



## Working Time Regulations

### Mobile Workers.

Are defined as any worker who is employed by the Operator as a member of the travelling personnel involved in the transport of passengers or goods. This includes drivers, crew, apprentices, drivers mates and attendants but not personnel being carried purely as passengers, eg. construction workers being ferried to a site.

Enforcement of the WT Regulations for Mobile workers is the responsibility of the Vehicle and Operator Services Agency (VOSA).

### A. For Mobile Workers subject to the Domestic Rules (1968 Transport Act)

Drivers who are subject to the UK domestic rules on drivers hours are also affected by **four provisions** under the UK's Working Time Regulations (1998) as amended.

With the exception of self-employed Drivers – who are defined in the 2005 Working Time Regulations as anyone whose main occupation is to transport passengers or goods by road and who is not tied to an employer by an employment contract, or any other type of working hierarchical relationship, and who is free to organise his or her relevant working activities, and whose income depends on the profits made, and who has freedom to have commercial relations with several customers.

#### **The four WTR provisions that cover Drivers working under Domestic rules are:**

- A weekly working time limit of 48 hours per week averaged over a reference period which is normally 17 weeks (**although a Driver can 'Opt Out' of this rule**)
- An entitlement to 5.6 weeks annual leave
- Health checks for night workers.
- An entitlement to 'adequate' rest

No other provisions of the WTR apply. 'Adequate rest' is not defined – but drivers should have 'regular rest periods that are sufficiently long and continuous to ensure workers do not harm themselves, their fellow workers or others and they do not damage their health in the short or long term'.

## B. For Mobile Workers subject to the EU Drivers Hours Rules (using a Tachograph for records)

### Working Time Regulations (the Road Transport Directive)

Drivers who are subject to the EU Rules on drivers hours normally have also to comply with the rules on working time as laid out in the **Road Transport Regulations 2005**. This includes self-employed Drivers too.

The **RTD** rules are:

- Weekly working time must not exceed 48 hours per week averaged over the reference period. **There is no Opt Out** A maximum working time of 60 hours can be done in any single week providing the average of 48 hours is not exceeded over the reference period. Reference periods are usually 17 weeks, but can be extended to 26 weeks under a workforce or collective agreement.
- Night Work – working time must not exceed 10 hours in any 24 hour period (the period between 00.00 and 04.00 for goods vehicles and 01.00 and 05.00 for passenger vehicles). The 10 hour limit can be exceeded if permitted under a collective or workforce agreement. Night Workers must have health checks.
- Records of hours and rest breaks must be kept for 2 years
- 5.6 weeks holiday entitlement
- Rest Breaks – a driver must not work for more than 6 hours without a break. If a driver works 6-9 hours they need a break or breaks totalling at least 30 minutes. If a driver works more than 9 hours they must have a break or breaks totalling 45 minutes. Break duration should be of at least 15 minutes.
- Breaks or Periods of Availability (POA means waiting time , the duration of which is known about in advance. Examples of what might count as a period of availability (POA) are accompanying a vehicle on a ferry crossing or waiting while other workers load/unload your vehicle. For mobile workers driving in a team, a POA would also include time spent sitting next to the driver while the vehicle is in motion (unless taking a break or performing other work, i.e. navigation).