

Working Time Regulations 2016

A Detailed Guide



Department for
**Employment
and Learning**

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Introduction

This guide provides information on the limits and entitlements provided for in **The Working Time Regulations (Northern Ireland) 2016 (the Regulations)**.

The Regulations are designed to protect the health and safety of workers by providing them with rights such as daily and weekly working time limits, health assessments for night workers, in-work rest breaks and paid annual leave.

For the purposes of these Regulations, a worker is defined as:

an individual who has entered into or works under (or where the employment has ceased, worked under):

- a contract of employment; or
- any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual.

Broadly speaking, a worker is someone who is paid a regular salary or wage and works for an organisation, business or individual. The employer normally provides the worker with work, tools and other equipment, and pays tax and National Insurance Contributions on the worker's behalf.

The Regulations also make special provision for **young workers**. A young worker is someone who is above the minimum school leaving age but under 18.

The Working Time Regulations do not apply to those who are self-employed, running their own business and are free to work for different clients and customers.

There are also a number of exclusions and exceptions to the Working Time Regulations (see Section 7).

Readers should be aware that there may be developments in legislation or case law which affect the rights of workers. If you would like advice on your particular situation, please refer to [Appendix: Useful addresses](#), where there is a list of useful contact details.

Further information can be obtained from the Labour Relations Agency (LRA). For the addresses of its two offices see [Appendix: Useful addresses](#).

Upon request, consideration may be given to making this booklet available in alternative formats and in other languages for people who are not proficient in English.

All comments should be addressed to:

Department for Employment and Learning
Employment Relations Policy and Legislation Branch
Fourth Floor
Adelaide House
39-49 Adelaide Street
Belfast
BT2 8FD

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Contents

Introduction	1
SECTION 1: WORKING TIME LIMITS	1
Summary.....	1
Employers must check:	1
More detailed information	2
What is working time?	2
How is the average weekly working time calculated?	2
What if a worker agrees to work longer hours?.....	4
Example of opt-out agreement.....	4
Special daily and weekly working time limits.....	4
Young workers	4
Doctors in training.....	4
SECTION 2: WORKING AT NIGHT	5
Summary.....	5
Employers must check:	5
More detailed information	5
What is 'Night Time'?.....	5
Who is a 'Night Worker'?	5
Special hazards.....	7
Special night work limits for young workers	7
SECTION 3: HEALTH ASSESSMENTS FOR NIGHT WORKERS	9
Summary.....	9
Employers must check:	9
More detailed information	9
Health and working at night	10
How employers should assess workers' health.....	10
What to do if a worker is unfit for night work	10
SECTION 4: TIME OFF	12
Summary.....	12
Employers must check:	12
Special rules for young workers.....	13
SECTION 5: REST BREAKS AT WORK	14
Summary.....	14
Employers must check:	14
Special rules for young workers.....	14
SECTION 6: PAID ANNUAL LEAVE	15
Summary.....	15
Employers must check:	15
More detailed information	15
Entitlement to paid annual leave.....	15
Who is entitled to paid annual leave?	15
Carry over of annual leave.....	16
The leave year.....	16
How to work out holiday pay due to workers who are leaving	17
What is a week's leave?	17
Giving notice to take leave.....	17
Calculating a week's pay	17
For workers paid a fixed wage or salary (fixed hours and pay)	18
For piece-workers or workers on commission (hours constant and pay varies) ..	18

For shift workers (hours and pay vary in a set pattern)	18
For workers who work irregular hours (hours and pay vary)	18
Rolled Up Holiday Pay.....	19
Sick leave and annual leave	19
SECTION 7: EXCLUSIONS & EXCEPTIONS	20
Excluded sectors	20
Partially excluded sectors	20
Collective agreements	22
Special Circumstances	22
Unmeasured working time	23
Domestic staff.....	24
Mobile workers	24
Shift workers.....	24
Young workers	25
SECTION 8: RECORD KEEPING AND ENFORCEMENT	27
Record keeping	27
What records do employers need to keep?	27
How are the Regulations enforced?.....	27
Enforcement of employers' obligations	27
What to do if you are not receiving your rights as a worker.....	28
Resolving disputes in the workplace.....	29
SECTION 9: SAMPLE HEALTH QUESTIONNAIRE.....	30
SECTION 10: FREQUENTLY ASKED QUESTIONS.....	32
Appendix: Useful addresses.....	35
Working Time Contacts	35
Contacts for other Working Time legislation.....	36

SECTION 1: WORKING TIME LIMITS

Summary

- Workers cannot be forced to work for more than 48 hours a week on average.
- The average weekly working time is normally calculated over 17 weeks, although it can be longer in certain situations (26 weeks) and can be extended by agreement (up to 52 weeks). (See 'How is the average weekly working time calculated?' on page 2).
- Working time includes travelling (where it is part of the job), travel between home and work at the start and end of the working day (if you don't have a fixed place of work¹) and working lunches.
- Working time does not include travelling between home and work (if you have a fixed place of work), or lunch breaks.
- Workers can agree to work beyond the 48-hour limit. The agreement must be in writing and be signed by the worker, and is generally referred to as an opt-out. The opt-out can be for a specified or indefinite period. There is no opt-out available from the Young Workers' limits.
- Workers can cancel the opt-out agreement whenever they want, although they must give their employer at least 7 days' notice, or longer (up to 3 months) if this has been agreed.
- Young workers may not ordinarily work more than 8 hours a day or 40 hours a week, although there are certain permitted exceptions (see 'Special daily and weekly working time limits' on page 4).
- The working time limits do not apply if workers can decide how long they work (see 'Unmeasured working time' on page 23).

Employers must check:

- what counts as working time;
- how much time each worker spends working;
- if a worker is working more than an average of 48 hours a week, whether to reduce the worker's hours or whether the worker wishes to sign an opt-out from the working time limit; and
- what records need to be kept (see page 27).

¹ Federación de Servicios Privados del sindicato Comisiones obreras (CC.OO.) – v - Tyco Integrated Security SL, Tyco Integrated Fire & Security Corporation Servicios SA, Case C-266/14. On 10 September 2015 the European Court of Justice gave judgement in this case involving the status of travel between home and work for a worker without a fixed place of work. The Court considers that time spent travelling to and from the first and last appointments by workers without a fixed place of work should be regarded as working time for the purpose of the EU Working Time Directive (No. 2003/88/EC)

More detailed information

Employers must take all reasonable steps to ensure that workers they employ are not required to work more than an average of 48 hours a week, unless they have signed an opt-out agreement.

What is working time?

The Working Time Regulations state that working time is when someone is 'working, at the employer's disposal and carrying out the worker's activity or duties'. This includes:

- working lunches, such as business lunches;
- travel as part of work, for example a 24-hour mobile repair or travelling salesperson; and
- time spent abroad working for an employer who carries on business in Northern Ireland.

Working time does **not** include:

- routine travel between home and work (if you have a fixed place of work);
- rest breaks when no work is done; and
- time spent travelling outside normal working time.

