

# list design

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## A guide for temporary and contract staff

### Introduction

The Working Time Regulations which came into effect on 1 October 1998 (on 23 November 1998 in Northern Ireland) introduced a comprehensive scheme of limits on working time for all workers, whether or not they are referred to as “employees”. Even self-employed workers are covered if they undertake to perform work personally and the relationship is not genuinely one of a client or customer on the one part and a profession or business undertaking on the other.

### Working hours

The regulations say that on average you should not be required to work more than 48 hours each week, unless you agree to do so in writing. Temporary or contract work is all about flexibility and from time to time, companies may want you to work for longer hours. For this reason we may ask you to work for more than 48 hours a week though of course you are under no obligation to do so.

If you agree to work more than 48 hours per week, you will be asked to sign a 48 hour opt-out agreement. Please note that you cannot be forced to sign this agreement. You should also note that the maximum 48 hour week is an average number of hours. That average is worked out over a 17 week period (longer in some sectors). In other words, even if you have not agreed in writing to work more than 48 hours per week there may be some weeks when you do work longer than 48 hours. This is permitted provided that the average hours over a 17 week period do not exceed 48. It is also important to remember if you have been working for us for less than 17 weeks, the hours you have averaged over the actual number of weeks you have been working.

If you are a young worker (at least 15 but have not yet reached 18) you may not work more than 8 hours a day or 40 hours a week. These hours cannot be averaged out and there is no opt-out available. However you may work longer hours where it is necessary to either:

- maintain continuity of service or production, or
- respond to a surge in demand for a service or product, and

Provided that:

- there is no adult available to perform the task
- the client or recruitment consultancy ensures that your training needs are not adversely affected

### Daily Rest

You are entitled to a rest period of not less than 11 consecutive hours in each period of 24 hours work.

If you are under the age of 18 you are entitled to a rest period of not less than 12 consecutive hours in each period of 24 hours.

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## **Rest Breaks**

The company to which you are assigned should allow you a break from work of 20 minutes if your assignment lasts more than 6 hours a day. If it is practicable, you may take this away from your work station. Make arrangements with the client about rest / lunch breaks. If you are under 18 you are entitled to a rest break of 30 minutes if your assignment lasts more than 4.5 hours a day.

## **Night Work**

If you are asked to work at night (for a period including any 3 hours between 11pm and 6am) you should not work more than 8 hours in every 24, averaged over 17 weeks (or however many weeks you have worked if it is less than 17 weeks). In some cases where the work is hazardous or strenuous 8 hours night work in 24 is the absolute maximum you should work. If this is the case, we will tell you.

Similarly, if you are going to work at night you will be entitled to a free health assessment to make sure this will not damage your health. Initially we will ask you to complete a simple questionnaire to help assess this. If this raises any doubts as to your fitness for night work you may be referred to a qualified health care professional for further examination. The decision as to whether you are suitable for night work will be at our absolute discretion. It is vital that, if the client asks you to perform night work, you let us know so that we can comply with the law. If you are a young worker you may work between 10 or 11pm to midnight and between 4am to 6 or 7am if you work in the following sectors:

- agriculture
- retail trading
- postal or newspaper deliveries
- a catering business
- a hotel, public house, restaurant, bar or similar establishment
- a bakery

The sectors where young workers may work through the night are:

- hospitals or similar establishments
- cultural
- artistic
- sporting
- advertising

Young workers in all other sectors may not ordinarily work at night between 10pm and 6am or between 11pm and 7am (if your contract provides for work after 10pm) unless it is necessary to maintain continuity of service or production, or respond to a surge in demand for a service or product.

## **Weekly Rest**

You are entitled to a minimum of 1 day's rest from work each week or 2 days every 2 weeks. If you are under 18 you are entitled to 2 days rest from work each week.

## **Holidays**

Workers have the right to 5.6 weeks' paid holiday per year (28 days for someone who works 5 days a week). Statutory annual holiday entitlement can include all bank/public holidays and the right to holiday starts from your first day of employment.

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Your entitlement to payment for leave accrues in proportion to the amount of time worked continuously on assignment during the leave year.

In your first year with the agency you can only take paid annual leave in proportion to the amount of time you have actually worked. This does not however prevent you from taking unpaid leave. Paid leave must be taken after giving notice to the agency and them in turn agreeing.

The holiday year runs from 1<sup>st</sup> January to 31<sup>st</sup> December. You are required to take your paid annual leave entitlement before the end of the holiday year as it cannot be carried forward to the next holiday year. We cannot pay you holiday pay unless you actually take your holiday or finish working with us.

## **Notification of Holidays**

You must give notice in writing of your intention to take any holiday. The notice required is equivalent to twice the length of the holiday requested. Holiday requests can be refused and you will be notified in writing within a further time period equivalent to the length of the holiday requested.

Some clients may fix some or all of the dates of annual holidays, and in that case we will give you notice in writing.

## **Holiday Pay**

Holiday pay will be at your normal rate of pay and is calculated on the basis of your normal hours of work. If you do not have normal hours of work or if your rate of pay varies, holiday pay is calculated on the basis of your average pay received in the previous 12 working weeks.

## **Terms of Engagement**

The obligations set out above only apply to the statutory minimum holiday entitlement in force at the current time. Your terms of engagement and assignment details will set out your annual holiday entitlement and how your holiday pay is calculated.