
DRAFT STATUTORY INSTRUMENTS

2015 No.

The National Minimum Wage Regulations 2015

PART 5

Hours Worked for the Purposes of the National Minimum Wage

CHAPTER 3

Time work

The meaning of time work

30. Time work is work, other than salaried hours work, in respect of which a worker is entitled under their contract to be paid—

- (a) by reference to the time worked by the worker;
- (b) by reference to a measure of output in a period of time where the worker is required to work for the whole of that period; or
- (c) for work that would fall within sub-paragraph (b) but for the worker having an entitlement to be paid by reference to the period of time alone when the output does not exceed a particular level.

Determining hours of time work in a pay reference period

31. The hours of time work in a pay reference period are the total number of hours of time work worked by the worker or treated under this Chapter as hours of time work in that period.

Time work where worker is available at or near a place of work

32.—(1) Time work includes hours when a worker is available, and required to be available, at or near a place of work for the purposes of working unless the worker is at home.

(2) In paragraph (1), hours when a worker is “available” only includes hours when the worker is awake for the purposes of working, even if a worker by arrangement sleeps at or near a place of work and the employer provides suitable facilities for sleeping.

Training treated as hours of time work

33. The hours a worker spends training, when the worker would otherwise be doing time work, are treated as hours of time work.

Travelling treated as hours of time work

34.—(1) The hours when a worker is travelling for the purposes of time work, where the worker would otherwise be working, are treated as hours of time work unless the travelling is between—

- (a) the worker’s home, or a place where the worker is temporarily residing other than for the purposes of working, and
 - (b) a place of work or a place where an assignment is carried out.
- (2) In paragraph (1), hours treated as hours when the worker would “otherwise be working” include—
- (a) hours when the worker is travelling for the purpose of carrying out assignments to be carried out at different places between which the worker is obliged to travel, and which are not places occupied by the employer;
 - (b) hours when the worker is travelling where it is uncertain whether the worker would otherwise be working because the worker’s hours of work vary either as to their length or in respect of the time at which they are performed.

Hours not treated as time work

- 35.**—(1) The hours a worker is absent from work are not treated as hours of time work, except as specified in regulations 32 to 34.
- (2) The hours a worker spends taking part in industrial action are not hours of time work.
 - (3) The hours a worker spends taking a rest break are not hours of time work.
 - (4) A worker is not to be treated as taking a rest break during hours which, in accordance with regulation 34, are treated as hours of time work.