
DRAFT STATUTORY INSTRUMENTS

2015 No.

The National Minimum Wage Regulations 2015

PART 5

Hours Worked for the Purposes of the National Minimum Wage

CHAPTER 1

Determining the Hours of Work

Hours of work for determining whether the national minimum wage has been paid

17. In regulation 7 (calculation to determine whether the national minimum wage has been paid), the hours of work in the pay reference period are the hours worked or treated as worked by the worker in the pay reference period as determined—

- (a) for salaried hours work, in accordance with Chapter 2;
- (b) for time work, in accordance with Chapter 3;
- (c) for output work, in accordance with Chapter 4;
- (d) for unmeasured work, in accordance with Chapter 5.

Hours where payment due on submission of a record

18. If the worker is only entitled to payment for hours of work when a record of the hours has been given to the employer, then the hours of work in the pay reference period do not include hours of work in respect of which that record has not been submitted.

Hours spent training

19.—(1) In this Part, references to “training” include hours when the worker is—

- (a) attending at a place other than the worker’s normal place of work, when the worker would otherwise be working, for the purpose of receiving training that has been approved by the employer;
- (b) travelling, when the worker would otherwise be working, between a place of work and a place where the worker receives such training;
- (c) receiving such training at the worker’s normal place of work.

(2) In paragraph (1), hours when the worker would “otherwise be working” include any hours when the worker is attending at a place or travelling where it is uncertain whether the worker would otherwise be working because the worker’s hours of work vary either as to their length or in respect of the time at which they are performed.

Hours spent travelling

20. In this Part, references to “travelling” include hours when the worker is—

- (a) in the course of a journey by a mode of transport or is making a journey on foot;
- (b) waiting at a place of departure to begin a journey by a mode of transport;
- (c) waiting at a place of departure for a journey to re-commence either by the same or another mode of transport, except for any time the worker spends taking a rest break; or
- (d) waiting at the end of a journey for the purpose of carrying out duties, or to receive training, except for any time the worker spends taking a rest break.