Workers who are undergoing training should seek guidance from a trade union or relevant body to determine whether their training is considered as working time.

In 2000 and 2003 the European Court of Justice gave judgement in cases concerning the status of 'on-call' time². The judgements related to doctors employed in primary health care teams, though a similar approach may now be taken in other areas. They indicated that 'on-call' time, when a worker is required to be at the work place, is 'working time'. 'On-call' time when a worker is permitted to be away from the workplace and accordingly free to pursue leisure activities, is not 'working time'.

How is the average weekly working time calculated?

The number of hours worked each week should be averaged out over 17 weeks (or however long a worker has been working for an employer if this is less than 17 weeks). This period of time is called the 'reference period'. Workers and employers can agree to calculate the average weekly working time over a period of up to 52 weeks under a workforce agreement or

² Sindicato de Médicos de Asistencia Pública (SIMAP) - v - Conselleria de Sanidad y Consumo de la Generalidad Valenciana, Case C-303/98; and Landeshauptstadt Kiel v Norbert Jaeger Case C-151/02

collective agreement. The reference period is automatically extended in other circumstances (see 'Special daily and weekly working time limits' on page 4):

- doctors in training have a 26-week reference period; and
- the offshore sector has a 52-week reference period.

The average weekly working time is calculated by dividing the number of hours worked by the number of weeks over which the average working week is calculated, for example 17.

When calculating the average weekly working time, it is important to take account of the number of days that the worker was absent during the reference period due to taking paid annual leave, maternity, paternity, adoption or parental leave, or due to illness. Since the calculation is based on hours **worked**, employers must add the hours worked during the equivalent period of time following the reference period (e.g. if a worker was absent for three days during the reference period, the employer should include the number of hours worked during the three days following the reference period in the calculation).

Example 1 -

A worker has a standard working week of 40 hours and does overtime of 12 hours a week for the first 10 weeks of the 17-week reference period. No leave is taken during the reference period. The total hours worked is:

17 weeks of 40 hours and 10 weeks of 12 hours of overtime

$$(17 \times 40) + (10 \times 12) = 800$$

Therefore their average is (total hours divided by number of weeks)

$$800 \div 17 = 47.1 \text{ hours a week}$$

The average limit of 48 hours has been complied with.

Example 2 -

A worker has a standard working week of 40 hours (8 hours a day) and works overtime of 8 hours a week for the first 12 weeks of the 17-week reference period. Also, 4 days' leave are taken during the reference period. The total hours worked in the reference period is:

16 weeks of 40 hours, 1 day of 8 hours and 12 weeks of 8 hours' overtime.

$$(16 \times 40) + (1 \times 8) + (12 \times 8) = 744$$

The time worked to compensate for the 4 days' leave (taken from the first 4 working days after the reference period) should be added. The worker works no overtime on those 4 days, so 4 days of 8 hours ($4 \times 8 = 32$) should be

added to the total. Therefore the average is (total hours divided by number of weeks):

$$(744 + 32) \div 17 = 45.6 \text{ hours per week}$$

The average limit of 48 hours has been complied with.

What if a worker agrees to work longer hours?

An individual worker may agree to work more than 48 hours a week. If so, the worker should sign an opt-out agreement, which the worker can cancel at any time. The employer and worker can agree how much notice is needed to cancel the agreement, which can be up to 3 months. In the absence of an agreed notice period, the worker must give a minimum of 7 days' notice.

Employers cannot force a worker to sign an opt-out, any opt-out must be agreed to. Workers cannot be fairly dismissed or subjected to detriment for refusing to sign an opt-out. Employers must keep a record of who has agreed to work longer hours.

Example of opt-out agreement

I (name) agree that I may work for more than an average of 48 hours a week. If I change my mind, I will give my employer (amount of time – up to 3 months) notice in writing to end this agreement, or in exceptional circumstances a shorter notice period may be mutually agreed between my employer and me.

Signed..... Dated.....

Special daily and weekly working time limits

Young workers

Young workers may not ordinarily work more than 8 hours a day and 40 hours a week. The hours worked cannot be averaged out and there is no opt-out available. They may, however, work longer hours in certain specified circumstances. For further information see 'Force majeure' on page 26.

Doctors in training

The average weekly working time for doctors in training is calculated using a 26 week reference period (see page 2 for information on how the average weekly working time is calculated).

See also –

- *More exceptions to the rules (page 20)*
- *What records do employers need to keep? (page 27)*
- *What to do if you are not receiving your rights as a worker (page 28).*

SECTION 2: WORKING AT NIGHT

Summary

- A night worker is someone who normally works at least 3 hours a night.
- Night time is between 11pm and 6am, although workers and employers may agree to vary this.
- Night workers should not work more than 8 hours daily on average, including overtime where it is part of a night worker's normal hours of work.
- Nightly working is calculated over 17 weeks, though it can be extended in some situations.
- A night worker cannot opt out of the night work limit.
- Young workers should not ordinarily work at night, although there are certain exceptions (see 'Special night work limits for young workers' on page 7).

Employers must check:

- whether they employ people who could be classified as night workers;
- how much working time night workers normally work;
- if night workers normally work more than 8 hours a day on average, how they can reduce hours of work or whether any exceptions or flexibilities apply (see Section 7); and
- whether the work is particularly hazardous.

More detailed information

What is 'Night Time'?

Night time is the period between 11pm and 6am, though employers and workers can choose a different period. If they do, it must be at least 7 hours long and include the period from midnight to 5am.

Who is a 'Night Worker'?

A night worker, for the purposes of the Working Time Regulations, is a worker whose daily working time includes at least 3 hours of work at night time:

- on most days the worker works;
- on a proportion of the days the worker works which is specified in a collective agreement or workforce agreement; or

- often enough for it to be said that the worker works such hours 'as a normal course'.

The phrase 'as a normal course' means on a regular basis. The general rule is that a worker who works at night for one third of the worker's working time was a night worker. Occasional, or ad hoc, work at night is not enough to classify a worker as a night worker.

Nightly working time should be averaged out over a reference period, which is usually 17 weeks. This period can be extended if agreed in a workforce agreement or collective agreement. The night work limits do not apply in the special circumstances referred to on page 22.

If workers work less than 48 hours a week on average, they will not exceed the night work limits.

The average hours worked at night are calculated by dividing the number of normal hours worked in the reference period by the number of days in the period, after the number of rest days which the worker has taken in relation to the worker's entitlement under the Regulations has been subtracted.

Normal hours of night work include overtime when it is part of a night worker's normal hours of work.

Example 1 -

A night worker normally works four 12-hour shifts each week.

The total number of normal hours of work for a 17-week reference period is:

17 weeks of 4 shifts of 12 hours

$$17 \times (4 \times 12) = 816$$

There are 119 days in the reference period (17 weeks) and the worker takes 17 weekly rest periods, as entitled under the Regulations. Therefore the number of days the worker could be asked to work is:

$$119 - 17 = 102$$

To calculate the daily average working time, the total number of hours is divided by the number of days the worker could be required to work.

$$816 \div 102 = 8$$

This equals an average of 8 hours a day.

