



Working time: the facts

The new rules
came into effect
on 4 April 2005



The main points of the road transport (working time directive) RTD are that:

- They apply to mobile workers, which include drivers and crew, of heavy goods and public service vehicles subject to the EU Drivers Hours Rules - Regulation 3820/85
- Weekly working time is limited to an average 48 hours (usually calculated over a 4 month reference period). There is no opt-out.
- Up to 60 hours work can be performed in a single week, as long as the average 48-hour limit is maintained.
- Breaks and periods of availability known about in advance do not count as working time.
- Night workers are restricted to 10 hours working time in any 24-hour period.
- The definition of 'night time' is a period between 00.00-04.00 for mobile workers of goods vehicles, and 01.00-05.00 for mobile workers of passenger vehicles.

- Additional break requirements will apply (when doing other work instead of driving, or other work in addition to driving).
- Additional flexibility is allowed if a collective agreement or a workforce agreement at company level (between the employer and employees) is in place. This would allow:
 - a) The reference period for calculating the average 48-hour week to be extended to 6 months, and
 - b) The 10 hour night work limit to be exceeded - although mobile workers will still have to respect the rest requirements under the EU drivers' hours rules. Any statutory leave has to be a notional calculation of eight hours per day or 48 hours per week added to the calculation over the reference period.
- Workers who occasionally perform road transport activities will be subject to the Working Time Regulations 1998 (as amended), rather than these new regulations.
- An occasional driver is someone who drives, under the EU drivers' hours rules, for 10 days or less within a reference period of up to 26 weeks, or 15 or less days within a reference period exceeding 26 weeks (which is permissible under the Working Time Regulations 1998 - as amended). If these limits are exceeded then you will be subject to the RTD limits.
- Self-employed drivers (as defined under these new regulations) will not be covered by working time rules until March 2009. There are several criteria that drivers must comply with to qualify as a self-employed driver. For example they must have an 'O' licence. They must be free to organise their working activities and cannot be restricted (either implicitly or explicitly) from having commercial relations with several customers/clients.
- There is a new method of calculating average working time.
- Working time is restricted to road transport activities and other associated work (for example, when a driver works in the employers' warehouse).

Guidance is available from: www.dft.gov.uk/freight/rtd

or by ringing: **0870 60 60 440**