

WORKING TIME Part 2: Long working hours

This factsheet deals with the health effects of long working hours and the Working Time Regulations which came into force on 1 October 1998. Part 1 dealt with the health effects of shift work and night work.

UK workers work longer hours than those in any other European Union state. The UK average for men in fulltime employment is 45.8 hours per week (EU average 41.3) and for women 40.6 hours per week (EU average 39.0). Some 2.7 million UK workers usually work over 48 hours per week with an average of 56 hours. This is about twice the proportion of any other European country.

Health effects

Evidence on the link between long working hours and heart disease has been available for over 40 years. One study found that workers on more than 48 hours per week were twice as likely to have heart attacks as similar workers on 40 or less hours per week. A study of young heart patients found that 25 per cent had two jobs and 45 per cent worked more than 60 hours per week.

Long hours are also associated with mental health disorders. A number of studies have shown a link, especially where other stress factors have been present. A correlation has also been found with sleep disorders, substance abuse and relationship problems.

Studies have been conducted on fatigue and its effect on both performance and safety. There is definite evidence that productivity declines with increasing working time beyond eight hours per day and that accident rates increase. Exposure limits for chemicals are based on eight hour working periods. Any increase in working time and the consequent reduction in recovery time significantly increase the risk of exposure.

An association between long working hours and stomach disorders, musculoskeletal disorders and damage to the immune system has not been conclusively demonstrated by research so far but it seems reasonable to assume that long hours will certainly increase the risk of musculo-skeletal disorders.

The most extreme consequence of long hours is sudden death from overwork, known in Japan as *karoshi*. This can arise from a variety of causes including strokes, heart attacks and suicides. A study of over 200 victims identified a mixture of work and lifestyle stressors as being responsible with long hours playing a central role. The phenomenon is recognised in

Japan as a basis for compensation but has not received any official recognition in the UK.

Working Time Regulations

These Regulations implement the European Union Working Time Directive and came into force in the UK on 1 October 1998. With some specific exclusions, they apply to all workers including freelancers, agency workers and trainees. The exclusions are transport workers, doctors in training, including junior hospital doctors, domestic workers and various occupations including fishing, police, army and civil protection personnel. Court decisions will be required to determine the standing of various groups within these categories.

The main provisions of the Regulations are:

- Maximum working week.** The Regulations prescribe a maximum working week of 48 hours averaged over a 17 week period. Employers and unions may enter into collective, written agreements to extend the reference period from 17 up to a maximum of 52 weeks. Workers may opt out voluntarily from the 48 hour limit by giving written notice to their employer. The employer must maintain written records of the hours worked which Health and Safety Executive or local authority inspectors can inspect on request. The Regulations are vague on what constitutes working time and court decisions will be required on whether such matters as on-call or standby arrangements, travelling time, work at home, and time off for union duties come within the scope of the legislation.
- Night work.** A night worker is defined as someone who works for at least three hours during night time. Night time is defined as a period of at least seven hours including the period from midnight to 5 am (11 pm to 6 am in the absence of a collective agreement). Night workers should not perform more than eight hours work in any 24 hour period. Night workers are entitled to free health assessments at appropriate, regular intervals. However, it is not obligatory for the assessment to be carried out by a doctor. Where workers suffer from certain conditions (diabetes, some heart, stomach, chest and sleep disorders, some conditions requiring medication on a strict timetable), the employer may offer a transfer to day work; this is not an absolute obligation.
- Rest periods.** Adults are entitled to at least 11 consecutive hours, and young workers 12 consecutive hours, rest in each 24 hour period. Adults are entitled to an uninterrupted rest period of at least 24 hours in each seven day period. This can be interpreted to mean two separate days off or a two-day break in a fortnight. Adults who work more than six hours per day are entitled to an uninterrupted break of at least 20 minutes. This break must occur within the work period and not at the beginning or end. Young workers are entitled to an uninterrupted 30 minute break if they work more than 4.5 hours per day.
- Holidays.** Workers are entitled to three weeks paid leave in any holiday year starting on or before 23 November 1998. This rises to four weeks paid leave after 23 November 1999. The entitlement arises after a worker has been employed for 13 weeks continuously. Some three million workers stand to benefit from these provisions. Workers are entitled to compensation for any leave untaken when they leave their jobs. Holidays can be taken by giving appropriate notice or by negotiation.
- Enforcement.** The requirements on the maximum week and night work are enforceable by HSE or local authority inspectors. Employers can be prosecuted as with other safety legislation. Claims over rest periods, breaks and holidays must be taken by individual workers to Employment Tribunals.

Immediately on the introduction of the Working Time Regulations many employers invited, with varying degrees of pressure, their employees to sign a waiver opting out from the 48 hour maximum working week. Some have successfully resisted this move, for example, members of the entertainment union BECTU employed by Carlton Productions, the television company. No-one should sign a waiver at the very least until they have sought advice from their trade union or from a solicitor expert in employment law.

Many conflicting claims about the effectiveness of the Working Time Regulations have been made by the Government, employers and unions and there are workers who will undoubtedly benefit especially from the holiday provisions. But overall, the standards are so low, the exceptions so broad, the absolute obligations on employers so few, and the opportunities for opt-outs so large that the overall impact of the legislation may be slight. However, many unions are using the Regulations as a starting point for negotiations on aspects of working time. Consultations on further legislation have been started by the European Union Commission but it is likely to be many years before this is translated into UK legislation.

International developments

The European Metalworkers' Federation adopted a Charter on Working Time in 1998 together with a plan for having it implemented. The main feature of the Charter is the demand for a maximum working time of 1750 hours per year. UK engineering workers are to revive their campaign for a 35 hour week in 1999. The German engineering union IG Metall wants a 32 hour week with no loss of pay when its agreement with the employers runs out in 2000. France has legislated for a 35 hour week which applies to firms with more than 20 workers from 2000 and to smaller companies two years later. In Italy, a legal working week of 35 hours will apply to companies with more than 15 employees from 2001.

References

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