Example 2 -

A night worker normally works 5 days of 10 hours followed by 3 days of rest. The cycle starts at the beginning of the reference period (so there are 15 cycles of work). The worker takes 2 weeks' leave and works 6 hours' overtime

every 5 weeks. During this reference period, the overtime is worked in the fifth, tenth and fifteenth weeks. The leave does not affect the calculation of normal hours, but the overtime does. The total number of hours of work for a 17-week reference period is:

15 cycles of 5 shifts of 10 hours = $15 \times (5 \times 10) = 750$ hours, plus 6 hours' overtime $\times 3 = 18$

$750 + 18 = 768$ hours (including overtime).

There are 119 days in the reference period (17 weeks) and the worker takes 17 weekly rest periods, as entitled under the Regulations. Therefore the number of days the worker could be asked to work is:

$119 - 17 = 102$

To calculate the daily average working time, the total number of hours is divided by the number of days a worker could be required to work.

$768 \div 102 = 7.53$

This equals an average of 7.53 hours a day.

Special hazards

Where a night worker's work involves special hazards or heavy physical or mental strain, there is an absolute limit of 8 hours on the worker's working time each day – this is not an average.

Work will involve a special hazard if it is identified:

- as such by agreement between an employer and workers in a collective agreement or workforce agreement; or
- as posing a significant risk by a risk assessment which an employer has conducted under the Management of Health and Safety at Work Regulations (Northern Ireland) 2000 (S.R. 2000 No. 388).

Special night work limits for young workers

Young workers may not ordinarily work at night between 10pm and 6am or, where their contract of employment provides for work after 10pm, the period between 11pm and 7am. There are, however, several permitted exceptions:

- Young workers may work throughout the night if they are employed in hospitals or similar establishments, or in connection with cultural, artistic, sporting or advertising activities.
- Young workers may work between 10pm or 11pm to midnight and between 4am to 6am or 7am if they are employed in:

- agriculture,

- retail trading,
- postal or newspaper deliveries,
- a catering business,
- a hotel, public house, restaurant, bar or similar establishment, or
- a bakery.

Where a young worker is required to work during what would otherwise be a rest period or rest break as a result of these exceptions, the young worker must be supervised by an adult worker where such supervision is necessary for the young worker's protection and allowed an equivalent period of compensatory rest.

See also –

- *More about exceptions to the rules (page 20)*
- *What records do employers need to keep? (page 27)*
- *What to do if you are not receiving your rights as a worker (page 28).*

SECTION 3: HEALTH ASSESSMENTS FOR NIGHT WORKERS

Summary

- Employers must offer night workers a free health assessment before they start working nights and on a regular basis while they are working nights. In many cases it will be appropriate to do this once a year, though employers can offer more frequent health assessments if they feel it is necessary.
- Workers do not have to take the opportunity to have a health assessment (but it must be offered by the employer).
- A health assessment can be made up of two parts: a questionnaire and a medical examination. The latter is only necessary if the employer has doubts about the worker's fitness for night work.
- Employers should get help from a suitably qualified health professional when devising and assessing the questionnaire. This could be from a doctor or nurse who understands how night working might affect health.
- The health assessment should take into account the type of work that will be done and the restrictions on the worker's working time under the Regulations.
- If a worker suffers from problems which are caused or made worse by night work, the employer should transfer the worker to day work if possible.
- New and expectant mothers should be given special consideration.
- Special consideration should be given to young workers' suitability for night work, taking account of their physique, maturity and experience.

Employers must check:

- how to conduct the health assessment;
- how often health checks should be carried out;
- whether any workers should be transferred to day work; and
- what records need to be kept (see page 27).

More detailed information

To be sure workers are fit for night work, employers must offer a free health assessment to anyone who is about to start working nights and to all night workers on a regular basis.

Health and working at night

Every employer should regularly assess the health and safety risks to which their workers are exposed. They should identify hazards, assess how harmful they could be and take steps to reduce any risks.

It is rare that someone cannot work at night at all because of a medical condition. However, some workers may be more at risk working at night if they suffer from certain medical conditions.

How employers should assess workers' health

Employers are advised to take two steps to be sure workers are fit to work nights:

- Step 1: Ask workers to fill in a questionnaire which asks specific questions about their health which are relevant to the type of night work they will be doing.
- Step 2: If there is uncertainty as to whether they are fit for night work following the questionnaire results, ask them to have a medical examination.

Health assessments must be offered to workers before they start working nights, and should be repeated on a regular basis afterwards.

When the questionnaire has been completed by the night worker, it should be checked. It should be noted that some people may not want to disclose that they have a medical condition in case it affects their chances to work. If there are any doubts as to whether someone is fit for night work, the employer should ask the worker to have a medical examination.

When asking for a medical examination to be carried out, employers should explain to the doctor or nurse the type of work that is involved.

The medical examination may produce two types of information:

- a simple fitness-for-work statement which will be given to the employer; or
- clinical information which is confidential and can only be released to an employer (or any other party) with the worker's written consent.

What to do if a worker is unfit for night work

If a registered medical practitioner advises that a night worker is suffering from health problems caused by or made worse by working at night, the worker has a right to be transferred, if possible, to suitable day work.

See also –

- *More exceptions to the rules (page 20)*

- *What records do employers need to keep? (page 27)*
- *What to do if you are not receiving your rights as a worker (page 28).*

SECTION 4: TIME OFF

Summary

Daily and weekly rest

- A worker is entitled to a rest period of 11 consecutive hours between each working day, and to one whole day off each week.
- Employers must make sure that workers can take their rest.
- Days off can be averaged over a 2 week period, meaning workers can take 2 days off a fortnight.
- Days off are taken in addition to paid annual leave.

For information on when these entitlements may not apply, see Section 7.

Compensatory rest

- Compensatory rest is normally a period of rest the same length as the period of rest that a worker has missed.
- The Regulations give all workers a right to 90 hours' rest in a week. This is the sum of their entitlement to daily and weekly rest periods (6 x 11 hours' daily rest and 1 x 24 hours' weekly rest). The exceptions allow workers to take rest in a different pattern to that set out in the Regulations. The principle is that everyone gets their entitlement of 90 hours' rest in a week on average, although some rest may come slightly later than normal.
- The European Court of Justice has ruled that compensatory rest should come immediately after the end of the working period³

Employers must check:

- how working time is arranged and whether workers can take the time off they are entitled to;
- whether any exceptions or flexibilities apply (see Section 7); and
- the different entitlements for young workers.

³ Landeshauptstadt Kiel v Norbert Jaeger 2003.

Special rules for young workers

Daily rest

A young worker is entitled to 12 consecutive hours' rest in each 24-hour period in which the young worker works. The rest may be interrupted if periods of work are split up over the day or do not last long.

A young worker's entitlement to daily rest can be reduced or excluded in exceptional circumstances only. Where this occurs, the young worker should receive compensatory rest within 3 weeks.

