

Employment Fact Sheet: Working hours

How many hours a week must you work?

The law says that most workers should not have to work more than 48 hours a week on average. This includes any overtime. However, you can choose to work more than 48 hours a week as long as you have agreed this with your employer. Your employer cannot force you to work more than 48 hours if you do not agree.

There are different rules for workers aged under 18, who must not normally work more than 40 hours a week.

Some people are not covered by these rules. If you work in any of the following jobs, you should check your contract of employment to find out the number of hours you have to work:

- drivers such as lorry, coach and heavy goods vehicle drivers
- police, army and civil protection workers (for example firemen and coastguards)
- some junior doctors
- domestic servants in private houses.

If you are not sure whether you should be working a 48 hour week, and you think your job may fall into one of these categories, you should seek specialist advice (see further help at the end of this fact sheet).

What is meant by a 48 hour working week?

The rule that you cannot work more than 48 hours a week, does not mean that you can never work more than 48 hours in one week. The number of hours you can spend at work are usually averaged out over a period of 17 weeks. This is called the **reference period**.

To work out your average weekly working hours, you need to divide the number of hours you have worked by the number of weeks in the reference period. As long as this number is not more than 48, you are working within the limits that the law allows.

What counts as time at work?

When you are working out your average working hours some time cannot be counted. This includes:

- days when you are on statutory holiday leave. Statutory holiday is the minimum amount the law says your employer must give you. If your employment contract gives you more leave than this, these days will also be counted as time at work
- days when you are on sick leave
- days when you are on maternity, paternity, adoption or parental leave
- lunch breaks (unless you have to work through them)
- your journey to and from work (unless you have to travel because of your job, for example, to a meeting)
- if you take work home, it only counts as time spent working if your employer has agreed to this.

"On-call" workers

If your job requires you to be "on call" these hours count as time at work.

Being on call generally means that you have to be at a place decided by your employer. This might mean you have to be at your workplace, stay within a certain distance of your workplace or stay at home.

If your employer says that you have to stay in a certain place when you are on call, then all the hours you are on call will count as time at work. This is still the case even if you're allowed to sleep when you're on call. If you don't have to stay within a certain place then your time on call doesn't count as working time until you actually start work.

Can you work more than 48 hours a week if you want to?

You can work more than 48 hours a week if you choose, but your employer must not pressurise you into agreeing to this. If you choose to work more than 48 hours, you must tell your employer in writing. Your employer must keep a record to show that you have agreed to do this. You can change your mind if you want to stop working over 48 hours a week. You must give your employer at least seven days notice. The notice period can be up to a maximum of three months if you have previously agreed this with your employer.

If you have been working over 48 hours a week and you want to stop, it is likely that **your pay will be reduced**.

Can your employer force you to work more than 48 hours a week?

If your employer tries to force you to work more than 48 hours a week without your agreement, they will be breaking the law. You should not be treated unfairly, victimised or put at a disadvantage in any way for refusing not to work for more than 48 hours a week. If your employer treats you unfairly, dismisses you or makes you redundant because of this, you may be able to make a claim to an **industrial tribunal** (but, if you are an employee, you may have to raise a written grievance with your employer first). There are strict time limits for making a complaint to an industrial tribunal. This is usually within three months from the date when the thing you are complaining about last happened.

If you want to make a claim to an industrial tribunal, you should talk to an experienced adviser as soon as possible to make sure that you don't miss the time limit.

Night Workers

In addition to the 48 hour limit on working hours, there are special rules which apply to night workers.

You are classed as a night worker if you regularly work for at least 3 hours of night time (defined as seven hours including the hours from midnight to 5am) during a working day.

If you are a night worker, you should not have to work more than an average of eight hours in each 24 hour period. This is averaged out over a period of 17 weeks. This is called the **reference period**.

The limit on hours for night workers do not apply to some groups of night workers. If you need further advice about the limits which apply to you, see under further help at the end of this fact sheet.

Further help

Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. To find your nearest CAB visit www.citizensadvice.co.uk or look under C in your phone book.

The Pay & Work Rights Helpline

The Pay & Work Rights helpline is a confidential helpline which can advise on working hours and night work. You can contact the helpline on **0800 917 2368** or www.direct.gov.uk/payandworkrights.

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