

Night Work

Facilities maintenance, security and cleaning operatives are often required to work at night even when the parent organisation does not operate 24/7. If any of the FM team does regularly carry out night work, including casual, freelance and agency workers, there are special regulations that must be complied with.

The Working Time Regulations 1988 define night time as the period between 23.00 and 06.00, though this can be slightly varied by agreement between the employer and the workers. A night worker is someone who regularly works for at least three hours during this period. Under the original Regulations night work calculations did not take overtime into account. This was changed and the calculation should include all hours worked.

In general, night workers should not work more than an average of eight hours in a 24-hour period, averaged over a reference period of 17 weeks. They cannot opt out from this limit, although in certain situations it is possible to average night work over a longer reference period than 17 weeks. Workers must be offered a free health assessment before they start working nights and on a regular basis after that with a follow-up examination by a health professional provided where necessary).

For workers dealing with special hazards or under mental and physical strain there can be no averaging at all and the eight-hour daily limit is absolute.

In general, workers under 18 must not work between 22.00 and 06.00. This can be varied in a contract to the period between 23.00 and 07.00. However there are certain circumstances in which some young workers are allowed to work at night.

There are no limits on night working hours in jobs such as senior management where employees can choose freely how long they will work. The armed forces, emergency services and police are also excluded in some circumstances

It is the employer's responsibility to comply with the night work rules. Records must be kept to ensure that workers do not exceed their night working limit. Records should also be kept of night workers' health assessments for two years or, if they do not accept the offer of a free health assessment, a record of when the offer was made.

More information on working time limits can be found at www.direct.gov.uk/en/Employment/Employees/WorkingHoursAndTimeOff