

WORKING TIME RECORD AND 48-HOUR OPT-OUT

RECORD — PAYROLL FILE

The written opt-out agreement, its ending, and the weekly hours, night work and rest log

KD-HR-WT-003 Rev A0

Working Time Regulations 1998 reg 4(1): a worker's working time, overtime included, must not exceed an average of 48 hours for each seven days over the reference period — 17 weeks (reg 4(3)), 26 weeks where reg 21 applies (reg 4(5)), or up to 52 weeks where a collective or workforce agreement substitutes a longer period for objective or technical reasons or reasons of work organisation (reg 23(b)) — unless the worker has first agreed in writing to work more. The agreement may be for a stated period or indefinite; the worker can end it by giving at least seven days' written notice, or the notice period the agreement states, which cannot exceed three months (reg 5(2) and (3)). The employer keeps an up-to-date record of every worker who has agreed (reg 4(2)). There is no opt-out for a young worker — over compulsory school age and under 18 (reg 2): no more than eight hours a day and 40 a week (reg 5A). A worker who refuses to sign, or who ends the agreement, must not be subjected to a detriment for it — employment rights legislation protects that. Reg 9: records adequate to show whether the weekly, young worker and night work limits were kept and the night worker health assessments offered, retained for two years. Holiday records (six years) are KD-HR-AL-002; the toolbox talk on fatigue is KD-TBT-SF-058. Written for Great Britain: the 1998 Regulations do not extend to Northern Ireland, which has its own working time regulations with different numbering.

1 THE WORKER

EMPLOYER	WORKER	PAYROLL NO.	JOB
AGED 18 OR OVER?	NIGHT WORKER?	REFERENCE PERIOD	NIGHT TIME USED
PERIOD STARTS			

2 AGREEMENT TO WORK MORE THAN AN AVERAGE OF 48 HOURS A WEEK

The worker does not have to sign this. A worker who refuses to sign it, or later ends it, must not be subjected to a detriment for doing so.

1. I agree that the limit in regulation 4(1) of the Working Time Regulations 1998 — an average of 48 hours' working time for each seven days, overtime included — does not apply to my work for the employer named in section 1.

2. This agreement lasts for the period I have ticked:

- ☐ Until I end it by notice under clause 3
- ☐ For a fixed period, between the dates below, unless I end it sooner under clause 3

FIXED PERIOD FROM

FIXED PERIOD TO

3. I can end this agreement at any time by giving my employer notice in writing. The notice period is seven days, unless a different period is written below — and that period cannot be more than three months.

NOTICE PERIOD, IF NOT SEVEN DAYS

4. This agreement is about the 48-hour average only. It does not take away my rest breaks, my daily and weekly rest, my paid holiday or the limits on night work, and it does not change any other term of my employment.

5. I have read this agreement. I understand I did not have to sign it, and I sign it because I choose to.

WORKER — SIGNATURE	DATE	RECEIVED FOR THE EMPLOYER — NAME AND ROLE	DATE RECEIVED
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An opt-out removes the 48-hour average for this worker. It does not make long hours safe: fatigue is still managed — shift length, consecutive long days, driving after long shifts.

3 ENDING THE AGREEMENT

NOTICE RECEIVED ON	NOTICE PERIOD	AGREEMENT ENDS ON	RECEIVED BY	LIST UPDATED ON
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4 THE EMPLOYER'S LIST OF WORKERS WHO HAVE AGREED (REG 4(2))

WHERE THE LIST IS KEPT	ADDED TO THE LIST ON	ADDED BY	KEEP THE LIST UNTIL
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Weekly hours, night work and rest — one worker, one reference period

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Reg 9: the employer keeps records adequate to show whether the 48-hour average (reg 4(1)), the young worker limits (regs 5A(1) and 6A), the night work limits (reg 6(1) and (7)) and the night worker health assessments (reg 7(1) and (2)) were kept, and retains them for two years; a record of each worker's daily hours is not needed if the employer can show those limits were kept without one (reg 9(3)). Rest periods and breaks (regs 10 to 12) are entitlements reg 9 does not list — the columns for them are how the employer shows the rest was given; a collective or workforce agreement can modify them (reg 23(a)) and reg 21 disapples them in some cases. Excluded days are annual leave, sick leave, maternity, paternity, adoption or parental leave, and days on which an opt-out applied (reg 4(7)). A week starts at midnight between Sunday and Monday (regs 5A(3) and 11(6)). For a reference period longer than 17 weeks, continue on a further copy of these pages.

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continued

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6 AVERAGE OVER THE REFERENCE PERIOD (REG 4(6))

Average weekly working time = (A + B) ÷ C. A is the working time in the reference period. B is the working time in the days worked immediately after the period, counting as many worked days as there were excluded days in it. C is the number of weeks in the reference period. The result must not exceed 48 unless the worker's agreement in section 2 is in force.

A — HOURS IN THE PERIOD	EXCLUDED DAYS	B — HOURS IN MAKE-UP DAYS	C — WEEKS	AVERAGE HOURS A WEEK	48 OR UNDER — OR OPT-OUT IN FORCE?	WORKED OUT BY / DATE

7 NIGHT WORKERS AND YOUNG WORKERS

Night worker only (reg 6(5)): average normal hours for each 24 hours = A ÷ (B - C), where A is the normal working hours in the reference period, B is the number of days in it, and C is the hours of weekly rest taken under reg 11 in it, divided by 24. The result must not exceed eight (reg 6(1)). The reference period is 17 weeks — successive 17-week periods where a relevant agreement provides, otherwise any 17 weeks (reg 6(3)).

A — NORMAL HOURS	B — DAYS IN THE PERIOD	C — WEEKLY REST HOURS ÷ 24	AVERAGE HOURS PER 24	EIGHT OR UNDER?	FREE HEALTH ASSESSMENT OFFERED BEFORE NIGHT WORK	REPEAT INTERVAL	LAST OFFERED — TAKEN OR DECLINED	OUTCOME FOR THE WORK	SPECIAL HAZARDS OR HEAVY STRAIN?

☐ Young worker: no more than 8 hours a day and 40 hours a week, counting work for any other employer (reg 5A) ☐ Young worker: no work in the restricted period — 10 p.m. to 6 a.m., or 11 p.m. to 7 a.m. where the contract provides for work after 10 p.m. (regs 2 and 6A)

EXCEPTION RELIED ON (REG 27 OR REG 27A(1)) — AND THE REASON

8 SIGNATURES

Log kept by:

PRINTED NAME	ROLE	COMPANY	SIGNATURE	DATE	TIME

Worker — the hours recorded are correct:

PRINTED NAME	ROLE	COMPANY	SIGNATURE	DATE	TIME

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continued

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R REVISION HISTORY

Every revision of this document, and every review that found nothing to change. The revision on the front of this sheet is the one you are holding — check kubitdocs.com for the current one before use.

Rev	Date	Class	What changed	Authorised by
D0	2026-09-12	first-issue	First issue.	— not yet approved —
A0	2026-09-12	review	Approved for issue by the author. Content unchanged from the reviewed draft; the draft status strip is removed. No independent third-party review has been carried out.	Author — director, UK principal contractor, SMSTS. Not an independent review.

Class: first-issue - material (the law, a control, a field or the scope changed — past buyers are notified) - editorial (wording or layout only) - review (checked, nothing changed) - withdrawal. Revision prefix D = draft, not approved and not for sale; A = approved for issue by the person named, on the date shown.