

***Example**: an employee works full time, on the basis of summarised working time. The length of the calculation period is one month. In January 2021, the employee worked five days per week and 12 hours per day, ie a total of 240 hours (20 × 12 = 240). The employee worked an average of 54.2 hours per seven-day period (240/31 x 7=54.2). The time limit for working has been violated, as it exceeds 48 hours. The employee could have worked a maximum of 212.6 hours (31/7 x 48=212.6).*

Questions about working life?

The Labour Inspectorate knows the answers!

LOOK

at the website of the Labour Inspectorate at **ti.ee**
and the Work Life portal **tooelu.ee**

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Working and rest time

Working time

The duration of the employee's working time must be agreed upon in the employment contract. The parties may agree to apply full-time or part-time work. An employee works **full time** for an estimated **eight hours** a day and **40 hours** over a seven-day period. An employee works **part-time** for an estimated **four hours** a day and **20 hours** over a seven-day period.

If employee working time is not evenly distributed during the calculation period, the employment contract shall agree on the application of summarised working time and the length of the calculation period. Summarised working time means that working hours may be distributed differently in a certain unit of time, i.e. working according to a schedule. For example, in the course of one month an employee may work six hours a day in one week and ten hours a day in another week. In the case of summarised working time, the calculation period can be up to four months and working time is calculated at the end of the calculation period. The end of the calculation period also reveals the employee's overtime and under-hours.

The employer is obliged to ensure the agreed working and rest time and keep account of working time. This means that when preparing the working time schedule, the employer must make sure that it corresponds to the working and rest time requirements and limits of employees.

Breaks during the working day

Employees must be given a rest break during the working day for meals and rest. After working for six hours, the employee has the right to rest for at least 30 minutes, but the employer may give the employee a 30-minute break earlier. This break is within the working day and is generally not included in working time. Breaks during the working day are not considered working time, unless due to the nature of the work it is impossible to give a break and the employer gives an employee the opportunity to rest and dine during working time.

Daily rest time

The employee must be given 11 consecutive hours of rest during a 24-hour period. This means that employees can work a maximum of 13 hours with overtime in one shift.

An employer shall give an employee who works more than 13 hours over a 24-hour period additional time off immediately after the end of the working day, equal to the number of hours by which the 13 working hours were exceeded. For example, if an employee's shift work was 24 hours, they must then be given 22 hours of rest (11 hours of daily rest + 11 hours for exceeding the 13-hour limit).

Weekly rest time

The employee must rest for at least 48 consecutive hours a week. In the case of summarised working time, the employee must be able to rest for at least 36 consecutive hours a week. In the case of summarised working time, the weekly rest period is regulated by the schedule and may be on different days, as employees can also work on Saturdays and Sundays. The employer may consider the start of the first shift of the period observed to be the start of the seven-day period.

Daily rest time is not part of weekly rest time and must precede it. This means that, at least once in a seven-day period, employees must be given daily rest time and weekly rest time consecutively: 11 hours + 36 or 48 hours = a total of 47 or 59 hours.

General working time limit

The summarised working time must not exceed on average 48 hours per a period of seven days over a calculation period of up to four months. This is a general working time limit, which must be followed when working on the basis of both standard and summarised working time.

Working time can be up to 52 hours only by (verifiable) agreement of the parties, if the agreement is not unreasonably harmful to the employee and separate records are kept. The employee has the right to cancel the agreement at any time by giving two weeks' notice.