



## HR BRIEF SUMMER 2011

### Working Time Regulations (WTR)

The Working Time Regulations (1998) and subsequent amendments were primarily brought in to provide better protection and to improve health & safety for workers. Both employees working under a contract of employment and others, such as agency staff etc are covered by this legislation. From the first day of employment workers are entitled to a minimum 28 days (5.6 weeks) statutory paid holidays per year (part-time workers are entitled to the same level of holiday pro rata), minimum rest breaks of 20 minutes when working more than 6 hours, 11 hours uninterrupted rest per day and 24 hours interrupted rest per week or 48 hours interrupted rest per fortnight. The weekly maximum average working hours is 48 hrs per week during the reference period (normally 17 weeks).

Night workers have further protective clauses including a maximum average 8 working hours per day in each 24 hour period and a requirement to offer night workers the opportunity for free health assessments at the commencement of and at appropriate regular intervals for the individual worker.

For young workers, those below 18 years old and above compulsory school age, there is an 8 hours per day or 40 hours per week maximum limit, minimum 30 minutes rest break per 4.5 hours or more worked, a restriction on working between 10pm and 7am, and no 'opt-out' option.

Certain limited exceptions may apply, for instance, where an individual voluntarily 'opts-out' of the 48 hours limit or where relevant collective or workforce agreements apply. Other exceptions, subject to Regulation 21 of the WTR, includes (this list is not exhaustive); workers who have to travel to different places of work, jobs that require around the clock staffing and unforeseeable circumstances beyond the control of the employer (emergencies) etc. Workers who have unmeasured time or determine their own hours and the self-employed may also be exempt. Under special circumstances workers can receive an equivalent 'compensatory rest' period when the work demands do not allow for specified breaks. Although these exceptions apply at present there is pressure on the UK to conform fully to this legislation in the future which may have repercussions for businesses. Please watch this space!

### Current Rates

#### National Minimum Wage (per hour)

£2.50 for Apprentices aged 19 years and under or in the first year of training

£3.64 for workers aged 16 – 17 years

£4.92 for workers aged 18 – 20 years

£5.93 for workers aged 21 years plus

**Statutory Sick Pay** is £81.60 per week

**Maternity/Paternity/Adoption Pay** is £128.73 or 90 per cent of your average weekly earnings if this is less per week (depending on eligibility)

#### Redundancy

- 0.5 week's pay for each complete year of service in which the employee was under 22 years old,
- 1 week's pay for each complete year of service in which the employee was 22 years or more but less than 41 years,
- 1.5 weeks' pay for each complete year of service in which the employee was 41 years or more.

Unemployment Rate: 7.7%

#### National Minimum Wage Rates from 1 Oct 2011

£2.60 for Apprentices aged 19 years and under or in the first year of training

£3.68 for workers aged 16 – 17 years

£4.98 for workers aged 18 – 20 years

£6.08 for workers aged 21 years plus

### Long Working Hours

It is official the UK does have a long working hours culture. The 2010 Office for National Statistics Annual Survey of Hours and Earnings revealed that for full-time employees the mean weekly paid hours was 39.2 hours and for part-time paid hours it was 18.2 hours per week. The number of full-time employees working paid overtime increased from 18.7 per cent in 2009 to 19.6 per cent in 2010. Resolve HR thinks it will be interesting to see how the present economic climate is revealed in the next set of research figures?

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