

Draft letter



Dear employer

I wish to withdraw my opt-out from the working time limit set by the Working Time Regulations as I no longer wish to work more than 48 hours on average each week.

I would ask you to acknowledge this in writing and to let me know when this will come into effect. I look forward to discussing how my hours will be adjusted to take account of this.

Yours sincerely

You can find out more about the *TUC It's About Time* campaign at www.tuc.org.uk/itsabouttime and get practical help at www.worksmart.org.uk/itsabouttime

Unions today – your friend at work

The working time rights described in this leaflet – and many others such as the minimum wage – have been won by union campaigning. And without union help and assistance many workers won't get the full benefit of new rights at work.

Every day unions help thousands of people at work. Last year unions won a record £330 million compensation for their members through legal action. They won £1 million in equal pay claims – an average of £15,000 per member.

And of course unions help negotiate better pay and conditions, including far better provisions for family friendly employment than the legal minimums.

To find out more about joining a union call the *TUC Know Your Rights* line **0870 600 4 882**.

www.worksmart.org.uk – the one-stop site for everyone at work. This website provides a range of information about working life and your rights at work – whether you are a union member or not. The full text of this leaflet, plus the whole range of rights materials, is on the site – just a click away!

Fed up with working more than 48 hours a week?

Here's how to opt back in to working time protection

Time's up for long hours

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workSMART

Know
Your
Rights

www.worksmart.org.uk





This leaflet is for people who have opted out of the Working Time Regulations covering a 48-hour maximum working week. It explains your right to opt back in so you cannot be made to work more than 48 hours on average.

You can find out more about your rights under these regulations from the *TUC Know Your Rights* line **0870 600 4 882** or on **www.worksmart.org.uk**. The official, though legalistic, government guide is at **www.dti.gov.uk**

Not every worker is covered, and there are some complex rules about what counts as working time. Rules are tighter for young people.

It's also important to understand these are average limits. The 48-hour limit is not a ceiling on any one week. There are rules about how the average is worked out.

Most people at work are protected against having to work more than 48 hours a week on average*.

Your employer should not expect you to work more than 48 hours on average without asking you to sign an opt out. It should always be your free choice. But some bosses make it a condition of starting a job, or put real pressure on staff to sign away their rights.

If you have signed an opt-out, you have the right to opt back in, and tell your employer that you no longer want to work more than 48 hours a week.

All you have to do is to write and tell your employer that you wish to be covered by the rules again. A letter you can use is on this leaflet.

When you opted out the agreement you signed may have included how long you would have to wait if you opted back in again. The longest this can be is three months. If no time period was mentioned in your opt-out agreement, then you should only wait seven days.

If an employer takes action against you (in legal language, you suffer any 'detriment') or sacks you because you are opting back in again then he or she is breaking the law, and you can complain to an Employment Tribunal, and, if you win, receive modest compensation.

Some groups of workers are not protected – please see the government guide at **www.dti.gov.uk or call the TUC Know Your Rights line on **0870 600 4 882** and ask for a copy of 'Get a Life!', our working time rights leaflet.*

Please note that you should not rely on either this leaflet or the 'Get a Life!' leaflet as full statements of the law – always seek expert legal advice.

You should take expert advice from your union or an advice agency if you are not a union member before doing this. You can get advice on which union to join and employment tribunals from the *TUC's Know Your Rights* line or **www.worksmart.org.uk**

Of course it's never an easy option to challenge an employer on your own. That's why it's better to do it as a group or with union backing.

If you think there is a risk your employer might sack you for exercising your rights, you should think carefully about your options. You are in a stronger position if you have worked for your employer for more than a year. After 12 months an employer can only sack you with good reason and must follow proper procedures. Before then an employer does not have to give a reason. It is still illegal to sack you simply because you have exercised your working time rights, but cases can be more complicated to prove, and even if you win, compensation can be modest.

