

The following is an overview of the regulations that were introduced on 23rd March 2005. A more detailed explanation can be found at:

<https://www.gov.uk/government/publications/working-time-regulations-for-mobile-workers>

What type of worker is affected?

The RTWT affect all mobile workers who work in vehicles subject to Drivers' Hours and Tachograph Rules. This includes workers who are carried in vehicles such as drivers' mates, porters, draymen and security staff. **It is essential to understand that the RTWT Regulations are separate and additional to 'tachograph law'.**

What are the main points of the regulations?

- Mobile workers are subject to a maximum of an **AVERAGE** of 48 hours per week working time over a reference period. Driver Require have a reference period of 26 weeks (set by Workforce Agreement) starting May and November each year.
- There is a maximum weekly limit of 60 hours working time.
- Driver Require have a Workforce Agreement placing **NO** restriction on the amount of hours worked at night (there would otherwise be a 10 hour maximum). Please note that Drivers' Hours and Tachograph Rules still apply.
- Mobile workers must take the following breaks: workers should not work more than 6 consecutive hours without taking a break. If working between 6 and 9 hrs per day, breaks totalling at least 30 minutes are required. Over 9 hrs working time per day requires breaks totalling at least 45 minutes. Breaks should be at least 15 minutes. It is important to note that tachograph breaks and rest periods still apply. It is acceptable to use breaks to satisfy both Working Time and Tachograph regulations at the same time.
- VOSA (Vehicle & Operator Services Agency) are responsible for enforcing the regulations.

What is the definition of working time?

Working time essentially means all time during which the worker is working and cannot freely dispose of his/her time and is required to be at the workstation. It does not include breaks, rest, periods of availability, travel to and from work, evening classes and day release courses.

What is a period of availability (PoA)?

A period of availability is a period of waiting time, the duration of which is **known in advance**. During a period of availability the mobile worker should not be required to remain at his workstation, although he may choose to do so or it may be prudent for him to do so for security reasons. The mobile worker must be available to start work or resume driving on request.

Working for two or more employers or another organisation or agency.

If an employee works for two or more employers (including other agencies), then the weekly working time is the combined total of **transport related** work (excluding breaks, rest and periods of availability) for all employers. The mobile worker must tell their employer(s) **in writing**, of any transport related work for another employer. Time spent on voluntary activities do not count towards the working time limits and nor does time spent performing activities on a voluntary basis for the emergency services or the Armed Forces.

How should a worker record working time, breaks and periods of availability?

The regulations do not specify how a worker should make records, however the mobile worker shares a responsibility with his employer(s) for complying with the regulations. The worker may account for his time by making a log, or using a timesheet or the data from a tachograph chart.

It is likely that some fleet operators will ask the driver to use the tachograph, in which case they have been recommended to instruct the drivers to use the cross hammers mode for other work and waiting time or periods of availability NOT known about in advance and the square box with diagonal line to record periods of availability KNOWN about in advance.