

Working Time Act Compliance Checklist for Employers

The Organisation of Working Time Act sets out statutory rights for employees in respect of rest, maximum working time and holidays. The Act places considerable responsibility on employers to ensure that employees do not exceed the time allowances.

These rights apply either by law as set out in the Act, in regulations made under the Act or through legally binding collective agreements. WRC Inspectors can visit your premises and fine you for non-compliance.



This checklist is designed to help you identify areas where your business is meeting the standards required and if there are any areas that need attention. HR Duo can assist with procedures and mechanisms to ensure that you are fully compliant in this aspect of business.

Working Time Compliance Checklist		Yes	No
Daily Rest Periods			
Do all employees work for no more than 13 consecutive hours on any occasion?			
Do all employees get a rest period of not less than 11 consecutive hours in each 24-hour working period?			
If an employee is called out/to work when they are off, do they get 13 hours consecutive rest?			
Do employees who work more than 4.5 hours get a rest period of up to 15 minutes during their work period, and not at the end of the work period? (Unpaid)			
Do employees who work more than 6 hours get a rest period of up to 30 minutes every day during their work, and not at the end of the work period? (this can include the first 15-minute break) (Unpaid)			
Employees in the retail industry may be entitled to additional daily break periods if they meet certain conditions (LINK to PPP)			
Weekly Rest Periods			
Do all employees get 1 full day off each week (24 hours), which is preceded by a daily rest period of 11 hours, totally 35 consecutive hours off? Occasionally this may be averaged over 14 days in which case an employee is entitled to 48 hours rest immediately preceded by 11 hours daily rest.			
Do your employees work less than an average of 48 hours per week calculated over the appropriate reference periods?			
Do you have a record of employees' working hours to demonstrate that they work less than an average of 48 hours per week?			
Do you know what reference periods apply to your employees? Reference periods do not include periods of absence from work due to holidays, maternity leave, adoptive leave, sick leave or parental leave. (PPP Link to Ch 1, Section 1)			
Do you ensure employees get Sunday off unless it has previously been stated in their contract of employment and they are compensated by one or more of the following:- <ul style="list-style-type: none"> · Payment of an allowance · Increasing an employee's rate of pay to take into effect their circumstances · Granting the employee paid time off · Combination of two or more of a, b and c 			
Do you know that employees in the retail industry are subject to specific conditions in relation to working on Sundays (link to PPP)?			

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<p>If you work in the Retail sector, do you enforce the main compensatory arrangements for Sunday Working:</p> <ul style="list-style-type: none"> · Premium payment for Working Sunday · Current employees have option to volunteer to work Sundays as part of their regular working week · New employees may be contracted to work Sundays as part of their working pattern · Employees with minimum 2 years' service on a Sunday working contract have an opportunity to opt out of Sunday working for personal/family reasons · Meal breaks standardised · All employees have the opportunity to volunteer to work on the peak Sunday trading days prior to the Christmas period 		
Night Working		
Do you ensure that your night workers do not work more than an average of 8 hours in a 24-hour period (A night worker is an employee who works at least 3 hours each day during night-time and night work accounts for half of his/her work hours for that year)?		
Notification of hours of work		
Do you provide employees with details of their working hours and rest periods in their contract of employment.		
If you do not specify exact working hours in the contract, do you notify employees of their hours at least 24 hours in advance of the day on which they are required to work, or 48 hours if they are not at work.		
Do you give employees information on working time 24 hours in advance of any day on which they will be required to work additional hours, e.g. overtime		
Do you compensate employees in the event that they are not required to work at least 25% of their contracted hours or 25% of the time for which he/she must be available?		
Annual Leave		
Do you give all full-time employees 4 weeks leave per year, once they have worked more than 1,365 hours in a leave year?		
Do you ensure all new full-time employees get the right leave? Should they work at least 1,365 hours in 10-11 months, they will be entitled to a full 4 weeks leave.		
Do you give employees working at least 117 hours per month the equivalent of 1/3rd of their working week as annual leave entitlement?		
Do you give employees who work less than 117 hours per week, 8% of the hours worked as their annual leave entitlement?		
Do you ensure that sickness (covered by a medical certificate) while on Annual Leave is not counted as part of holiday leave?		
Do you ensure that employees take all their leave in the leave year?		
Do you know that you cannot an employee in place of them taking the legal minimum leave?		

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Yes

No

Public Holidays

Do you check that all full-time employees get their entitlement to public holiday benefit from the day they start?

Do you check that all part-time and casual employees who were employed for at least 40 hours in the preceding five weeks get their entitlement to a pro-rata public holiday benefit?

Do you know that public holiday benefit can be one of the following:

- (a) a paid day off on that day
- (b) a paid day off within a month of that day
- (c) an additional day of annual leave
- (d) an additional day's pay

Should an employee so request 21 days before the public holiday, you must inform them which arrangements will apply for the public holiday (14 days before the holiday). If you do not specify the arrangements on time, the employee will receive a paid day off on the public holiday.

Double Employment

Have you checked if any of your employees works for another employer?

Have you monitored and ensured that no employee has worked for another employer and as a result, the total sum of hours worked exceeds the legal maximum?

Have you informed employees that they must inform you if they work for a second employer, and give you details of the works worked?

Record Keeping

Have you a mechanism in place to record the working hours of all employees?
Paper, electronic, time sheets?

Do you have full records of each employees working hours over the last 3 years?

Zero Hours Contracted Employees

Do you record the hours when an employee is required to make themselves available but not required to work?

Banded Hours

Have you the means in place to record and check if employees have an entitlement to Banded Hours Contracts?