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Travel and Working Time

On the 10th of September a recent ruling was announced by the European Court of Justice that is set to impact upon what should be classed as working time under the Working Time Regulations. The ruling states that employees who do not have a habitual workplace, otherwise known as peripatetic employees, are now considered to be 'working' when they are travelling to the first appointment and from the last appointment of their day.

The European Court of Justice reached this conclusion during the case of *Federacion de Servicios Privados vs. Tyco Integrated Security* (2015), where a Spanish security firm closed their offices in an attempt to save money and the employees had to commute to appointments from their own homes. A large number of employees raised a claim over the lack of pay for travelling time as they felt that if they were travelling for work it should be treated as work, regardless of whether or not they were travelling to or from home. The European Court of Justice agreed with them, and because the Court holds jurisdiction over the Working Time Regulations, this ruling will now affect the United Kingdom too.

Our Government is yet to issue a formal response to this ruling, however as we are legally bound under the Working Time Regulations we can assume that this will mean some changes for what can be considered working time.

So What Does This Mean for you?

Without an official Government statement on this subject you need to carry on as you normally would do for now. With regard to the future, we can only speculate on what this will mean in practice, but here are the most likely assumptions:

- Employees without a habitual workplace i.e. an office, warehouse, workshop etc. or employees based at home will have the journey time to their first appointment and from their last appointment considered as working time.
- This ruling is most likely to affect care workers (who visit people at home), plumbers, electricians, and gas fitters etc.
- Employers will be required to ensure that affected employees will have an eleven hour rest period between when they arrive home from their last appointment and when they leave their home for their first appointment; this is something that probably doesn't happen now.
- Employers will be required to ensure that affected employees, who haven't opted out of the Working Time Regulations, will not be working longer than an average '48 hour' week (over a 17 week reference period).

Once there has been a more definitive response from the Government we will be able to confirm whether or not our assumptions are correct, but in the meantime this should provide you with some guidance going forward.

For clarification of any of the above updates or for advice and guidance on any HR and/or Health and Safety Concerns contact us by emailing hradvice@hasslefreehr.co.uk or by calling 02476 664092.

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