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Working hours and time off work

Understand the basics of the Working Time Regulations in the UK, working hours trends, holidays and special leave.

Introduction

The UK's Working Time Regulations 1998 lay down the minimum conditions relating to weekly working time, rest entitlements and annual leave in the UK, although UK employees can opt out of the provisions relating to the minimum 48-hour working week.

This factsheet outlines employees' basic rights and protections relating to working time. It also outlines the leave which employers must provide if their employees are carrying out public duties, engaged in court service, trade union duties and activities, military training and service, parental leave, as well as time off for personal and domestic reasons.

Trends in UK working hours

According to our report [Employment regulation and the labour market](#) (published before the COVID-19 pandemic), the average weekly hours worked by employees in the UK was in line with the OECD average, although the UK historically has had a comparatively high proportion of long-hours jobs.

However, working hours statistics are likely to be dramatically affected by the pandemic, and the subsequent impact on national and corporate economies. The [OECD](#) have reported that the crisis puts jobs and livelihoods at risk in the short to medium term both because of disrupted supply chains and falling demand. [Figures published by the Office for National Statistics](#) in February 2021 show average actual weekly hours worked in the UK increased by 1.8 hours to 30.2 paid hours per week from the quarters July/September 2020 and October/December 2020, but this figure has to be seen in the context of the pandemic. Many employees will have been on furlough or flexible furlough, for example.

The UK legal position

Employers have a duty to take care of all workers' health and safety which includes protecting their workers from overwork and consistently long hours. Employers should take proactive steps including carrying out risk assessments to determine whether or not their people are working long hours and addressing workload concerns. Flexible working patterns can help in modifying a long-hours culture, although managers who work very long hours themselves and email out-of-hours can encourage a long-hours culture.

The main regulations governing working time in Great Britain are the Working Time Regulations 1998 (WTR) which, with some exceptions, implemented the provisions of the EU Working Time Directive (93/104/EC) which aimed to protect workers' health and safety. (There are separate regulations for Northern Ireland.)

The regulations lay down minimum conditions relating to weekly working time, rest entitlements and annual leave, and make special provision for night workers. The rules on working time have been subject to changes, for example in connection with travelling time and holiday pay especially where the worker has a commission or overtime element to their regular pay. Case law suggests that employers may be well advised to have a proper system recording the actual number of hours staff work each day. CIPD members can find out more on the changes and the legal aspects of working time from our Working Time Regulations law Q&As.

Our Brexit hub has more on what the implications of leaving the EU might be for UK employment law.

Definition of working time

'Working time' means any period during which the individual is working, is at the employer's disposal and is carrying out their activities or duties.

The basic rights

The WTR currently provide employees with the following basic rights and protections:

- A limit of an average of 48 hours a week over a 17-week period which a worker can be required to work.
- A limit of an average of 8 hours work in 24 hours which night workers can work.
- A right to 11 hours rest a day.
- A right to a day off each week.

- A right to an in-work rest break if the working day is longer than 6 hours.
- A right to 28 days paid leave for full-time workers per year.

Opting out

Some UK employers ask their staff to agree to work more than 48 hours a week (sometimes called 'opting-out'). Employers can't force employees to sign an opt-out: workers must agree to it and they must not be dismissed for refusing to sign one.

Following the UK's departure from the EU, it seems likely that employers will still be able to ask staff to agree to work in excess of the 48-hour average.

In our 2017 research [Employment regulation and the labour market](#), more than a third of respondents reported that no-one in their workforce had opted out of the average weekly working time of 48 hours, rising to nearly three-quarters for small employers. Almost half of respondents said that the WTR have had a negligible influence on their organisation. About one quarter said the impact has been positive and only 13% who reported a negative influence.

Holidays

Employees are entitled to 28 days' paid statutory annual leave (reduced pro rata for part-time employees). This may include the eight public holidays. The times at which individuals take the annual leave is mainly a contractual matter between them and their employer. Employers must take great care with the calculation and accrual of holiday entitlement, especially for employees who have a commission or overtime element to their pay, or have been on long-term sick leave, or on maternity leave. CIPD members can read our [law Q&A on calculating holiday pay](#).

There are also some rarely used rules which enable employers to require employees to take their leave at a certain time and to refuse some requests for annual leave in certain circumstances. These rules have been used during the COVID-19 pandemic. Other special provisions enable workers who have not taken all of their statutory annual leave entitlement due to the pandemic to carry it over into the next two leave years.

For more information on bank and public holidays, CIPD members can visit our [Bank holidays law Q&As](#).

Flexible working

Every employee has the legal right to request flexible working after 26 weeks of employment. The statutory rights to request a flexible working arrangement and to request time off to train are outlined in our [flexible working factsheet](#). CIPD members can find out more on these rights in our [flexible working law Q&As](#).

Lay-offs and short-time working

In exceptional circumstances legal provisions govern temporary reductions in work; there's been a revived interest in [lay-offs and short-time working](#) with the COVID-19 pandemic.

- **Lay-offs** arise where employers send employees home without pay because there is temporarily not enough work for them to do.
- **Short-time working** occurs when employees are laid off for a number of days each week, or for a number of hours during a working day.

