

Agreeing a change relevant agreements

Certain changes are allowed under The Working Time Regulations to better suit an organisation's needs.

The changes can be made through a 'relevant agreement'. A relevant agreement can be one of the following:

- a workforce agreement, which is made between the employer and employee representatives
- a collective agreement, which is made between a recognised trade union and the employer
- an agreement that can be legally enforced between an employee and their employer, for example an employment contract

A workforce agreement cannot be made if there's already a collective agreement on the same working time issue.

Working time rules that can be changed by a relevant agreement

A collective or workforce agreement can only be used to make certain changes or exclude certain rights under The Working Time Regulations.

If an employer excludes a right, they must continue to protect employees' health, safety and wellbeing.

A collective or workforce agreement can change or exclude the following working time rights:

- the 20-minute rest break for those who expect to work more than 6 hours in a day
- the daily rest of 11 hours in 24 hours
- the weekly rest of 24 hours in every 7 days or 48 hours in every 14 days
- the 17-week reference period for night work
- the average hours for night workers working with special hazards

The reference period for working out the 48-hour average maximum working week can be changed from 17 weeks to 52 weeks. A reference period is the length of time used when working out average working hours.

An agreement cannot make employees opt out of the 48-hour working week.

An employer cannot make any changes to [young workers' rights](#).

Reaching a workforce agreement

A workforce agreement can cover the whole workforce or a specific group of employees and workers.

It is made between an employer and employees' 'elected representatives'.

Electing employee representatives

To get employee representatives in place, the employer needs to set up an election process.

Employee representatives can be elected specifically for making the workforce agreement. The employer should provide training if needed.

So that the election process is fair, the employer must make sure that:

- employees who stand for election are affected by the workforce agreement when the election takes place
- affected employees are not stopped from standing for election
- affected employees are given the right to vote for employee representatives
- affected employees can vote for as many candidates as there are representatives to be elected – or as many candidates as there are representatives in their group, if there'll be representatives for particular groups of employees
- votes can be made secretly and counted accurately
- there are sufficient employee representatives elected to represent the interests of all affected employees
- there are enough representatives so that if one is not able to attend a meeting, for example because they're off sick, there will still be representation

If nobody wants to be elected as an employee representative, the employer should consult with the affected employees directly. This should be a last resort.

Making a workforce agreement valid

A workforce agreement on working time must be:

- in writing
- in place for a specific period that's not longer than 5 years
- clear on who it applies to, for example the whole workforce or a specific group of employees
- sent to everyone it affects with clear guidance explaining it

Before it comes into effect it must also be signed by either:

- everyone it affects
- all the elected representatives, if it was agreed through representation

If there are fewer than 20 employees in the organisation then either:

- a majority of the employees must sign
- all the representatives must sign