

Working Hours

Employee's normal working hours should be contained in their contracts and should specify what the working hours are and also detail any working patterns. According to the Working Time Regulations most workers should not have to work more than an average of 48 hours a week, with the average working week calculated over a 17-week period. Workers can however elect to choose to opt out of the 48 hour week by signing an opt out agreement.

The law states that a worker is entitled to a minimum rest period of 11 consecutive hours (12 consecutive hours for young workers) in each 24-hour period during which he/she works for their employer and one whole day off in each working week (2 days for young workers).

Young workers under the age of 18 cannot usually work more than 40 hours a week or an eight hour day.

Rest Breaks

An employee who works longer than 6 hours in a working day is entitled to a rest break which has to be a minimum of 20 minutes. Whether breaks are paid or not will depend upon the terms specified in the employment contract.

Overtime

Contracts of employment and/or office manuals/staff handbooks should refer to arrangements for overtime pay in respect of authorised "extra hours" worked by employees; although there is no legal right for overtime pay for extra hours worked.

Some employers opt to offer employees "time off in lieu" instead of paying overtime.

Paid Holiday

Entitlement to paid holiday for workers commences on the first day of employment. The current statutory minimum is 5.6 weeks which, if you work a 5 day week, equates to 28 days.

There is no statutory entitlement to paid leave for public holidays; the right to any paid time off for public holidays depends on the terms of the contract. Paid public holidays can be included in the statutory entitlement as dictated by the employment contract, if the contract provides a more generous entitlement then the employee will benefit from that. Part time workers are entitled to the same holiday as their full time colleagues with their entitlements calculated on a pro-rata basis.

Upon termination of employment workers have to be paid for any untaken holiday recalculated up to the last day of employment. There is no legal right to carry holiday forward to the following holiday year; unless the contract provides for this. Most companies will have holiday procedures contained in their staff handbook or office manual to provide clarity to employees.

When do the regulations not apply?

There are cases where the regulations don't apply such as if you are self-employed, running your own business and are free to work for different clients and customers. The regulations also don't apply to services such as the armed forces or the police.

The above information is not intended to be a complete or definitive statement of the law. For more information or advice please contact our Employment Law team.