

Working Time Directive Definitions

Work:

- Driving
- Unloading/loading
- Cleaning/maintenance of vehicles (if required by the Company)
- Work intended to ensure the safety of the vehicle/cargo, eg daily walk round and checks)
- Time during which the mobile worker cannot, freely, dispose of his/her time and is required to be at the work station, ready to take up normal work.
- On the job training

Working time does not include:

- Routine travel between home and work
- Rest and breaks when no work is done
- Periods of Availability
- Evening classes or day release courses
- Voluntary work and activities outside the definition of the working time (ie fire fighters/special constables, reserved forces). As this conflicts with drivers hours, drivers hours regulations take precedence.

Periods of Availability (this is not working time)

- Waiting time - the duration of which is known in advance by the worker.
- A worker is not required to remain at the workstation (ie behind the wheel). The fact that the worker is required to remain with the vehicle for safety or security is not enough to stop the period being a period of availability.
- The worker must be available to answer calls to start work or resume driving upon request and, the period and foreseeable duration should be known in advance, either before departure or just before the start of the period in question.
- The worker does not need to be told the duration, but must 'know' the duration.

Examples of periods of availability

- Waiting to load at a client's premises, whereby you are advised or know that there will be say one hours wait. This may be extended if the driver is subsequently advised that there will be a further, say, 30 minutes wait. In the best interest of the Company therefore if drivers are not advised this information, they should make enquiries.
- Delays due to traffic prohibitions (ie London)
- Second driver (if double manned)
- Reporting for work, but not able to commence duties

How to record periods of availability

'Crossed hammers' should be used for other work and waiting time that is not known. On duty and available for work mode (square with diagonal through), is used for periods of availability known in advance (as defined under these regulations).

Records

There is no standard format for records, but if the employer does not provide a form and the tachograph chart is used the mode switch must be used correctly to show which of the four modes the driver is recording. Working time records must be retained for 2 years.

Pay

Working time rules are not affected by pay rate structures or overtime. Drivers can be paid for any or all of the four activities.

Night worker

A driver is a night worker if the shift starts or finishes between 2400 hrs and 0400 hrs.



Drivers Hours** and Road Transport Working Time Regulations* Combined

Week */** 00.00 Monday to 24.00 Sunday

Weekly working* A maximum of 60 hours of work, in any single week, with a maximum 48 hour average over a 17 or 26 week reference period. Work is driving and other work only, periods of availability, breaks and rest do not count.

Daily Driving** The maximum daily driving time is normally 9 hours, but may be extended to a maximum of 10 hours, not more than twice during the week.

Weekly Driving** The weekly driving time shall not exceed 56 hours.

Fortnightly Driving** A maximum of 90 hours in any two consecutive weeks.

Breaks*/** Drivers must take a break after 4 1/2 hours driving or 6 hours of work (excluding PoAs), whichever comes first.

Driving breaks: 45 minutes break, during or immediately following 4 1/2 hours of driving. The break may be taken in 2 separate periods. The first must be a minimum of 15 minutes, followed by a second of at least 30 minutes.

Work Breaks: A rest break of 30 minutes must be taken after 6 hours of work (excluding PoAs) has been completed. A rest break of 45 minutes is required if working more than 9 hours a day. Work breaks can be divided into 15 minute intervals, but a driver must comply with driving break rules.

Daily Rest** A regular daily rest is 11 Hours. The rest may be reduced to no less than 9 hours up to 3 times between any two weekly rest periods. No compensation required.

Weekly Rest** Any two consecutive weeks must contain two regular weekly rests of 45 hours or one regular rest and one reduced rest of no less than 24 hours (at home or away). Compensation for a reduced weekly rest must be made up by the end of the 3rd week following, attached to another rest period of at least 9 hours.

Multi-manning** A minimum of 9 hours rest in 30 hours is permitted, with a further allowance for a driver to operate the first hour only as a solo journey.

Ferry/train crossing** A regular daily rest period of 11 hours may be interrupted not more than twice, providing the interruptions total no more than 1 hour. No compensation required.

Split Daily Rest** A 12 hour daily rest period can be split into 2 periods. The first must be at least 3 hours and the second at least 9 hours.

Periods of Availability* Generally speaking, waiting time, the duration of which is known about in advance by the driver.