Weekly rest

Young workers are entitled to 2 days off each week. This cannot be averaged over a 2 week period, and should normally be 2 consecutive days.

If the nature of the job makes it unavoidable, a young worker's weekly time off can be reduced to 36 hours.

See also –

- *What records do employers need to keep? (page 27)*
- *What to do if you are not receiving your rights as a worker (page 28).*

SECTION 5: REST BREAKS AT WORK

Summary

- If a worker's daily working time is more than six hours, the worker is entitled to a rest break of 20 minutes.
- The break should be taken during the six hour period and not at the beginning or end of it.
- The exact time the breaks are taken is up to the employer to decide.
- Employers must make sure that workers can take their rest.

Employers must check:

- how workers' working time is arranged and whether they are able to take the rest breaks they are entitled to;
- whether any exceptions or flexibilities apply (see Section 7); and
- the different rest break periods young workers are entitled to (see below).

For information on when these entitlements may not apply, see Section 7.

Special rules for young workers

Different rules apply to young workers. If a young worker's daily working time is more than four and a half hours, the young worker is entitled to a rest break of 30 minutes. If a young worker is working for more than one employer, the time worked for each employer should be added together to see if the young worker is entitled to a rest break.

A young worker's entitlement to breaks can be reduced or excluded in exceptional circumstances only. Where this occurs, the young worker should receive compensatory rest within 3 weeks.

See also –

- *What records do employers need to keep? (page 27)*
- *What to do if you are not receiving your rights as a worker (page 28).*

SECTION 6: PAID ANNUAL LEAVE

Summary

- Every worker – whether part-time or full-time – covered by these Regulations is entitled to 5.6 weeks' paid annual leave (28 days if you work a five day week, pro-rata for those working part-time). This entitlement is subject to a maximum of 28 days. This includes workers who are subject to the Road Transport Directive.
- A week's leave should allow workers to be away from work for a week. It should be the same amount of time as the working week: if a worker works a 5-day week, the entitlement is 28 days' leave; if the worker works a 3-day week, the entitlement is 16.8 days' leave.
- Workers do not have a statutory right to paid leave on bank and public holidays. If an employer gives paid leave on a bank or public holiday, this can count towards a workers minimum holiday entitlement.
- Workers must give the employer notice that they want to take leave.
- Employers can set the times that workers take their leave, for example for a Christmas shutdown.
- If a worker's employment ends, the worker has a right to be paid for the leave time due and not taken.

Employers must check:

- who is entitled to annual leave;
- how much leave workers currently receive and whether it meets the legal entitlements; and
- whether workers receive a week's pay for each week of leave.

More detailed information

Entitlement to paid annual leave

Workers are entitled to 5.6 weeks' paid leave each year. This entitlement is not in addition to any annual leave given to a worker under an employment contract. One is set off against the other, so that the amount of leave a worker gets is whichever of the two kinds of leave is longer.

Who is entitled to paid annual leave?

Every worker covered by the Working Time Regulations (whether part-time or full-time) is entitled to paid annual leave. This entitlement, including the right to compensation payments for untaken leave when a worker leaves a job, begins on the first day of employment.

Employers can use an accrual system whereby, during the first year of employment, the proportion of the leave which may actually be taken builds up over the year. The amount of leave which may be taken accrues monthly in advance at the rate of one-twelfth of the annual entitlement each month.

For example -

- a full-time worker who works 5 days a week and is in the third month of employment would have built up 7 days' leave. The annual entitlement of 28 days multiplied by 3/12 equals 7 days;
- a part-time worker who works 3 days a week and is still in the first month of employment would be able to take 1.4 day's leave. The annual entitlement of 16.8 days (5.6 weeks x 3 days a week) multiplied by 1/12 equals 1.4 days.

Requests to take leave in the first year are subject to the same notice requirements as any other leave: see 'Giving notice to take leave' on page 17.

At the end of a period of employment a worker will be able to claim for payment in lieu of any leave outstanding, calculated on a pro rata basis from the first day of the leave year or employment to the last day of employment, irrespective of how long that period may be in the current leave year.

Carry over of annual leave

Workers do not have a right to carry leave over, but if they do not take all of their statutory holiday entitlement during the holiday year, an employer may allow the worker to carry over the leftover days to the next holiday year. Workers must take at least four weeks' holiday a year, so only holiday on top of this can be carried over and then only if the employer gives permission or if this is permitted by the workers contract of employment, and taking procedures/business need into account. Workers should check their contracts or terms and conditions of employment.

The leave year

A worker's leave year, for the purposes of these Regulations, begins:

- on such date during the calendar year as may be provided for in a relevant agreement; or
- where there are no provisions of a relevant agreement which apply, on the date on which the worker's employment begins and each subsequent anniversary of that date.

If a worker starts work part of the way through an existing company leave year, the worker's leave entitlement will be proportionate to the amount of time left during that year.

If a worker leaves a job part of the way through a leave year, the worker's annual leave entitlement will be proportionate to the amount of the leave year that the worker has worked.

How to work out holiday pay due to workers who are leaving

The pay due can be worked out using the formula ' $(A \times B) - C$ ' where:

- **A** is the total amount of annual leave the worker would have been entitled to (e.g. 28 days per year).
- **B** is how much of the worker's leave year has elapsed before the worker left the job (expressed as a percentage of a full year, e.g. 3 months equates to 25% of a year); and
- **C** is the amount of leave taken by the worker between the start of the leave year and the worker's leaving date (e.g. 2 days' annual leave).

Therefore, $20 \times 25\% = 5$ days, - 2 days already taken = 3 days.

What is a week's leave?

A week's leave should allow a worker to be away from work for a week. It should be the same as the length of time worked in a normal week.

An interactive tool for calculating holiday entitlement may be accessed via the NiDirect website at '[Calculating holiday entitlement](#)'. Other guidance on time off and holidays is also available on the NiDirect website.

Giving notice to take leave

Employers and workers can agree how and when to give notice of when leave is to be taken. In the absence of a relevant agreement, the notice period that a worker must give should be at least twice the period of the leave to be taken. An employer may refuse the worker permission to take leave requested within a period equivalent to the period of the leave. For example, if a worker wants to take a day's leave, the worker would have to give the employer at least 2 days' notice. If a worker has given the employer 2 days' notice for 1 day's leave, the employer can come back within 1 day to refuse the leave. This provides employers with flexibility where, for example, a number of other workers have also applied to take the same day off.

Calculating a week's pay

The following paragraphs explain how to calculate the amount a worker should be paid for leave entitlement under the Regulations. Employers should be aware that this is an area of employment law that has been subject to a number of recent changes due to case law and European Court of Justice (ECJ) judgements. If you need further guidance on this subject please contact the Labour Relations Agency (LRA) for advice.

For workers paid a fixed wage or salary (fixed hours and pay)

If a worker's normal working hours do not vary, a week's pay is the pay due for the basic hours the worker is contracted to work. Guaranteed overtime hours are included, i.e. overtime required by the contract between a worker and an employer. Normal non guaranteed overtime may also have to be considered in certain circumstances.

