

# WELFARE IS YOUR RESPONSIBILITY



LEEDS  
CITY COUNCIL



Environmental  
Health Services

## WORKING TIME REGULATIONS 1998

As an employer it is YOUR responsibility to ensure that measures are in place to safeguard the health, safety and welfare of your employees and anyone else who may be affected as a result of the business undertaking.

### A BRIEF GUIDE TO THE REGULATIONS

This information sheet is intended as a guide to the Working Time Regulations 1998. It should not be regarded as an authoritative statement of the law. The regulations impose duties on employers in relation to their employees.

**Adult worker:** refers to an employee over 18.

**Adolescent worker:** refers to an employee over school leaving age but not who is not over 18 (e.g. 16 to 18).

#### 1. WORKING TIME

This should not exceed 48 hours per week averaged over a 17-week period.

##### **Exceptions:**

- If the worker agrees in writing not to apply the limit.
- Where there is a collective or workforce agreement.
- Special circumstances e.g. hospital work, unforeseen circumstances, civil protection, etc.

**Employers must keep adequate records for at least 2 years.**

#### 2. NIGHT WORK

Night work **SHOULD NOT EXCEED:**

- 8 hours in any 24-hour period averaged over 17 weeks.
- 8 hours in any 24-hour period where there are special hazards.

'Night time' usually means 11pm to 6am but there is some flexibility on this by agreement. There are also exceptions to allow for special circumstances and collective agreements.

**Employers must keep adequate records for at least 2 years.**

Continued overleaf →

### 3. HEALTH ASSESSMENTS FOR NIGHT WORKERS

Assessments to determine whether or not an employee is fit to work at night must be made. These can be done by the employer's own occupational health service or the employee's GP. The assessments must be regular. Although the regulations do not specify a period for re-assessment it is recommended that they should take place at least annually.



**Adequate records of assessments must be kept for at least 2 years.**

### 4. DAILY AND WEEKLY BREAKS

- Adults should have at least 11 consecutive hours between shifts. Adolescents should have at least 12 consecutive hours between shifts.
- Adults should have an uninterrupted break of at least 24 hours in each 7-day period. Adolescent workers are entitled to 2 days rest each week.
- There are exceptions to cater for special cases and collective agreements. In these circumstances the worker is entitled to compensatory rest.

### 5. IN-WORK REST BREAKS

- Adults are entitled to 20 minutes uninterrupted break if working 6 hours or more. Adolescents are entitled to 30 minutes break if working 4.5 hours or more.
- Breaks must not be at the start of the work period. Whether or not they are paid depends on agreement between employee and employer.
- There is flexibility for adult workers in special circumstances but these only apply to adolescent workers in very special circumstances. Where the rest entitlement is modified workers must be given compensatory rest.

### 6. PAID ANNUAL LEAVE

All workers are entitled to 4 weeks paid annual leave. Pay may not be received in lieu of leave except on termination of employment.

### 7. ENFORCEMENT

Regulations on working times, night work and provision of health assessments for night workers (items 1, 2 and 3 above) are enforced by your local health and safety enforcing authority. Depending on your business type, this can be either Leeds City Council Environmental Health Services or the Health and Safety Executive. For issues relating to rest breaks and paid annual leave (items 4, 5 and 6) employees can make a complaint to an Employment Tribunal.

### FURTHER ADVICE

- **Further guidance on the regulations can be obtained from the Department of Trade and Industry enquiry point. This is an electronic answering service (Tel: 0845 600 0925)**
- **For further help on items 1, 2 and 3 above contact the Health and Safety Executive Infoline (Tel: 0541 545500)**
- **For advice on items 4, 5 and 6 contact the ACAS public enquiry point (Tel: 0113 243 1371)**
- **To make a complaint, please contact your local enforcing authority:  
HSE Leeds Office (Tel: 0113 283 4200) or Leeds City Council Environmental Health Services (Tel: 0113 247 6284 or env.health@leeds.gov.uk)**