

Sample Workforce Agreement¹

This agreement is made on the day of..... 200?

RECITALS

(1) (Company name) is in the business of road haulage (description of business).

(2) The Road Transport Working Time Regulations came into force on 2nd January 2006 and affect the manner in which mobile workers and the company together conduct the operation.

(3) (Company name) and the representatives of the workforce (group of workers) in a workforce agreement have agreed on behalf of the workforce to adopt the flexibility provided by the regulations in respect of the *nightwork limit/reference periods* for calculating the 48 hour average working time. (*delete as appropriate*).

PROVISIONS

1. Definitions

"the locations" shall mean (company name & address)

"the regulations" shall mean the European Communities (Organisation of Working Time of Persons Performing Mobile Road Transport Regulations 2005 (SI 2 of 2005) hereafter called the Road Transport Working Time Regulations 2006

"the mobile worker" shall mean mobile workers employed by XXXX Co
shall mean night workers as defined by the regulations employed by
(company name) at the stated location
(*delete as appropriate*)

"the Parties" shall mean the Company and the workforce

2. Scope of agreement

This agreement is made pursuant to Regulation 10 (2) (extend nightwork limit) and/or Regulation 5(3) xxx (set fixed calendar reference periods) and/or Regulation 5(4) xxx (extend reference period to a maximum of 26 weeks) of the Road Transport Working Time Regulations.(*modify as appropriate*)

3. Term of the agreement

This agreement shall remain in force for a period of years [maximum 5 years] from (date).....

4. Operative provision

4.1 The parties acknowledge and agree that the regulations will impact upon the manner in which the operation is conducted. The parties believe that it is in the benefit of both the Company and the Employees for certain of the provisions of the regulations to be extended or modified

4.2 Night work limit

The worker will work beyond the 10 hour night work limit stated in the regulations but only to the extent where this would not be in breach of other provisions of the regulation or EU Drivers' Hours Regulations 561/2006.

4.3 Reference period

4.3.1 For the purpose of calculating the 48 hour average the reference period shall be successive 26 week periods.

4.3.2 The first day of a 26 week reference period will begin at 00.00 hours on Monday. The reference periods that will apply mobile workers will be..... to and toThis pattern of fixed calendar reference periods will continue until this agreement is terminated

¹ This sample workplace agreement is being provided for guidance purposes only and is not an interpretation of the law or any legal requirements

5. Avoidance of doubt

For the avoidance of doubt the parties acknowledge and agree that save as specifically set out above the provisions of the regulations shall be of full force and effect.

Signed for and on behalf of
Company
[site location]

Signed for and on behalf of
[insert site location – employee representatives]