For piece-workers or workers on commission (hours constant and pay varies)

If a worker's pay varies with the amount of work done (such as with piece-work) or when a week's pay is partly made up of variable bonuses or commission directly related to that week's output, then a week's pay is the worker's average hourly rate multiplied by the worker's normal working hours.

To calculate the hourly rate, the worker's weekly pay over the previous 12 weeks should be added together and divided by the number of hours worked during the same period (the pay and hours of voluntary overtime is excluded). Any week in which the worker received no pay is replaced by the week before the 12 weeks when the worker was paid, to bring the total to 12.

For workers on commission or performance-related bonuses, 12/13 of any quarterly bonus or 12/52 of any annual bonus is included. Only bonuses specifically related to a week's work should be included; general 'profit-sharing' or other such bonuses are not included.

A week's pay is the total eligible pay (excluding voluntary overtime but including relevant bonuses) over the previous 12-week period divided by 12.

For shift workers (hours and pay vary in a set pattern)

For shift workers who work to a set pattern, but the hours worked and the money earned varies each week, a week's pay can be calculated by finding the average number of hours worked each week and the average hourly rate.

To calculate the average number of hours worked each week, all the hours worked over the past 12 weeks should be added together and divided by 12. To calculate the average weekly pay, all of the pay earned over the past 12 weeks should be added together and divided by 12.

Voluntary overtime should not be included in either of these calculations. Shift premia should, however, be included.

For workers who work irregular hours (hours and pay vary)

Workers who do not work regular hours – for example, agency workers who work different hours every week or sales representatives who get paid commission only – should average their pay out by adding up all their pay for the past 12 weeks and dividing it by 12. If they did not earn anything during one week, the pay from the week before the 12th week should be added to bring the total up to 12.

Rolled Up Holiday Pay

Some employers and employment businesses may say that an hourly rate of pay includes an amount for holiday pay, and that this should be saved to cover holidays. This is known as 'rolled up' holiday pay. Rolled up holiday pay is considered unlawful and payment for statutory annual leave should be made at a time when leave is taken.

Sick leave and annual leave

In light of ECJ rulings, an employee's entitlement to statutory annual leave continues to accrue while an employee is off work sick⁴. If an employee becomes sick during leave or just before a period of leave, the employee can ask to convert the leave period concerned to sick leave and ask to take the missed annual leave at a later date⁵. Employees should follow their usual procedure for informing an employer about a period of sickness absence.

An employee may be unable to take all of their statutory holiday entitlement within the current leave year because of illness. In this case, a recent ECJ⁶ judgement also means the employee may be entitled to carry forward the entitlement which would otherwise be lost to the next leave year.

See also –

- [*What records do employers need to keep? \(page 27\)*](#)
- [*What to do if you are not receiving your rights as a worker \(page 28\).*](#)

⁴ *Stringer v HM Revenue and Customs* [2009] IRLR 214

⁵ *Pereda v Madrid Movilidad SA* [2009] IRLR 959; & *Asociación Nacional de Grandes Empresas de Distribución (ANGED) v Federación de Asociaciones Sindicales* CJEU [2012] Case C-78/11

⁶ *Stringer v HM Revenue and Customs* [2009] IRLR 214; & *Neidel v Stadt Frankfurt am Main* [2012] IRLR 607

SECTION 7: EXCLUSIONS & EXCEPTIONS

- Excluded sectors
- Partially excluded sectors
- Collective agreements
- Special circumstances
- Unmeasured working time
- Domestic staff
- Mobile workers
- Shift workers
- Young workers

Excluded sectors

The Working Time Regulations do not apply to certain workers who are governed by sector-specific provisions (though similar protection to that afforded by the Working Time Regulations applies to these excluded groups or workers). These **excluded sectors** are:

- workers in sea transport to whom the Merchant Shipping (Hours of Work) Regulations 2002 apply;
- workers employed as members of the travelling personnel of ships to whom the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003 apply; and
- workers on board sea-going fishing vessels to whom the Fishing Vessels (Working Time: Sea-fishermen) Regulations 2004 apply.

Partially excluded sectors

Other workers are only subject to certain provisions of these Regulations. These **partially excluded sectors** are:

- Mobile workers in road transport, as covered by the Road Transport Directive (2002/15/EC). This Directive affects mobile workers who are participating in transport activities covered by the Community Drivers' Hours Regulation (EC No. 561/06). This includes drivers, members of the vehicle crew and any others who form part of the travelling staff. These workers are excluded from the following limits and entitlements in the Regulations:

- (i) *the 48-hour week;*
- (ii) *length of night work;*
- (iii) *monotonous work;*
- (iv) *daily rest;*
- (v) *weekly rest; and*
- (vi) *rest breaks.*

- Workers in civil aviation, as covered by the Aviation Directive (2000/79/EC). This Directive applies to all mobile workers in commercial air transport (both flight crew and cabin crew), but not workers employed in corporate aviation or general aviation. These workers are excluded from the following limits and entitlements in the Regulations:

- (i) *the 48-hour week;*
- (ii) *length of night work;*
- (iii) *health assessments and transfer to day work;*
- (iv) *monotonous work;*
- (v) *daily rest;*
- (vi) *weekly rest;*
- (vii) *rest breaks; and*
- (viii) *paid annual leave.*

- In certain circumstances the armed forces and workers in the civil protection services⁷ are outside the scope of the Regulations. The civil protection services exclusion was adopted to allow essential services to operate to ensure the protection of public health, safety and order in the event of an unforeseeable catastrophe of exceptional gravity and scale, and covers all but the provisions dealing specifically with young workers.

⁷ The armed forces are defined as any of the naval, military and air forces of the Crown. The civil protection services include the police, fire services and ambulance services, the security and intelligence services, customs and immigration officers, the prison service, the coastguard, lifeboat crew and other voluntary rescue services.

Young workers in road transport, civil aviation and the civil protection services are also covered by the young workers' provisions in the Working Time Regulations.

There are certain exceptions where some of the rules may not apply:

Collective agreements

In general, employers and workers can agree that the night work limits, rights to rest periods and rest breaks may be varied, with the workers receiving 'compensatory rest' (see page 12). They may also agree to extend the reference period for the working time limits up to 52 weeks.

These agreements can be made by 'collective agreement' (between the employer and an independent trade union) or a 'workforce agreement'. If any part of a worker's conditions is determined by a collective agreement the worker cannot be subject to a workforce agreement.

A workforce agreement is made with elected representatives of the workforce in most cases. A workforce agreement can apply to the whole workforce or to a group of workers. To be valid, a workforce agreement must:

- be in writing;
- have been circulated in draft to all workers to whom it applies; together with the guidance to assist their understanding of it;
- be signed before it comes into effect, either:
 - (i) *by all the representatives of the members of the workforce or group of workers; or*
 - (ii) *if there are 20 workers or fewer employed by a company, either by all representatives of a workforce or by a majority of the workforce; and*
- have effect for no more than 5 years.

