
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2016 No.

The Working Time Regulations (Northern Ireland) 2016

PART 2

Rights and Obligations Concerning Working Time

Length of night work

7.—(1) A night worker's normal hours of work in any reference period which is applicable, in the case of that worker, shall not exceed an average of eight hours for each 24 hours.

(2) An employer shall take all reasonable steps, in keeping with the need to protect the health and safety of workers, to ensure that the limit specified in paragraph (1) is complied with in the case of each night worker employed by the employer.

(3) The reference periods which apply in the case of a night worker are—

(a) where a relevant agreement provides for the application of this regulation in relation to successive periods of 17 weeks, each such period, or

(b) in any other case, any period of 17 weeks in the course of the night worker's employment.

(4) Where a worker has worked for an employer for less than 17 weeks, the reference period applicable, in the case of that worker, is the period that has elapsed since the worker started work for the employer.

(5) For the purposes of this regulation, a night worker's average normal hours of work for each 24 hours during a reference period shall be determined according to the formula—

$$\frac{A}{B - C}$$

where—

A is the number of hours during the reference period which are normal working hours for that worker;

B is the number of days during the reference period; and

C is the total number of hours during the reference period comprised in rest periods spent by the worker in pursuance of the worker's entitlement under regulation 13, divided by 24.

(6) An employer shall ensure that no night worker employed, by that employer, whose work involves special hazards or heavy physical or mental strain works for more than eight hours in any 24-hour period during which the night worker performs night work.

(7) For the purposes of paragraph (6), the work of a night worker shall be regarded as involving special hazards or heavy physical or mental strain if—

(a) it is identified as such in—

(i) a collective agreement, or

(ii) a workforce agreement,

which takes account of the specified effects and hazards of night work, or

- (b) it is recognised in a risk assessment made by the employer under regulation 3 of the Management of Health and Safety at Work Regulations (Northern Ireland) 2000⁽¹⁾ as involving a significant risk to the health and safety of workers.

⁽¹⁾ S.R. 2000 No. 388