

Working time limits (the 48-hour week)

The weekly maximum working hours

Adult workers cannot be forced to work more than 48 hours a week on average - this is normally averaged over 17 weeks. You can work more than 48 hours in one week, as long as the average over 17 weeks is less than 48 hours per week.

Your working week is not covered by the working time limits if you have a job:

- where you can choose freely how long you will work (eg a managing executive)
- in the armed forces, emergency services and police - in some circumstances
- as a domestic servant in private houses
- as a sea transport worker, a mobile worker in inland waterways or a lake transport worker on board sea going fishing vessels

Since 1 August 2009 if you are a trainee doctor the 48-hour maximum working hours applies to you.

Opting out of the 48 hour week

If you are 18 or over and wish to work more than 48 hours a week, you can choose to opt out of the 48 hour limit. This must be voluntary and in writing. It can't be an agreement with the whole workforce. You shouldn't be sacked or unfairly treated (for example refused promotion or overtime) for refusing to sign an opt-out.

You can cancel your opt-out agreement whenever you want - even if it is part of your employment contract. However, you must give your employer at least seven days notice. This could be longer (up to three months) if you previously agreed this in writing with your employer.

Your employer is not allowed to force you to cancel your opt-out agreement.

Example of opt-out agreement

I [name] agree that I may work for more than an average of 48 hours a week. If I change my mind, I will give my employer [amount of time - up to three months] notice in writing to end this agreement.

Signed.....

Dated.....

What counts as work?

As well as carrying out your normal duties, your working week includes:

- job-related training
- job-related travelling time, for example, if you are a sales rep
- working lunches, for example business lunches
- time spent working abroad, if you work for a UK-based company
- paid and some unpaid overtime
- time spent on-call at the workplace

What does not count as work?

Your working week does not include:

- breaks when no work is done, such as lunch breaks
- normal travel to and from work
- time when you are on call away from the workplace
- evening and day-release classes not related to work
- travelling outside of normal working hours
- unpaid overtime that you have volunteered for, so for example, staying late to finish something off
- paid or unpaid holiday

Young workers

A young worker is someone under 18 but over school leaving age. Young workers may not normally work more than eight hours a day or 40 hours a week. The hours can't be averaged out for young workers. There is no opt-out for young workers.

Working two different jobs

If you work for more than one employer, the amount of combined hours you work shouldn't exceed the 48 hour average limit.

If you work two jobs you could either:

- consider signing an opt-out agreement with your employers if your total time worked is over 48 hours
- reduce your hours to meet the 48-hour limit