

When you work in a job, you will often be contracted to work particular hours. Depending on the nature of your contract, this could be full-time (around the 37-40 hour mark), or it could be part-time hours.

Whatever your contracted hours are, they are going to be controlled and regulated by the [Working Time Regulations](#). But what are these regulations, why do they exist, and what limitations and controls do they place on working time?

## What are the Working Time Regulations?

As the name suggests, the Working Time Regulations are there to control and monitor the amount of time that an employee works. This not only covers the hours worked in a day, but also the time that is worked over the course of the week too.

## The Working Time Regulations 1998

The hours that you are allowed to work within the UK are set out and controlled by the Working Time [Regulations](#) 1998. Not only does this set out a working time, but it is also there to ensure that employees are able to take paid leave, as well as rest breaks during their working day.

The regulations are there to help to protect workers and ensure that their time working is lawful and that they are not being asked to work time that is appropriate, as well as ensuring that they are being properly paid for the time that they have worked.

## Working hours and time off work

There is currently a limit that states that an employee should not work more than 48 hours a week on average. This average is calculated over a 17-week period.

There is also a limit of an average of 8 hours of work within a 24-hour period, which does apply to night workers.

Other aspects of the Working Time [Regulations](#) are the right to 11 rest per day, a right to one day off each week and a right to an in-work rest break if the working day is longer than 6 hours.

The Working Time [Regulations](#) also cover the right to 28 days paid leave if you work full-time in one year.

## Enforcement and responsibilities

It is a requirement for the employer to ensure that reasonable steps are made to ensure that the working time that their employees work fits within the constraints of the working time regulations.

That said, it is also the responsibility of the individual employee to ensure that the time that they are working (or that they are asked to work) fits in with the regulations.

These [regulations](#) (and any issues that arise within them) are enforced by the Health and Safety Executive. Therefore, any concerns that employees or anyone else may have about working time should be directed to the HSE.

## Paid holidays

It is important to be able to have time away from your workplace to use as you wish. This could be for child care (such as in the school holidays) or perhaps just to have a break away from the stress and activity of your working life.

Another key part of the Working Time Regulations is paid holidays.

The regulations state that every employee has the right to paid holiday and that this is statutory. It covers agency workers, workers with irregular hours and also workers on zero-hours contracts.

Depending on the time that they work, it is a legal entitlement that these staff members have 5.6 weeks of paid holiday per year. It can include bank holidays that should be taken as a part of their annual leave.

If you work five days a week, you should find that this statutory annual leave equates to 28 days a year of paid holiday. The entitlement for part-time workers is the same, 5.6 weeks, but it takes into account the number of days that you work per year. Therefore, if you work three days per week, then your paid holiday entitlement would be 16.8 days of leave a year.

Those who work irregular hours will be able to have paid time off that relates to every hour that they work. There are some online calculators that can help them to work out their entitlement.

Of course, an employer can choose to provide their employees with more holidays than the statutory allocations. However, this will be at their own discretion and forms part of the contract between employer and employee.

## Rest periods

Workers who are over 18 are allowed to have certain rest periods when they work. These could be rest whilst they are physically at work, daily rest when working, and weekly rest periods too.

Workers have the right to one uninterrupted 20-minute break during their work, so long as they work more than 6 hours in one day. This could be a lunch break or a tea break, and it doesn't have to be a paid break.

Workers also have a right to 11 hours of rest between each working day.

It is also a part of the regulations that a worker should have weekly rest periods too. They should have an uninterrupted 24 hours without any work each week and uninterrupted 48 hours without any work each fortnight.

## Weekly working time

The Working Time Regulations state that you cannot work more than 48 hours a week, on average. This is averaged over a 17-week period; therefore, if you have had one or two weeks where you have needed to work longer hours for any reason, then this should still not impact the weekly working time average so long as you don't continue to work those hours.

You can choose to opt-out of the regulations if you are over 18. However, if you are under 18, then you cannot do this, and your working time is limited to 40 hours per week.

## Night work

If you regularly work for at least 3 hours during the night period (11 pm-6 am), then you are classified as a night worker.

As a night worker, you should not work more than 8 hours on average in a 24-hour period; this is calculated over a 17-week time-frame, much like other averages within the regulations.

This is a limit that cannot be opted out of. However, it does not count the occasional overtime that you may work; only regular overtime.

If you are aged 16 or 17, then you cannot work between midnight and 4 am. Although, many workplaces will have a rule that they cannot work between 10 pm and 6 am.

There are some exceptions to this rule, such as in agriculture, hospitals, hotels and in some retail positions.

## **Holidays and overtime**

The rules that apply to overtime and holiday pay have seemed to change on a regular basis of late, which has made the rules and entitlement a little trickier to understand.

The best place to start is with the different types of overtime. There is voluntary overtime when employers are not obliged to offer any, and employees do not need to accept any offers. There is also compulsory overtime; this is required to be offered to employees and also to be accepted by employees.

There is also non-guaranteed overtime, which is when overtime is not obliged to be offered, but if it is offered, then an employee must accept it.

The most common form of overtime is voluntary.

Over recent years there have been a number of court cases that have highlighted how overtime should form a part of holiday entitlement. This is because holiday entitlement should be reflective of the "normal" hours and wages that an employee works and earns.

More often than not, those who work overtime will do so on a regular basis, which means that they should feel that their holiday entitlement is reflective of this.

## **Workers health assessments**

If someone is planning on taking a role whereby they will become a night worker, even occasionally, then they should be offered a [worker's health assessment](#).

This should be organised by the employer and carried out by a qualified health professional. It is important to note that employees are not obliged to accept it.

This [assessment](#) can be a questionnaire. However, the aim is to ensure that the worker is able to carry out night work physically and also to take into account that night work on a regular basis could increase their stress levels.

It is important that these [assessments](#) are carried out on a regular basis and that they are also arranged should there be doubts that a certain employee, who may currently be working nights, is able to continue to do so.

If it is found that night work is not suitable for the worker in question, then they should be offered alternative work where possible.