

H

ours of Work

All workers' hours are governed by the Working Time Regulations. These cover holiday entitlement, the maximum average working week, the right to rest breaks during the working day, the right to rest periods between working days and hours when working at night.

Under current rules workers aged 18 and over should work no more than six days out of every seven, or 12 out of every 14. They should take a 20-minute break if their shift lasts for more than six hours and work a maximum 48-hour average week.

Workers aged 16 and 17 are entitled to take at least 30 minutes' break if their shift lasts more than four and a half hours and should work no more than eight hours a day and 40 hours a week with 12 hours' rest between working days and two days off every week

The minimum amount of annual holiday was increased to 5.6 weeks on 1 April 2009. Since then it has not been permitted to give pay in lieu of statutory holiday although pay in lieu is allowed for untaken holiday in excess of the statutory 5.6 weeks. These entitlements are calculated on a pro-rata basis for part-time employees.

All workers are covered by the regulations, including part-time, casual, freelance and agency staff. There are certain circumstances in which employees can agree to changes, or to opt out of working-time limits. Workers who can generally decide how long they work because of the nature of their job are also exempt.

Employers need to consider whether a worker falls into this category. Those who can decide when to do their work and how long they work, such as senior managers, are likely to be in this category. Those without this freedom to choose are not.

This exception would not apply to workers paid hourly or claiming paid overtime, or those working under close supervision or who are implicitly required to work because of output requirements to be achieved in a specified period

Nobody can be forced to work more than an average of 48 hours a week against their will and this exception does not remove this protection. It is important to keep records of workers' hours to show compliance with the regulations. It's also good practice to monitor working hours.

There are special rules for those who regularly work for at least three hours between 23.00 and 06.00. They must be offered a free health assessment before they start working nights and on a regular basis after that. Workers under 18 are not permitted to work at night.

Guidance on working hours and time off is available at www.direct.gov.uk in the Employment section