usually an Occupational Health Physician or Nurse and will take the form of a clinical questionnaire and followed, if required, by a physical examination.

Night is a period of at least 7 hours including the hours between midnight and 05.00am (ie 11.00pm – 06.00am). A night worker is defined as an individual who, as normal course, works 3 of their working hours during the night time period.

The length of night work, daily and weekly rest periods and rest breaks can be modified by collective agreement.



Records

Attendance records must be kept and be available to local Union Representatives. The records must be adequate to ensure that the limits specified are complied with and that compensatory rest is provided for.

Records should also be available to the Health & Safety Executive and staff.

