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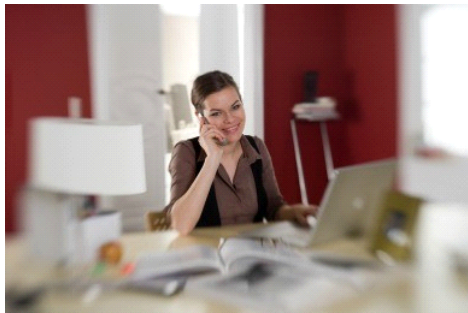
Unpaid overtime: your rights

By [Hannah Ricci](#), Jan 8, 2012

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PA

Employees are working an average 7.2 hours a week each in unpaid overtime, [figures from the TUC](#) reported this week.

Good news for businesses, but not so for staff who are effectively working for free. So what are your rights and what can you negotiate in return for this unpaid overtime?

Check your contract

Your employee rights regarding unpaid overtime depend upon what is outlined in your contract. If your contract of employment does not stipulate that you may be required to work outside your normal working hours without being paid overtime, you cannot be forced to do so, explains Anthony Sakrouge, Partner and Head of the Employment team at [Russell-Cooke Solicitors](#).

"Senior employees and most professionals have clauses in their contracts saying that they may be required to work such reasonable additional hours as the demands of their positions require. Many of these also contract out of their right to object if they are asked to work an average of more than 48 hours a week," adds Sakrouge. "The government could make it illegal to opt out of this right, as it is in other countries, but there seems to be little prospect that this will happen."

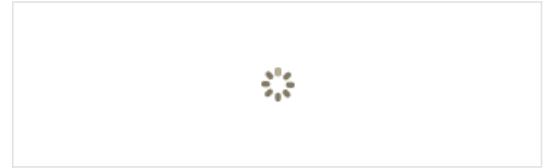
Working hours

Being requested to stay late or work through lunch to finish a specific project is a common occurrence in many workplaces, but if this happens too often you may have a case against your employer. Sakrouge explains: "If this happens regularly, the employee could bring claims for breach of the Working Time Regulations and/or constructive dismissal, particularly if they are only contracted to work set hours."

Where employees have a contractual right to be paid overtime, they can refuse to work additional hours without payment - even if the project is important and pressing, explains Sakrouge. A tricky situation arises if your contract does not state that you are required to work overtime – paid or unpaid – as in theory you can refuse, but it can affect your progress at work if you don't show willing to work above and beyond your responsibilities on occasion.

Raise the issue

If you feel like your boss is taking advantage of your willingness to work overtime, it is important to raise the issue at the earliest opportunity rather than carry on and grumble in silence.



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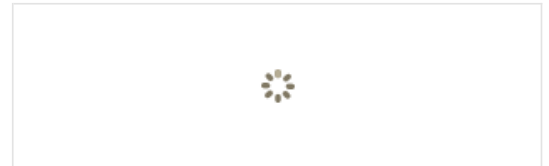
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"It is vital to remain calm and not to become angry or emotional," explains Jackie Keddy, co-author of [Managing Conflict at Work](#). "Really think before going in to speak and plan what you will say. Deliver your situation statement calmly and give an assessment statement with supporting evidence."

Voluntary overtime

Many employees will be familiar with the situation of feeling obliged to take a short lunch break or stay late as you don't want to appear to be not working as hard as eager colleagues. Of course if you carry out your duties well within your contracted working hours there may be no need to put in overtime. However, if you feel that your boss is treating you differently to other staff because of sticking rigidly to your contracted hours, bring the issue to light as soon as possible.

"Make a factual statement with incidents where you feel that this has occurred," advises Keddy. "Make your case with good objective reasons, demonstrate that you still deliver, perhaps more so when less tired and frazzled. By flagging this up it may assist an employer in actually seeing the merits and stop it happening."

Negotiate non-monetary benefits

Continued overtime and working beyond your responsibilities may trigger the issue of a pay rise – read our [guide on how to negotiate the tricky topic](#) with your boss. Another option is to discuss non-monetary benefits, such as more annual leave, flexible working, gym membership or private health care, in return for working unpaid overtime. If colleagues are in a similar position, discuss the issue together and approach your boss with a group proposal.

"A good way to highlight the merits of non-monetary benefits is to actually echo and appreciate the pressures that the employer is under," suggests Keddy. "For example, approach with: 'We understand the pressures you are facing. We know how tight budgets are. We are aware that we all need to work longer hours. Would we be able to take some time off in lieu, if we work make sure that there is always enough cover?'"

Explain the benefits to the company of your proposal. "Employees could present the subject of letting staff having time off in lieu or more leave, for example, by explaining that they will feel more valued, perform better and be far less tired," explains Keddy. "Put across the importance of feeling that there is compromise on both sides and being fairly treated."

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Bazza

wow! so i can claim back 8.5 hours a week in wages for the last seven years! cool! without losing my job? wow! can i also claim for being below minimum wage for the last seven years! without losing my job! wow! cool! so now i can take my employers to a tribunal for discrimination, bullying & vitimisation. fantastic. Can somebody borrow me £1700 that this Government has just introduced - so i can take my employers to court! wow! just wow!

13 hours ago



ppaper70

+1

No doubt staff work in excess of their contracted hours however it is human nature to perhaps arrive late or leave a little early when time permits.
Normally if the boss is reasonable then that filters down to his/her staff and there is a reasonable working relationship.
I suppose that people who knock it are those that haven't been in a position to manage staff and carry a chip on their shoulder..

13 hours ago



ccantsdam

Don't want to help your colleagues and the company you work for succeed? Fine. Go take your militant and inflexible work attitudes elsewhere and let some other company employ you. Too many times have i heard people at the point of interview state that they are flexible and keen to help win orders and meet deadlines, only to see them later pointing at their wristwatches and shaking their heads when asked to help out. Too many rights for the employees and not enough help for the employer in this country.

14 hours ago

2 replies to ccantsdam's comment



stephevn8

-3

So you'll be pleased if Cameron, Clegg, Cable & Co. carry on with their masterplan to return this country to the Victorian era then.....

Employment rights used to exist for the benefit of both the employee and the employer. You know - "good working relations". Thatcher started to erode those, and now the coalition seem to be bent on finishing her plan. This latest one (shareholders to have a say on pay awards) just goes to show you exactly which side the Government is on.

13 hours ago



frankfrankregan

-1

PRAT,you are the type of employer(if indeed you are one) who expects staff to give 100% to your company when times are bad and then give bugger all back extra to those staff when profits are up again,you are also probab;y the type who is described behind your back as not even capable of managing a fart in a spacesuit!

12 hours ago

