



Breaks And Paid Holidays

Know Your Rights





Your Minimum Rights at a Glance

- 5.6 weeks' paid holiday per year.
- 20 minute break if the working day is more than six hours.
- Rest period of 11 hours between working days.
- Two full days off per fortnight (normally one per week).
- Night workers to work a maximum average of eight hours in 24.
- Free health assessments for night workers.
- Maximum 48 hours for the average working week.

Breaks and Rest Time

Your Rights

- 11 hours consecutive rest in every 24 hours – ie a maximum 13 hour working day, unless you are changing shifts or have a system of split shifts.
- Two uninterrupted periods of 24 hours rest in every 14 days.
- When working for more than six hours, a rest break of 20 minutes, taken away from where you normally work.
- If the pattern of work puts health and safety at risk, 'adequate rest breaks' must be taken.

Exceptions

- Jobs that require round-the-clock staffing, eg hospitals, prisons, care homes or 24-hour production.
- Jobs with busy peak periods such as retail, tourism and agriculture (during peak periods).
- Work that involves security or surveillance to protect property or individuals.
- When an emergency occurs.

Compensatory Rest

In the exceptions, if workers do not receive any of the rest or breaks due, they must receive 'compensatory rest' within a reasonable time from when the rest was lost.

You should not wait more than:

- A couple of weeks to take all your daily rest.
- A couple of months to take all your weekly rest.

Some of these entitlements can be changed by a collective agreement, made between the company and workforce representatives. Check your staff handbook in case this has happened in your company.

Did you know...

On average, even if you have opted-out of the 48-hour week, you should receive 92 hours rest per week.

Maximum 48-Hour Week

Your Rights

Your average working week should be 48 hours or less.

The average is normally worked out over 17 weeks. For the exceptions shown under 'breaks and rest time' in the first section of this leaflet, the average is worked out over 26 weeks.

Working Time Includes:

- Overtime.
- Training at the workplace.
- Travelling as part of your work.
- Being 'on call' at your place of work.



Did you know...

"No one can be forced to work more than the average of 48 hours a week against his or her will."

Government guidance

Opting Out

If you are over 18 you can work more than 48 hours a week by signing an agreement to opt out.

Your employer cannot force you to opt out if you do not want to.

It is unlawful for them to dismiss you or treat you less favourably for refusing to sign an opt out.

You can cancel an opt out you have signed at any time, with an agreed notice period of up to three months.

If no notice period has been agreed, you need to give a minimum of seven days notice to cancel an opt out.

Exclusion

The 48-hour limit and rest entitlements do not apply **only** if you can decide for yourself how long you work.

Night Workers



Limits on Night Working

Night workers should not work more than an average of eight hours in every 24.

The average nightly working time is usually calculated over 17 weeks.

This includes regular overtime, but not occasional overtime.

Staff aged 16 or 17 cannot work between midnight and 4am.

Exceptions

The same jobs are excepted from the eight hour limit as those shown under 'breaks and rest time' in the first section of this leaflet.

Health Checks for Night Workers

Your employer should provide a free medical check before you start working nights, and on a regular basis at least once a year while you work nights.

Where possible, they should allow you to switch to day shifts on medical advice.

Workers Aged 16 and 17

There are more stringent rules for young workers:

- A maximum working week of 40 hours (with no opt out) other than in exceptional circumstances.
- A maximum working day of eight hours.
- A ban on night working (working no later than midnight and starting no earlier than 4am).
- A rest period of 12 hours between working days.
- 48 hours (two days) uninterrupted rest per week.
- A 30 minute rest break if working more than four and a half hours.

Paid Holiday

Everyone at work is entitled to at least 5.6 weeks paid leave each year.

- If you work full-time, it is 28 days leave.
- If you work part-time, your leave is 5.6 times your average working week.
- If your contractual hours or pay vary, your weekly holiday pay is your average weekly pay over the previous 52 weeks, including compulsory overtime, shift pay and contractual bonuses.
- Agency workers are also entitled to paid leave.

Employers can choose to include bank and public holidays as part of your statutory minimum holiday entitlement.



When Can You Take Your Holiday?

You do not have the legal right to choose when you take your holiday, although you must be able to take it at some point in the year.

To help get the time off you want, give your employer as much notice as you can.

Starting a job: You are entitled to paid leave from day one, although employers can make you build it up by allowing one twelfth of the total due at the start of each month.

Leaving a job: You should receive holiday pay for any unused statutory holiday. If you have taken too much holiday, you will have to pay your holiday pay back.

Buying Out Holidays

Employers are not allowed to buy back any of the 5.6 weeks minimum holiday entitlement, other than in the case of termination of employment.

Carrying Holidays Over

An employee, with the agreement of their employer, may carry over up to 1.6 weeks holiday from one holiday year to the next.

If you are sick and unable to take your holiday in the leave year it relates to, you can carry over up to four weeks of holiday into the next two leave years.

Changing Your Hours



Seek advice from your trade union if your employer wants you to:

- Change your normal hours of work.
- Work more than 48 hours a week.
- Cut your hours and pay.
- Work hours when it is hard to get childcare.

For further details visit:

www.direct.gov.uk/workingtime

Did you know...

The rights covered in this leaflet are the legal minimum you are entitled to.

When Labour were in government they introduced most of the rights in this leaflet. Help Labour carry on the good work - join the Labour Party. Call 08705 900 200 or visit: www.labour.org.uk

Unions Get You More!

Make sure you get your rights - join a union!

The best way to make sure that your employer respects your rights at work is to join a trade union. Your employer cannot prevent you from joining a trade union, or from carrying out trade union activities.

Trade unions such as Usdaw can offer you lots of help and advice on getting all your rights at work, as well as free expert legal services if you have an accident or injury at work, or if you suffer from a work-related illness.

Staff represented by a trade union are more likely to have better wages and conditions than those who aren't.

More Information

Usdaw Nationwide

Wherever you work, an Usdaw rep or official (Area Organiser) is not far away. For further information or assistance, contact your Usdaw rep or local Usdaw office. Alternatively you can phone our Freephone Helpline **0800 030 80 30** to connect you to your regional office or visit our website: www.usdaw.org.uk

You can also write to the Union's Head Office. Just write **FREEPOST USDAW** on the envelope and put it in the post.

Join Usdaw

You can join online at:
www.usdaw.org.uk/join



Scan the QR code
to join today

What Happens Next

Once we process your application, you will receive a membership card with our Helpline telephone number and a New Member's Pack giving details of all the benefits and professional services available to you.

