

# **Factsheet 11: Employer Information #6**

## **Employer guidelines to the new Working Time Regulations (cont'd from Factsheet 10)**

### **Night Workers**

There are new regulations concerning night workers. However, as an employer of personal assistants, you can claim exemption from these, on the grounds of 'special circumstances', and the "need for continuity of service". It is suggested that records of hours actually worked by your employees, perhaps provided through wages information, are kept for up to two years, in case the authorities request these for inspection.

### **Rest Periods**

The new legislation also applies to a worker's entitlement to rest periods, daily rest, weekly rest and in-work rest breaks. However, the 'special circumstances' exemption can be claimed again. In this situation, the obligation still remains with the employer to permit the employee to take 'an equivalent period of compensatory rest', taken when convenient. This is a period of rest or in-work break as long as the worker was entitled to but not able to take due to your care needs.

For instance, a worker is entitled to an in-work break of 20 minutes if daily working time exceeds 6 hours. It is optional whether the employer chooses to pay for this break or not.

**It is advisable to include reference to 'special circumstances flexibility' in respect of the new legislation in your contracts of employment, and if you are paying for in-work breaks or not.**

**Please contact your local Rowan Independent Living Adviser if you have any queries regarding how this new legislation will affect employees and your obligations as an employer.**

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