

Working Time Regulations (Northern Ireland) 1998 (as amended)

The Working Time Regulations 1998 (as amended in 2003) implement the European Working Time Directive and impose obligations on employers in relation to the working time of workers over minimum school leaving age. They include the provision of maximum working limits, night work restrictions, rest breaks, leave entitlement etc. Local Authorities and HSENI are responsible for the enforcement of:

- Maximum working time limits
- Night work restrictions
- Health assessments for night workers

Local Authorities ensure the Regulations are followed for workers in wholesale, retail, offices, catering, leisure and entertainment and consumer services. This guidance relates to these types of work.

Local Authorities and HSENI do **NOT** enforce:

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|---------------------------|---|---|
| • Rest breaks | } | These entitlements are dealt with by an industrial tribunal |
| • Daily and weekly rest | } | |
| • Time off (annual leave) | } | |

What is a Worker?

- Someone who has a contract of employment or someone who is paid a regular salary or wage and works for an organisation, business or individual. The employer provides the worker with work and controls when and how work is done, supplies them with tools etc and pays tax and National Insurance contributions. Includes part-time and temporary workers and the majority of agency workers and freelancers.
- Someone doing in-house training or a trainee on work experience, apprenticeship, etc.
- A **young worker** is someone who is above minimum school leaving age but is under 18.

When do the Regulations not apply?

- If you are self-employed, running your own business and are free to work for different clients and customers.
- Some provisions do not apply to workers who can decide when and how long they work.
- Certain workers are not covered by these Regulations but by other sector specific requirements.

Working Time Limits (adults)

- For adults the maximum hours worked in each seven days should not be more than 48
- Average working limit is normally calculated over a 17 week period
- Workers can opt-out and agree in writing to work more than 48 hours
- Opt-out can be cancelled by giving written notice
- Workers cannot be forced to work for more than 48 hours a week on average
- Working time includes travelling as part of the job, working lunches and job related training

Working at Night

- A night worker is someone who normally works at least 3 hours a night
- Night-time period is normally between 11pm – 6am but if different, must be at least 7 hours long and include period from midnight – 5am
- Night workers should not work more than an average of 8 hours per night averaged over 17 weeks
- The night limit can be modified by a collective or workforce agreement
- If a night worker's job involves special hazards or physical or mental strain, there is an **absolute limit** of 8 hours' working time each night
- Employers must offer workers a free health assessment before starting to work nights and regularly thereafter
- Workers do not have to undergo the health assessment
- If a worker suffers health problems made worse by night work, the employer should, if possible, transfer them to day work

Working Time Limits (young workers)

- Normal limit is 8 hours a day or 40 hours a week
- Maximum hours cannot be averaged out
- There is no opt-out available

Night-Time Limits (Young Workers)

- Should not ordinarily work at night between 10pm and 6am or 11pm and 7am

Exceptions for Young Workers

a) Day Work

May work longer hours when necessary to maintain continuity of service or production, or to respond to a surge in demand, if

- there is no adult available to do the work and the training needs of the young worker are not affected

b) Night Work

If the above circumstances apply, young workers may

- work through the night in a hospital or similar premises, or in the following activities:
 - cultural
 - artistic
 - sporting
 - advertising
- work between 10pm or 11pm and midnight and between 4am to 6am or 7am if they work in
 - agriculture
 - retail trading
 - postal or newspaper delivery
 - catering
 - hotel, public house, restaurant or similar.

Further information: dti Your Guide to Working Time Regulations, July 2003, www.dti.gov.uk