



Association of Surgeons of Great Britain and Ireland

SUGGESTED OPT-OUT AGREEMENT (4.8.2009)

The UK Government gives the following advice. See:

http://www.direct.gov.uk/en/Employment/Employees/WorkingHoursAndTimeOff/DG_10029426

Opting out of the 48 hour working week

If you are 18 or over and wish to work more than 48 hours a week, you can choose to opt out of the 48 hour limit. This must be voluntary and in writing. It can't be an agreement with the whole workforce and you shouldn't be sacked or unfairly treated (for example refused promotion or overtime) for refusing to sign an opt-out.

If you sign an opt-out, you have the right to cancel this agreement at any time by giving between one week and three months' notice. You can agree this notice period with your employer when you sign the opt-out. If no notice period is agreed then you only need to give one week's notice of cancellation. You can cancel an opt-out even if it's part of a contract you have signed.

Example of an opt-out agreement

I (name) agree that I may work for more than an average of 48 hours a week. If I change my mind, I will give my employer (amount of time - up to three months) notice in writing to end this agreement.

Signed

Dated

NOTES:

1. Individuals are currently permitted to opt-out of the 48-hour working week, up to a maximum of 56 hours. It is not possible to opt-out of the statutory rest periods.
2. For those wishing so to do, the above opt-out agreement should be submitted to your Trust HR Department, retaining a copy for your records.
3. Unpaid overtime that you have volunteered for (for example, staying late to finish something off) is not included within the 'working week' as defined by WTR.