

# Hours of Work



**Health & Safety Guidance  
for Betting Shop Staff**

# Hours of Work in Betting Shops

## *A Short Guide for Betting Shop Staff*

### Introduction

Many betting shop staff work long hours due to under-staffing of shops, later closing times or just to earn more money than their normal weekly wage provides.

This is a guide to the basic rules on working hours and rest periods set out in the Working Time Legislation. It also includes information on the special provisions laid out in the Sunday Betting Shop Work Regulations

### Legal Standards

The Working Time Legislation sets out the legal maximum hours that can be worked, provides for statutory rest periods and establishes a framework for ensuring that no worker is exploited through working excessive hours.

Working time is defined as when someone is “working at their employer’s disposal and carrying out their activity or duties”. The basic guidelines are as follows:

- Workers cannot be forced to work more than 48 hours per week
- The average working week is normally calculated over 17 weeks
- Working time includes travelling (where part of the job), job related training and working lunches
- Working time does not include travelling between home and work, rest breaks, evening classes or day release courses
- Workers can voluntarily “opt out” of the 48 hour limit. This agreement must be in writing and signed by the worker
- Workers can cancel the “opt out” whenever they want—although you must give your employer at least 1 week notice (or longer if agreed in your contract)

The average working week is normally calculated over 17 weeks (excluding annual leave or sick leave taken during this period). This period of time is called the “reference period”. The reference period can be extended to up to 52 weeks under a workforce or collective agreement.

The average working week is calculated by dividing the number of hours worked (including any overtime) by the number of weeks in the reference period e.g. 17 weeks.

### Time Off

Employers have a duty to ensure that workers can take the time off that they are entitled to. Below is a guide to your minimum legal rest entitlements:

### **Daily Rest**

- You are entitled to a legal minimum of 11 uninterrupted hours rest between each working day

### **Weekly Rest**

- You are entitled to a minimum 1 whole day off each week. This can be averaged over a 2 week period meaning workers are entitled to 2 days off per fortnight in addition to annual leave.

### **Breaks**

- If you work more than 6 hours at a stretch, you are entitled to a rest break of 20 minutes. This should be taken during the 6 hour period and not at the beginning or end.

### **Annual Leave**

- You are entitled to 4 weeks paid annual leave. This applies to part-time and full-time employees equally.
- A week's leave should be the same duration as the normal working week. If you work a 5 day week, you should get 20 days annual leave. If you work a 3 day week, you should get 12 days leave.
- Public holidays can be included in the 4 weeks leave entitlement.
- You must give notice of your intention to take annual leave.
- Employers can decide when leave is taken
- If you leave the employment of a company, you are entitled to be paid for any leave accrued but not taken.
- Holiday pay is calculated on your basic contracted working week excluding overtime (unless this is overtime guaranteed by agreement in contract)

**IMPORTANT:** The employer must ensure that you can take your breaks and time off but they are not responsible for ensuring that you do take this time off.

## **Sunday Working**

Shop and betting workers have the right not to be discriminated against, selected for redundancy, suffer detriment or sacked for refusing to work on Sundays (see below).

If you have been in continuous employment with the same employer since before 3 January 1995, you are automatically protected from working Sundays. If you wish to work Sundays you must give your employer a signed and dated "opting-in notice" and then agree with your employer exactly what work on Sundays you are agreeing to do.

If you were employed by your current employer after 3 January 1995, and your contract requires you to work Sundays, you can give your employer a signed and dated "opting-out notice" stating that you no longer wish to work on Sundays. You must then serve a 3 month notice period before your opt-out begins.


The decision whether to work on a Sunday or not is up to you. You may opt-in or opt-out to Sunday working as you wish, provided the legal requirements to notice are met.

## Hours of Work: CHECKLIST

- Check your contract and staff handbook
  - How many hours are you contracted to work?
  - How is your average working week calculated?
  - What breaks and leave are you entitled to?
  
- Monitor your time and keep records
  - Are you getting your breaks?
  - Is your employer making provision for rest breaks?
  - Do you feel under pressure not to take leave?
  
- Check your options
  - Have you opted out / in to Sunday working?
  - Have you opted out of the 48 hour maximum?
  - Do you feel under pressure to opt out / in?

**REMEMBER:** If you believe that your rights are being infringed, report this (in writing) to your line manager and contact *Community* to discuss the problem.


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