

# WORKING TIME – AT A GLANCE

This is a summary of the main points of **The Working Time Regulations (Northern Ireland) 2016**. The Regulations apply to most workers (there are some excluded and partially excluded sectors) and young workers above the minimum school leaving age, but under 18. They are designed to protect workers' health and safety by providing them with rights such as daily and weekly working time limits, in-work rest breaks and paid annual leave. This At-a-Glance guide contains basic information for employers.

WORKING TIME LIMITS		WORKING AT NIGHT		TIME OFF	
ADULTS	YOUNG WORKERS	ADULTS	YOUNG WORKERS	ADULTS	YOUNG WORKERS
<ul style="list-style-type: none"> <li>Workers cannot be forced to work for more than 48 hours a week on average. Employers must take all reasonable steps to ensure that workers comply with the 48-hour limit.</li> <li>Average weekly working time is normally calculated over 17 weeks. In certain situations, such as by a collective or workforce agreement, it can be up to 52 weeks.</li> <li>Workers can agree to work beyond the 48-hour limit. This 'opt-out' agreement must be in writing and be signed by the worker.</li> <li>Workers can cancel the 'opt-out' by giving an agreed period of notice of up to 3 months or, if no notice period has been agreed, at least 7 days.</li> <li>Dismissal of an employee for refusing to sign an 'opt-out' is automatically unfair.</li> <li>Working time includes travelling (where it is part of the job), working lunches and job-related training, but does <b>not</b> include travel between home and work (if you have a fixed place of work), lunch breaks, evening classes or day-release courses which are not job related.</li> </ul>	<ul style="list-style-type: none"> <li>Young workers may not work more than 8 hours a day or 40 hours a week. Working time for a young worker employed by more than one employer is the aggregate of the number of hours worked for each employer.</li> <li>The hours worked cannot be averaged and there is no opt-out available.</li> <li>Young workers may work longer hours where it is necessary to either:                             <ol style="list-style-type: none"> <li>maintain continuity of service or production; or</li> <li>respond to a surge in demand for a service or product;</li> </ol>                             and provided that:                             <ol style="list-style-type: none"> <li>there is no adult available to perform the task; and</li> <li>the training needs of the young workers are not adversely affected.</li> </ol> </li> <li>Young workers may also work longer hours if, due to unusual and unforeseeable circumstances or exceptional events, work of a temporary nature must be performed immediately. Compensatory rest must be given within the following 3 weeks for any rest periods or rest breaks that have been worked.</li> </ul>	<ul style="list-style-type: none"> <li>A night worker is someone who normally works at least 3 hours a night.</li> <li>Night time is between 11pm and 6am. However, workers and employers may agree to vary this.</li> <li>Night workers should not work more than 8 hours daily on average. This includes overtime where it is part of a night worker's normal hours of work.</li> <li>Nightly working is calculated over 17 weeks, though it can be extended in some situations, such as by a collective agreement or workforce agreement.</li> <li>A night worker cannot opt out of the night work limit.</li> <li>Where a night worker's work involves special hazards or heavy physical or mental strain, there is an absolute limit of 8 hours in any 24 hour period during which the night worker performs night work.</li> <li>Employers must offer night workers a free health assessment, undertaken by a suitably-qualified professional, before they start working nights. These should also be offered on a regular basis while they are working nights.</li> </ul>	<ul style="list-style-type: none"> <li>Young workers may not ordinarily work at night between 10pm and 6am. This is called 'the restricted period'. Where their contract of employment provides for work after 10pm, the restricted period is between 11pm and 7am.</li> <li>However, some exceptions apply: 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.</li> <li>Young workers are prohibited from working between midnight and 4am 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.</li> <li>As a result of these exceptions, where a young worker is required to work during what would otherwise be a rest period or rest break, the young worker must be allowed an equivalent period of compensatory rest and be supervised by an adult worker where such supervision is necessary for the young worker's protection.</li> </ul>	<p><b>Daily and weekly rest</b></p> <ul style="list-style-type: none"> <li>A worker is entitled to a rest period of 11 uninterrupted hours between each working day, and a total of 90 hours' rest per week.</li> <li>Employers must ensure that workers can take their rest.</li> <li>A worker is entitled to one whole day off each week. Days off can be averaged over a 2 week period. This means that workers can take 2 days off a fortnight.</li> <li>Days off are taken in addition to paid annual leave.</li> <li>If a worker has to work during what would normally be a rest period, an employer must, where possible, allow the worker to take an equivalent period of compensatory rest.</li> </ul> <p><b>Rest breaks at work</b></p> <ul style="list-style-type: none"> <li>If a worker's daily working time is more than six hours, the worker is entitled to a rest break of 20 minutes.</li> <li>The break should be taken during the working day, and not at the beginning or end of it. The employer can decide the time the breaks are taken.</li> <li>Employers must ensure that workers can take their rest. Whether you get paid for rest breaks at work depends on your contract.</li> </ul>	<p><b>Daily and weekly rest</b></p> <ul style="list-style-type: none"> <li>Young workers are entitled to not less than 12 consecutive hours' rest in each 24-hour period during which they work for an employer. The rest may be interrupted if periods of work are split up over the day or do not last long.</li> <li>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.</li> <li>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.</li> <li>If the nature of the job makes it unavoidable, a young worker's weekly time off can be reduced to 36 hours.</li> </ul> <p><b>Rest breaks at work</b></p> <ul style="list-style-type: none"> <li>If a young worker's daily working time is more than 4½ hours, the young worker is entitled to a rest break of at least 30 minutes.</li> <li>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.</li> </ul>

## PAID ANNUAL LEAVE

**Young workers have the same paid annual leave entitlement as adult workers.**

- Every worker covered by these Regulations is entitled to 5.6 weeks' paid annual leave. This is 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.
- There is no statutory right to take bank and public holidays off. However, additional annual leave may be agreed as part of a worker's contract.
- Workers must give their employer notice that they want to take leave. The employer can refuse this request if they give proper notice to the worker.
- If a worker's employment ends, the worker has a right to be paid for any annual leave due but not taken. Similarly, an employer may deduct money if the worker has taken too much leave on termination.

Certain provisions apply in relation to holiday pay. Please consult the detailed guidance for further information.



The Labour Relations Agency provides advice on employment rights and can be contacted at:  
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