

Working time rules

Understanding the Working Time Regulations

The law on working time (The Working Time Regulations 1998) sets rules for:

- the maximum weekly working hours, and how someone can work more hours if they choose
- rest during the working day, week and year – [find out more about the right to rest](#)
- [young workers'](#) maximum working hours and rest breaks
- night work
- special arrangements when there's an emergency or if someone is not able to take their rest
- holiday entitlement – [find out more about holiday entitlement](#)

This is to protect everyone's health, safety and wellbeing. It includes:

- agency workers
- apprentices
- casual and seasonal workers
- doctors in training
- zero-hours workers

The Working Time Regulations 1998 is the law that applies the EU Working Time Directive to England, Scotland and Wales.

What counts as working time

By law, working time is when someone is:

- at the employer's 'disposal' – this means the employer can tell them what they can or cannot do in that time
- carrying out work activities, duties and training

Working time usually includes time spent:

- travelling to a customer or client, for example if the job is a travelling salesperson
- training, if this is needed to do the job
- being on call while at the place of work, for example a hotel night manager who needs to be available in case guests need them
- doing anything that is treated as working time under a [relevant agreement](#)

What does not count as working time

Working time usually does not include:

- routine travel to and from home and the workplace if the person has a set workplace, for example a regular commute to an office or factory
- rest breaks when no work is done
- training that is not work related, for example a course the person has chosen to organise and do for themselves

Find out more about:

- [rest breaks](#)
- [working time when someone has to travel as part of their job](#)

Keeping records of working hours

An employer does not need to keep records of all daily working hours.

However they must keep records to prove that:

- workers are not working more than the [48-hour weekly maximum](#) – this is unless they have an opt out agreement
- they are not breaking limits for [night working](#)
- they have offered regular health assessments for night workers
- [young workers](#) are not working during a restricted period

Employers must keep these records for 2 years from the date they were made.

Having clear and easy to understand records can help employers:

- prevent disputes
- protect the health, safety and wellbeing of their workers

If an employer does not follow the law

If a worker thinks their employer is not following the law for working time, they could first try resolving it by:

- [talking with their employer informally](#)
- [raising a grievance – making a formal complaint to their employer](#)

If the employer still does not resolve it, depending on the issue the worker may be able to:

- make a claim to an [employment tribunal](#)
- report it to the Health and Safety Executive (HSE) or their local authority

When a claim can be made to an employment tribunal

A worker can make a claim to an employment tribunal if their employer has not followed the law on any of the following:

- rest breaks during the working day of at least 20 minutes, if the worker is expected to work more than 6 hours during the day
- daily rest of 11 hours between working days
- weekly rest of 24 hours any 7-day period, or 48 hours in a 14-day period
- holiday entitlement

They may also be able to claim if they have experienced detriment because they raised a concern about working time.

Detriment means someone experiences one or both of the following:

- being treated worse than before
- having their situation made worse

Examples of detriment could be:

- they experience bullying
- they experience harassment
- their employer turns down their training requests without good reason
- they are overlooked for promotions or development opportunities
- their employer reduces their hours without good reason

If someone has been dismissed because they raised a concern about working time:

- those with the [legal status of worker](#) may be able to claim this is a detriment
- those with the [legal status of employee](#) may be able to claim [unfair dismissal](#)

What a worker can report

A worker can report it if their employer does not follow the law on any of the following:

- the 48-hour maximum weekly working time limit
- night work limits and night work special conditions
- transfers of workers from night to day work
- compensatory rest for night work
- health assessments for night work for adults and young workers
- record-keeping requirements

Depending on the workplace, the worker should report it to either:

- the Health and Safety Executive, for example for building sites, factories, hospitals, schools
- the local authority, for example for hairdressers, health clubs, offices, shops

Get more advice and support

[Contact the Acas helpline](#) to:

- talk through any questions about working time
- report an employer

You can also [use the pay and work rights complaint form on GOV.UK](#).