

Opting out of the 48-hour weekly limit

An employee can choose to work more than an average 48 hours a week. They can do this by signing a written agreement, known as an 'opt-out agreement'.

This agreement should be separate from the employment contract.

The employee does not have to agree to opting out of the legal limit. The employer should not treat the employee any differently if they do not opt out.

Example of an opt-out agreement

I [employee's 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 agreed] notice in writing to end this agreement.

Signed.....

Dated.....

If an employee changes their mind about opting out

An employee can choose to cancel an opt-out agreement. They must give their employer notice if they want to do this.

This notice period depends on what's written in the employment contract but can never be more than 3 months. If the contract says nothing about it, then legally the notice period is 7 days.

Pay for going over the weekly limit

By law, an employer does not have to offer higher pay than normal when someone works more hours because they've opted out.

Some employers choose to offer [overtime pay](#). If so, it must be written in the employment contract or agreed by both sides verbally.