



Working Time Regulations Template

You must ensure that proper written records are kept of hours worked per week, night workers, rest breaks, compensatory rest periods, work patterns and annual leave.

The 48-hour week

Adult workers cannot be forced to work for more than 48 hours a week on average, however they can agree to work more than the 48-hour limit with a signed opt-out agreement. You cannot force a worker to sign an opt-out agreement.

Workers can cancel the opt-out agreement.

Young workers are those over minimum school leaving age, but under 18 years of age.

Young workers and the working time limits

Young workers cannot usually work for more than eight hours a day or 40 hours a week, although there are certain exceptions (see below).

These hours cannot be averaged out over a set reference period and there is no opt-out available.

The total number of hours should be added together where the young worker works for more than one employer, which is why it's important for your apprentice agreement or employment contract to require the worker to get your approval before working elsewhere.

Young workers may work longer hours where this is necessary to either:

- Maintain continuity of service or production; or
- Respond to a surge in demand for a service or product

And always 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

Young workers and rest periods and in-work rest breaks

Young workers are entitled to 12 hours rest between each working day and two days off a week (this cannot be averaged over a two-week period). The two-day rest period may be reduced to 36 hours if justified by technical or organisational reasons.

Young workers are entitled to a rest break of at least 30 minutes (continuous, and uninterrupted) if they are required to work for more than a 4.5-hour shift.

There is no requirement in the Regulations for rest breaks to be paid.

Young workers and night work

Young workers may not usually work at night between 10pm and 6am, or between 11pm and 7am if the contract of employment provides for work after 10pm. However, in specific circumstances set out below, exceptions apply to some sectors, but only where it is necessary to either:

- Maintain continuity of service or production; or
- Respond to a surge in demand for a service or product

And always provided that:

- There is no adult available to perform the task;
- The employer ensures that the training needs of the young worker are not adversely affected;
- The young worker is allowed an equivalent period of compensatory rest;

and

- The young worker is adequately supervised where that is necessary for their protection.

The sectors where young workers **may work throughout the night** are:

- Hospitals or similar establishments
- In cultural, artistic, sporting or advertising activities

The sectors where young workers **may work between 10 or 11pm to midnight** and between **4am to 6 or 7am** are:

- Agriculture
- Retail trading
- Postal or newspaper deliveries
- A catering business
- A hotel, public house, restaurant, bar or similar establishment
- A bakery

Travel time

The Regulations do not specify whether travel time counts as work. Government guidance indicates the following:

1. Time spent travelling within working time, i.e. to and from assignments, count as work;
2. Commuting to and from work to home generally does not count as work;
3. However, travelling between home and work if there is no fixed place of work does count as work

For minimum wage purposes, it is reasonable to assume that travelling to and from work does not count as work.

Why you need to comply with the regulations

Employment Tribunals will enforce the entitlement to rest breaks and paid annual leave.

The Health and Safety Executive and local authority environmental health departments enforce the weekly and nightly working time limits. Sanctions can include criminal penalties such as conviction, fine and imprisonment.



For a bespoke contract or more information, please contact the HR Dept on helena.white@hrdept.co.uk or call **0345 2004178**