Special Circumstances

The night work limits (including the limit for special hazards), rights to rest periods and rest breaks do not apply where:

- a worker works far away from the worker's place of residence (this includes offshore work), or the worker constantly has to work in different places, making it difficult to work to a set pattern;
- the work involves security or surveillance to protect property or individuals;
- the job requires round-the-clock staffing as in hospitals, residential institutions, prisons, media production companies, public utilities, and in the case of workers concerned with the carriage of passengers on

regular urban transport services or in industries where work cannot be interrupted on technical grounds;

- there are busy peak periods, such as may apply seasonally in agriculture, retail, tourism and postal services;
- an emergency occurs or something unusual and unforeseen happens; or
- the worker works in rail transport and the worker's activities are intermittent; the worker spends working time on board trains; or the worker's activities are linked to transport timetables and to ensuring the continuity and regularity of traffic.

In these cases the reference period for the weekly working time limit is extended from 17 to 26 weeks, (except for the offshore sector, where the reference period is extended to 52 weeks). In addition workers are entitled to 'compensatory rest' (see page 12).

Unmeasured working time

The working time limits and rest entitlements, apart from those applicable to young workers, do not apply if a worker can determine the hours of working time because of the particular nature of the worker's job.

A **test**, set out in the regulations, states that a worker falls into this category if "on account of the specific characteristics of the activity in which the worker is engaged, the duration of the worker's working time is not measured or predetermined, or can be determined by the worker".

An employer needs to consider whether a worker passes this test. Workers such as senior managers, who can decide when to do their work and how long they work, are likely to pass the test. Those without this freedom to choose are not.

It is accepted that workers who fall into this category may have an element of their working time measured or pre-determined, but otherwise decide how long they actually work. It is likely that very few workers, including some of those that fall into this category, have complete control over their entire working time.

This exception would not apply to:

- hourly paid workers and those claiming paid overtime;
- those working under close supervision; or
- a worker who is implicitly required to work, for example because of specific output requirements to be achieved in a specified period.

No one can be forced to work more than an average of 48 hours a week; this exception does not remove this protection from any worker. The exception

applies to individuals (apart from young workers) where the specific characteristics (i.e. the nature) of their work meet the test set out above.

It should be noted that under National Minimum Wage (NMW) legislation, employers are required to keep records sufficient to show that the NMW has been paid. Therefore, it is unlikely that a worker earning close to the NMW would fall within the exception as the worker's working time should be measured.

Domestic staff

Workers employed as domestic servants in private households are exempt from the following provisions of the Working Time Regulations:

- the 48 hour week;
- the length of night work;
- health assessments, health and capacities assessments for young workers, and transfer to day work; and
- monotonous work.

However, domestic servants are covered by the provisions on daily and weekly rest, rest breaks and annual leave.

Mobile workers

A 'mobile worker' is defined in the Regulations as any worker employed as a member of travelling or flying personnel by an undertaking which operates transport services for passengers or goods by road or air. Such workers who are not already covered by the Civil Aviation or Road Transport Directives are excluded from the following provisions:

- length of night work;
- daily rest;
- weekly rest; and
- rest breaks.

They are, however, entitled to 'adequate rest'. 'Adequate rest' means that workers have regular rest periods. These should be sufficiently long and continuous to ensure that fatigue or other irregular working patterns do not cause workers to injure themselves, fellow workers or others, and that they do not damage their health, either in the short term or in the longer term.

Shift workers

The provisions concerning daily and weekly rest do not apply in relation to:

- a shift worker when the worker changes shift and cannot take a daily or weekly rest period between the end of one shift and the start of the next; or
- a worker engaged in activities involving periods of work split up over the day, as the case may be for cleaning staff.

For the purposes of the Regulations, 'shift worker' means any worker whose work schedule is part of shift work; and 'shift work' means any method of organising work in shifts whereby workers succeed each other at the same workstations according to a certain pattern, including a rotating pattern, and which may be continuous or discontinuous, entailing the need for workers to work at different times over a given period of days or weeks.

Young workers

A number of exclusions and exceptions apply specifically to young workers. These relate to domestic service, the armed forces, and 'force majeure'. Where a young worker is excluded from any of the protections aimed specifically at young workers, the young worker is entitled to the protection that applies to workers generally on that matter.

Domestic servants

Young workers employed as domestic servants are specifically excluded from the following provisions:

- health and capacities assessments for young workers assigned to work during the restricted night period;
- maximum working time for young workers; and
- the exclusion on night working by young workers during the restricted period.

Armed forces

Young workers serving as members of the armed forces are excluded from the following provisions:

- daily rest periods for young workers;
- weekly rest periods for young workers;
- maximum working time for young workers; and
- restriction on night work for young workers.

Where a young worker is required to work during the restricted night period or a period which would otherwise be a rest period, the young worker must be given an appropriate period of compensatory rest (see page 12).

'Force majeure'

The provisions on maximum working time for young workers and the restriction on night work for young workers do not apply where the young worker is required to undertake work which no adult worker is available to perform, and which:

- is occasioned by either:
 - (i) *an occurrence due to unusual and unforeseeable circumstances beyond the employer's control; or*
 - (ii) *exceptional events, the consequences of which could not have been avoided despite the exercise of all due care by the employer;*
- is of a temporary nature; and
- must be performed immediately.

Where this 'force majeure' exception arises and a young worker is required to work during a period that would otherwise have been a rest period, the employer must allow the young worker to take an equivalent period of compensatory rest within the following three weeks.

SECTION 8: RECORD KEEPING AND ENFORCEMENT

Record keeping

What records do employers need to keep?

Employers must keep records that show that the weekly working time and night work limits are complied with in their business. It is for employers to determine what records need to be kept for this purpose. They may be able to use existing records maintained for other purposes, such as pay, or they may need to make new arrangements. Employers should ensure that these activities comply with the Data Protection Principles under the Data Protection Act⁸.

Employers do not have to keep a running total of how much time workers work on average each week. How they monitor their workers' hours depends on particular contracts and work patterns.

Employers need only make occasional checks of workers who work standard hours and who are unlikely to reach the average 48-hour limit. However, they should monitor the hours of workers who appear to be close to the working time limit and make sure they do not work too many hours.

Employers need to keep an up-to-date record of workers who have agreed to work more than 48 hours a week, but they do not need to record how many hours they actually work.

Employers must offer regular health assessments to night workers. They should keep a record of the name of the night worker, when an assessment was offered (or when the night worker had the assessment if there was one) and the result of any assessment. Records must be kept for 2 years.

How are the Regulations enforced?

Enforcement is split between different authorities. The limits, and health assessment requirements for night workers are enforced by the Health and Safety Executive for Northern Ireland (HSENI), district council environmental health departments, the Civil Aviation Authority (CAA) and the Department of the Environment (DOE). The entitlements to rest and leave are enforced through industrial tribunals.

