
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Council Directive [93/104/EC](#) concerning certain aspects of the organization of working time (O.J. No. L307, 13.12.93, p.18) and provisions concerning working time in Council Directive [94/33/EC](#) on the protection of young people at work (O.J. No. L216, 20.8.94, p.12). The provisions in the latter Directive which are implemented relate only to adolescents (those aged between 15 and 18 who are over compulsory school age); provisions in that Directive relating to children were implemented by the Children (Protection at Work) Regulations 1998 (S.I.1998/276). Provisions implementing that Directive in relation to adolescents employed on ships are to be included in separate regulations to be made shortly after the date on which these Regulations are made, and adolescents employed on ships are accordingly excluded from the scope of these Regulations (regulation 26).

Regulations 4 to 9 in these Regulations impose obligations on employers, enforceable by the Health and Safety Executive and local authorities; failure to comply is an offence. The obligations concern the maximum average weekly working time of workers (subject to provision for individual workers to agree that the maximum should not apply to them), the average normal hours of night workers, the provision of health assessments for night workers, and rest breaks to be given to workers engaged in certain kinds of work; employers are also required to keep records of workers' hours of work.

Regulations 10 to 17 confer rights on workers, enforceable by proceedings before employment tribunals. The rights are to a rest period in every 24 hours during which a worker works for his employer and longer rest periods each week or fortnight, to a rest break in the course of a working day, and to a period of paid annual leave.

Regulations 18 to 27 provide for particular regulations not to apply, either in relation to workers engaged in certain kinds of work or where particular circumstances arise. There is also provision for groups of workers and their employers to agree to modify or exclude the application of particular regulations.

The remaining regulations make provision in relation to enforcement and remedies, and in respect of agency workers, Crown servants, Parliamentary staff, the police, trainees and agricultural workers. The Employment Rights Act 1996 is amended to include a right for workers not to be subjected to any detriment for refusing to comply with a requirement contrary to these Regulations or to forgo a right conferred by them, and to provide that the dismissal of an employee on account of any such refusal is unfair dismissal for the purposes of the Act.

Changes to legislation:

There are currently no known outstanding effects for the The Working Time Regulations 1998.