



# Working Time Regulations

Candidate guide to The Working Time Regulations

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This Candidate briefing has been generated via ACAS (Advisory, Conciliation and Arbitration Service) who provide free and impartial information and advice to employers and employees on all aspects of workplace relations and employment law.

## Background

The Working Time Regulations 1998 came into force on 1 October 1998 and have been amended in part by the Working Time Regulations 1999 and the Working Time (Amendment) Regulations 2003. The Regulations implement the European Working Time Directive into UK law. They are primarily health and safety legislation and are intended to protect workers from the risks that arise out of working excessively long hours or for long periods without breaks.

## What are the key points?

The Working Time Regulations determine the maximum weekly working time, patterns of work and holidays, plus the daily and weekly rest periods. They also cover the health and working hours of night workers. The Regulations apply to both part-time and 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"
- 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.

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. They are also entitled to two days off each week.

Any proposals to change patterns of working are best carried out in a consultative way, explaining the reasons behind such a move and the benefits which may accrue to both the organisation and worker.

## Overtime

Overtime is normally hours that are worked above the normal full time hours, normal working hours are the hours mentioned in the terms of employment. Overtime can be voluntary or compulsory. Compulsory overtime would form part of the terms and conditions of employer.

There is no legal right to be paid extra for any overtime worked, this may be detailed in the terms of employment.

## 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, but it can be over a longer period if the workers and employer agree.

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. Workers do not have to accept this health check.

### **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 agrees 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, although they must give their employer at least 7 days' notice - a longer period of notice may be agreed by the employer, but it can be no longer than 3 months.

The average working week is calculated by taking the average over a 17 week reference period. Young people (16 and 17 year olds) normally cannot opt-out of the 48 hour working week, as they may not normally work more than a 40 hours per week.

### **Compensatory rest**

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. Compensatory rest is normally the same length of time as the break or part of the break that a worker has missed.