Enforcement of employers' obligations

The HSENI enforce the limits and obligations to provide health assessments in factories, building sites, mines, farms, fairgrounds, quarries, chemical plants, offshore installations, railways, schools, hospitals and in relation to mobile workers in road transport other than employed taxi drivers and

⁸ Data Protection Act 1998 (1998 c.29)

couriers. Enforcement will be in line with the HSENI's Enforcement Policy Statement.

District Council officers ensure that the Regulations are followed in shops and retailing, offices, hotels and catering, sports, leisure and consumer services.

The CAA enforce the limits and obligations to provide a health assessment for night workers, in relation to mobile workers who work in general aviation, including the general aviation corporate sector.

The Driver & Vehicle Agency (DVA), an agency of the DOE, enforce the working time limits and health assessments of night workers, in relation to mobile workers covered by the United Kingdom domestic drivers' hours code, which is set out in Article 56(6) of the Road Traffic (Northern Ireland) Order 1981.

The DVA also enforce the health assessments of night workers, in relation to mobile workers to whom one or both of the following applies:

- Council Regulation (EC) 561/06 on the harmonisation of certain social legislation relating to road transport; or
- the European Agreement concerning the Work Crews of Vehicles engaged in International Road Transport (AETR) of 1 July 1970.

What to do if you are not receiving your rights as a worker

If you feel you are not receiving your rights as a worker you are advised to take the following steps:

- talk to your manager, who may be able to settle the matter straight away;
- contact a trade union representative (if there is one), who will be able to provide advice on what to do; and/or
- if the matter cannot be resolved, make a claim to an industrial tribunal.

If a claim is lodged to an industrial tribunal, the Labour Relations Agency has a legal duty to offer conciliation. A conciliation officer will contact the parties or their representatives as quickly as possible to offer assistance on an impartial, voluntary and confidential basis to help find a solution that both sides find acceptable instead of going to a tribunal hearing. Conciliation is entirely independent from the tribunal service and if agreement is not reached, a claim can still be pursued. The conciliation officer will explain the process, help establish the facts at issue and discuss the options, outline the way in which tribunals operate and what they are likely to take into account in deciding the case. The Labour Relations Agency also offers statutory arbitration to resolve employment-related disputes as an alternative to a tribunal.

Those who wish to take a complaint to a tribunal should do so within 3 months. The tribunals offer an informal way of ensuring that workers are given their rights. They generally have 3 members: a legally qualified chairperson and 2 other lay members who have experience in dealing with work-related problems.

For contact details for further information on enforcement see Appendix.

Resolving disputes in the workplace

Small disagreements in the workplace can easily turn into bigger problems if not dealt with appropriately. Dealing with issues early and informally provides the best chance of resolution. However, formal grievances may be lodged, some may become industrial tribunal claims; others may expand into industrial disputes between groups of employees (normally via trade unions) and their employer.

The resolution of employment relations disputes, whether individual or collective, is the core responsibility of the Conciliation and Arbitration Section of the Labour Relations Agency. Disputes referred to the Agency are resolved through individual or collective conciliation, mediation or arbitration. These third party services are offered on a completely independent, voluntary, impartial and confidential basis. They are an alternative to the use of the law or industrial action.

If you would like further information or believe we could assist in a dispute you are currently involved in please see contact details for LRA in Appendix.

SECTION 9: SAMPLE HEALTH QUESTIONNAIRE

This health questionnaire is provided **for sample purposes only**. Employers should ask a qualified health professional to help them devise this form.

The purpose of this questionnaire is to ascertain whether you are fit to work at night. All the information you provide will be kept confidential.

Type of work/duration of night work

1. Surname
2. First and second name(s)
3. Sex M/F
4. Date of birth
5. Permanent address
6. Job title
7. National Insurance no.
8. Department/clock no.

An example of some of the health questions you might ask could include:

Do you suffer from any of the following health conditions? Y/N

- Diabetes
- Heart or circulatory disorders
- Stomach or intestinal disorders
- Any condition which causes difficulties in sleeping
- Chronic chest disorders, especially if night-time symptoms are troublesome
- Epilepsy
- Any medical condition requiring medication to a strict timetable

Health questions may vary according to work sector – you should seek more guidance from your own HR department or a qualified health professional.

If you have answered 'yes' to any of the above conditions, you may be asked to see a doctor or nurse for further assessment.

I, the undersigned, confirm that the above is correct to the best of my knowledge.

Signed.....Date.....

Assessment

[This gives an indication of whether the worker is fit to work nights or should see a doctor or nurse for a medical examination.]

Signed.....Date.....

SECTION 10: FREQUENTLY ASKED QUESTIONS

Can my employer make me sign an opt-out agreement?

No. Any opt-out must be agreed to. You cannot be fairly dismissed or subjected to a detriment if you refuse to sign it.

What should an employer do about a worker with a second job?

If a worker is known to have a second job, the employer should ask the worker to consider signing an opt-out agreement if the total time worked is in excess of 48 hours a week. If the worker does not wish to sign an opt-out in this situation, the employer should consider reducing the worker's hours to comply with the 48-hour limit.

More generally, employers may wish to make an enquiry of their workforce about any additional employment. However, if a worker does not tell an employer about other employment and the employer has no reason to suspect that the worker has another job, it is unlikely that the employer would be found not to have complied.

As a teacher I frequently find that my workload is excessive and I am working at night to plan, prepare and mark students work. What are my rights?

Unless an opt out agreement has been signed, a worker should not be required to work in excess of 48 hours per week when averaged over the reference period. If you suspect that you are working in excess of the 48 hour average then you should make a record of your working hours and discuss the matter with your Principal or line manager.

I am the Principal of a small rural school. I find that I frequently have to attend school late in the evenings or at weekends. What are my rights in accordance with the regulations?

This is an issue of appropriate rest breaks. A worker is entitled to an 11 hour break between the end of one work period and the commencement of the next. At the weekends the rest period should usually be not less than 35 hours in duration.

As a worker, do I have to have a health assessment?

No, but your employer must still offer you one before you become a night worker and thereafter on a regular basis.

Are workers paid for rest breaks?

It is up to the employer and the worker to agree between them. In many cases this will be determined by the existing contract.

Are bank holidays additional to my annual leave?

No. If you take a bank holiday as paid leave, it will count as a day of your annual leave under the Regulations. There is no statutory right to take bank holidays off or to receive payment for them, though you may have a right to do so under your contract of employment.

Can I take my leave when I want?

You do not have the right to take leave any time you choose. Your employer must agree your leave times; although your employer must also agree to give you leave at some point during the year.

I have a number of workers working long hours – I am not sure whether they think this is expected of them or whether they are working voluntarily. As an employer, what should I do?

It is suggested that employers make it clear to workers that they are not expected to work beyond the hours fixed in their terms and conditions. If this is made clear and workers are not required to work beyond these hours, it would be reasonable to assume that, unless workers indicate otherwise, the additional hours are voluntary.

I have a member of staff who has not taken her paid annual leave, but is going on maternity leave soon. How will annual leave and maternity leave interact?

