



Vehicle & Operator
Services Agency

COMPLIANCE

A summary of

Working Time Regulations

for mobile workers



Full guidance on the Working Time Regulations can be found at:

www.gov.uk/government/policies/providing-effective-regulation-of-freight-transport

Who these rules apply to:

- ▶ These rules apply to mobile workers - drivers and crew of heavy goods vehicles or public service vehicles subject to EC Regulation 561/2006. The rules limit the amount of time that can be worked and there is no opt-out available. They do not replace EC drivers' hours rules.
- ▶ Self employed drivers have been covered by these regulations since 1st May 2012.

What are the limits?

- ▶ An average of 48 hours work per week calculated over a specified reference period.
- ▶ In any single week up to 60 hours can be worked so long as the 48 hour average limit is maintained.
- ▶ Night work is limited to 10 hours per night, unless there is a workforce agreement to work longer.
- ▶ Statutory annual leave and any sick leave and/or maternity/paternity leave counts as working time.
- ▶ Working between 6 and 9 hours per day requires breaks totalling 30 minutes. If more than 9 hours is worked then breaks must total 45 minutes. Breaks must be of at least 15 minutes duration. Break requirements under the Regulations, are in addition to those under the EU drivers' hours rules.

But where mainly driving work is undertaken it is possible that working time breaks may be satisfied by breaks from driving taken under the EU drivers' hours rules. The EU drivers' hours rules break requirements take precedence when driving.

What counts as work?

In general any activities carried out in connection with the transport operation count as work, for example, driving, loading/unloading, walk round checks etc count as work. There are a number of periods of time that do not count as work, for example, travelling between home and your normal place of work, lunch or other breaks and periods of availability.

Periods of availability are periods of time during which the mobile worker is not required to remain at their workstation but is required to be available for work, the foreseeable duration of which are known about in advance for example:-

- ▶ Delays at a distribution centre.
- ▶ Time spent travelling in the vehicle (only if no work is carried out such as navigating).
- ▶ Reporting for work then being informed that no duties are to be undertaken for a specified period.
- ▶ Accompanying a vehicle being transported by boat or train.

A PoA can be taken at the workstation. Providing the worker has a reasonable amount of freedom (e.g. they can read and relax) for a known duration, this could satisfy the requirements of a PoA.

Situations when a period of time should not be recorded as a PoA:-

- ▶ Delays due to congestion (i.e. stuck in a traffic jam), because the driver would be stopping and starting the vehicle.
- ▶ Frequently moving up within a queue (e.g. waiting within a queue to load or unload) every other minute.

If you are unsure what activities count as work and whether a period of time qualifies as a POA please seek further advice from VOSA.

Record keeping:

Your employer is required to keep a record of your working time. Tachograph records may also be used as record working time records and it is always important that you select the correct mode to record activities accurately. In some circumstances it may be necessary to keep other types of records in addition to the tachograph for example working in a warehouse etc. If tachographs are not used as working time records then another type of accurate record must be kept by your employer.

Enforcement:

VOSA is responsible for the enforcement of the Road Transport (Working Time) Regulations.

If you suspect or know that a transport operation or any of its drivers are not complying with the rules you can report this anonymously to VOSA on:



0300 123 9000*

** Calls provided by BT are charged at a low rate. Charges from other providers may vary.*

Visit our websites:

for commercial customers and private motorists

www.gov.uk

for corporate information

www.dft.gov.uk/vosa

Contact us:

E-mail

enquiries@vosa.gov.uk

National Number

0300 123 9000*

Monday to Friday - 7.30am until 6.00pm

(normal working hours)