There must be a specific term in an employee's contract allowing the lay-off or short-time working. Sometimes the right may become established over a long period of custom and practice or by agreement with the unions. During a lay-off, employees are entitled to a small statutory guarantee payment limited to a maximum of five days in a three-month period.

Other rules governing the unprecedented suspension of working hours and ability to agree reduced pay were created by the concept of furlough under the Coronavirus Job Retention Scheme.

There's more on what employers should be doing in our [Responding to the coronavirus](#) hub.

Special leave

Employers are legally obliged to provide special leave to employees in particular circumstances.

Public duties

Employees who hold specified public positions have a statutory right under the Employment Rights Act 1996 to 'reasonable' time off work to carry out their duties. These include:

- Justices of the Peace.
- Local authority members.
- Members of health bodies.
- School and college governors.
- Members of police authorities.

Court service

Most court service is for jury service but employees may also be called as witnesses. Employers can be held in contempt of court if they refuse to provide time off for employees to undertake jury service.

Individuals summoned for jury service must attend court unless they are ineligible, disqualified or excused by the court, although jury service can be deferred. Among the categories of people who qualify for deferral are:

- Shiftworkers and night workers – shiftworkers' service should be deferred to a period when they do not have to attend during a rest day.
- Teachers or students during term time.

Employers are not legally required to pay employees while they are undertaking jury service. However, jurors are entitled to claim for travel and subsistence and for loss of earnings, up to a maximum daily rate.

Trade union duties and activities

Officials of recognised trade unions have statutory rights to take a reasonable amount of paid time off to carry out their duties, while union members have rights to reasonable unpaid time off to participate in union activities. Union learning representatives are also entitled to reasonable paid time off.

Examples of the sort of activities that might entitle union members to unpaid time off include:

- Attending workplace meetings about the outcome of negotiations.
- Meeting full-time officials.
- Voting in union elections.

Acas' [Code of Practice on time off for union duties](#) gives full guidance.

Military training and service

Members of the reserve forces undertake training and are often required to serve

alongside the regular forces. Employees in the reserve forces have certain protections if they're called up for service. It is an offence to dismiss an employee because he or she has been, or is likely to be, called up for military service. Employers of reservists may be able to claim financial assistance or apply for an exemption or deferral.

For more information on employing reservists CIPD members can see our [Reserve forces law Q&As](#).

Maternity, paternity, adoption and parental leave

Parents, including adoptive parents, have statutory rights to maternity, paternity and adoption leave and will usually be entitled to shared parental leave (SPL) too. These rights also apply to partnerships of the same sex.

For more detail see our [Maternity, paternity and adoption rights factsheet](#). CIPD members can see more information on the legal aspects in our [Maternity, paternity, shared parental and adoption leave and pay law Q&As](#).

As well as maternity, paternity or adoption leave, qualifying employees have the right to take a total of 18 weeks' unpaid parental leave. The leave should be taken in blocks of one week or more and is subject to a limit of four weeks a year. CIPD members can see more information on these changes and the legal aspects in our [Parental rights and family-friendly provisions law Q&As](#).

Personal and domestic leave

All reasonable employers will grant time off, paid or unpaid, for personal reasons such as bereavement or illness, or domestic emergencies like fire, flooding or burglary. There is a statutory right to reasonable unpaid time off to make arrangements to care for dependants in certain emergencies including making funeral arrangements for dependants and attending their funerals.

A 'dependant' includes:

- The employee's spouse or civil partner, child, parent or someone who lives in the same house (but not a lodger or tenant), or
- Any person who reasonably relies on the employee for assistance when they fall ill, are injured or assaulted, or relies on the employee to make arrangements for provision of care in the event of their illness or injury.

What is 'reasonable' is not specified in the legislation because it will depend on the individual circumstances, but one or two days will probably be sufficient for most typical

emergencies such as making childcare arrangements for a sick child.

There is no right to time off to attend medical or dental appointments and employers' practices vary. Some may ask employees to make up the time or use annual leave. Others may grant paid or unpaid leave.

Parental bereavement leave

From 6 April 2020 the Parental Bereavement (Leave and Pay) Act 2018 gives employed parents the right to two weeks' bereavement leave following the death of a child, paid at a set rate if the parent has 26 weeks' service.

Useful contacts and further reading

Contacts

[Acas – Working hours](#)

[Acas – Holidays, sickness and leave](#)

[GOV.UK – Maximum weekly working hours](#)

[GOV.UK - Holidays, time off, sick leave, maternity and paternity leave](#)

Books and reports

DEPARTMENT FOR BUSINESS, INNOVATION AND SKILLS (2014) *The fourth work-life balance employer survey (2013)*. London: BIS.

DEVLIN, C. and SHIRVANI, A. (2014) *The impact of the Working Time Regulations on the UK labour market: a review of evidence*. London: Department for Business Innovation and Skills.

Journal articles

GRANT, A. (2019) *Switching off the 'always on' workplace culture*. *People Management* (online). 7 June.

KENNER, M. (2018) *Who needs the Working Time Regulations?* *People Management* (online). 25 January.

REID, E. and RAMARAJAN, L. (2016). Managing the high intensity workplace. *Harvard*

Business Review. Vol. 94, Issue 6, June. pp84-90.

ROZMAN, H. and WILLIAMSON, G. (2019) Key developments on working time this year. *People Management* (online). 18 December.

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