Annual leave cannot be taken at the same time as maternity leave. Before an employee goes on maternity leave she may wish to consider taking any outstanding leave for the relevant leave year and perhaps delay the start of her maternity leave. Alternatively, it may, depending upon the length of the maternity leave, be possible for her to take annual leave in the period between the expiration of the maternity leave and the expiration of the leave year. For example, a pregnant employee may start her maternity leave slightly earlier (but not sooner than 11 weeks before the expected week of confinement) and then take her annual leave immediately after her period of maternity leave.

I run a small business; if I want to close my business for a certain length of time, do I have to pay holiday pay to my workers whilst my business is closed?

Employers have the right to set the times that their workers take their annual leave, for example, during a Christmas shutdown. Holiday pay would have to be paid to their workers, providing they had not exhausted their leave entitlement for the current leave year.

I am a HGV driver. What provisions of the Working Time Regulations will apply to me?

You are entitled to paid annual leave and if you are a night worker, a health assessment. Specific provisions on rest entitlements and working time limits

for HGV drivers came into operation in May 2005, when the Road Transport Directive was implemented.

I have an employee who drives a vehicle under EU Drivers' Hours Regulations every now and then. Which Regulations apply to this employee?

The number of times your employee drives under EU Drivers' Regulations and the length of your reference period will determine which Regulations apply. If you have a reference period that is shorter than 26 weeks and your employee works for 10 days or less under EU Regulations within that period, or if your reference period is longer than 26 weeks and your employee works for 15 days or less under the EU Regulations within that period, the Working Time (Northern Ireland) Regulations 1998 will apply. If your employee drives for more than these limits the Road Transport (Working Time) (Northern Ireland) Regulations 2005 apply.

I have an employee who works as a porter on my trucks. Do these Regulations apply to this employee?

Only partially. Drivers and crew who participate in journeys covered by the EU Drivers' Hours Regulations are subject to the Road Transport (Working Time) (Northern Ireland) Regulations 2005, which sets limits and entitlements for these workers.

I am about to take paid paternity leave. Can I receive my paid annual leave at the same time?

No. You cannot receive paternity leave payment and paid annual leave for the same period of time.

I employ a 16-year old apprentice who works alongside me. I work a 9-hour day. Can my apprentice work the same hours as me?

Young workers (i.e. 16 and 17 year olds) can only work a maximum 8-hour day. However, any breaks that a young worker receives are not classed as working time.

Appendix: Useful addresses

Working Time Contacts

For help with matters about time off, rest breaks, paid annual leave and other general employment information, contact the Labour Relations Agency (LRA) at:

Labour Relations Agency
Head Office
2-16 Gordon Street
BELFAST
BT1 2LG

Tel: 028 9032 1442
Fax: 028 9033 0827
Website: www.lra.org.uk
e-mail: info@lra.org.uk

Labour Relations Agency
District Office
1-3 Guildhall Street
LONDONDERRY
BT48 6BB

Tel: 028 7126 9639
Fax: 028 7126 7729

If you would like information about making a complaint or going to a tribunal, please address all correspondence to:

The Office of Industrial Tribunals and the Fair Employment Tribunal
Killymeal House
2 Cromac Quay
Ormeau Road
Belfast BT7 2JD

Tel: 028 9032 7666
Website: www.employmenttribunalsni.co.uk

If you would like to find out more about tribunals, read the booklet 'Procedures', available to download from The Office of Industrial Tribunals and the Fair Employment Tribunal's website.

For help with matters concerning the weekly and night working time limits and health assessments, you should contact the Environmental Health Department of your District Council, or the Health and Safety Executive for Northern Ireland at:

Health and Safety Executive for Northern Ireland
83 Ladas Drive
BELFAST
BT6 9FR

Tel: 028 9024 3249
Fax: 28 9023 5383
Website: www.hseni.gov.uk
Email: mail@hseni.gov.uk

For help with matters concerning the weekly and nightly working time limits and health assessments for mobile workers in general aviation, including the general aviation corporate sector, contact:

Working Time Advisor
Civil Aviation Authority
Aviation House
Gatwick Airport
South West
SUSSEX
RH6 0YR

Email: infoservices@caa.co.uk

For help with matters concerning the working time limits and health assessments of certain mobile workers in the road transport sector, the Department of the Environment can be contacted at:

Driver and Vehicle Agency (Enforcement Section HQ)
148-158 Corporation Street
Townparks
BELFAST
BT1 3DH

Tel: 028 9025 4100
Fax: 028 9025 4111
Email: dva.enforcementadmin@doeni.gov.uk

Contacts for other Working Time legislation

Air Transport workers covered by the Aviation Directive

The Aviation Directive covers mobile personnel in civil aviation, excluding corporate and general aviation, and was implemented in the UK by the Department for Transport in March 2004 (see the Civil Aviation (Working Time) Regulations 2004 – S.I. 2004 No. 756). Information on the Directive can be obtained from:

Aviation Directorate
Department for Transport
Zone 1-27, Great Minster House
33 Horseferry Road
LONDON
SW1P 4DR

Tel: 0300 330 3000

Road transport workers covered by the Road Transport Directive

The Road Transport Directive covers certain mobile workers in road transport and was implemented in Great Britain by the Department for Transport in

March 2005 (see The Road Transport (Working Time) Regulations 2005 – S.I. 2005 No. 639) and in Northern Ireland by the Department of the Environment in May 2005 (see The Road Transport (Working Time) Regulations (Northern Ireland) 2005 (as amended) – S.R. No. 241). Information on the Directive can be obtained from:

Department for Transport
Road Freight Operations Division
Zone 2-23, Great Minster House
33 Horseferry Road
LONDON
SW1P 4DR

Department of the Environment
Road Safety and Vehicle Regulation
Division
Clarence Court
10-18 Adelaide Street
BELFAST
BT2 8GB

email:
workingtime@dft.gsi.gov.uk
www.dft.gov.uk

e-mail:
roadsafety.clarencecourt@doeni.gov.uk
www.doeni.gov.uk

Sea transport workers covered by the Seafarers' Directive

The Seafarers' Directive covers seafarers on sea-going ships and has been implemented in the UK through the Merchant Shipping (Hours of Work) Regulations 2002 – S.I. 2002 No. 2125. Information on the Regulations can be obtained from:

Maritime and Coastguard Agency
Tel: 023 8032 9100

Mobile Workers in inland waterways and lake transport

Working time legislation for mobile workers in inland waterways and lake transport was implemented in the UK by the Department for Transport in December 2003 (see The Merchant Shipping (Working Time: Inland Waterways) Regulations 2003 – S.R. 2003 No. 3049). Information on the legislation can be obtained from:

Maritime and Coastguard Agency
Tel: 023 8032 9100

Sea Fishing

Working time legislation for sea fishermen was implemented in the UK in August 2004 (see The Fishing Vessels (Working Time: Sea-Fishermen) Regulations 2004 – S.R. 2004 No. 1713). Information on the legislation can be obtained from:

Maritime and Coastguard Agency
Tel: 023 8032 9100



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