

6. Awareness and Knowledge of Working Time Legislation

Key findings:

A quarter of respondents named the Working Time Regulations as an example of employment legislation (unprompted, or after being given another example of employment legislation) — this is a larger proportion than named any other employment law or right.

Nearly three quarters of respondents, when directly asked, reported having been aware of the Working Time Regulations prior to the survey.

Substantive knowledge of the provisions of the Working Time Regulations varied between the provisions. Between 7 per cent and about a third of respondents who were aware of the Working Time Regulations were able correctly to answer a question about a specific provision.

Faced with three scenarios describing possible breaches of legislation in this area, between 70 and 85 per cent of respondents identified employer actions as unlawful. The extent to which that identification was apparently founded on knowledge of the provisions in question was, however, extremely variable between the scenarios.

Respondents who assessed themselves as being well informed and knowledgeable about employment law in general did, in practice, tend to exhibit higher than average levels of awareness and knowledge about working time legislation.

Examination of the relationship between respondents' awareness/knowledge of working time legislation and their personal characteristics revealed few clear patterns. In particular:

- There is no consistent pattern by age, although whites and men exhibit higher levels of awareness and substantive knowledge of the working time legislation than non-whites and women respectively.
- Although awareness of the working time legislation tends to be higher among better qualified people, this is not reflected in higher levels of substantive knowledge of the details of the legislation or in a greater likelihood of identifying the unlawfulness of particular scenarios relating to working time.

Similarly, awareness and knowledge of the working time legislation tend not to vary significantly with the characteristics of respondents' jobs:

- Perhaps surprisingly, there is no clear evidence of such awareness/knowledge varying with respondents' working time patterns. Thus although prompted awareness of the legislation tends to be higher among those working longer hours, as does substantive knowledge of some aspects of the legislation, this is not the case for unprompted awareness, nor indeed with regard to respondents' perception of the lawfulness or otherwise of situations relating to working time.
- Similarly although managerial and white collar employees tend to exhibit higher levels of awareness of the legislation and a greater propensity to identify unlawful situations, they do not generally exhibit greater levels of substantive knowledge of the details of the legislation.
- Apart from some tendency for employees in the smallest establishments to be less aware and knowledgeable of the working time provisions, there is no clear relationship with employment size.
- While permanent employees are more likely than temporary staff, and union members more likely than non-members to perceive an infringement of working time legislation, there is no consistent evidence that these groups have higher than average levels of awareness and knowledge of this legislation.

It does, however, appear to be the case that the minority of employees who report having experienced an infringement of their rights with regard to working time, are also considerably more knowledgeable than average about the details of the working time legislation.

The majority of respondents (around four in five, depending on the situation) faced with what they perceive to be an infringement of their rights with regard to working time, claim that they would take action in such circumstances.

In this chapter we present findings related to various measures of respondents' awareness and knowledge of working time legislation, particularly the provisions of the *Working Time Regulations 1998*. Once again¹, we start with informed awareness (unprompted or partly prompted), and move on to prompted awareness, before looking at respondents' substantive knowledge of aspects of working time legislation, and concluding with an examination of their responses to three hypothetical situations or 'scenarios' relating to violations of working time legislation.

¹ For further explanation of the different definitions of 'awareness' and 'knowledge' deployed in this chapter, and throughout the report, see Chapter 2.

6.1 Informed awareness (unprompted/partly prompted)

In this section we examine the responses to the question:

'Can you tell me of any laws that protect your rights at work?'

focusing on responses where the individual named a law relating to working time legislation, either unprompted, or after an example of such a right was given.

As Table 3.5 in Chapter 3 showed, the Working Time Directive was, in fact, the piece of legislation most commonly named by respondents in response to this question (unprompted or partly prompted). Nearly a quarter of respondents were able to cite this legislation.

In Tables 6.1 to 6.3, therefore, we present a more detailed breakdown of this group of respondents, looking at their personal and employment characteristics, as well as whether they had had prior experience of employment problems.

Table 6.1: Informed awareness of working time legislation by personal characteristics

Personal characteristic	Informed awareness (unprompted/partly prompted) (%)	
	Named a right related to working time	Unweighted base (n = 100%)
Gender (%)		
Male	24.6	444
Female	24.1	556
Ethnic origin (%)		
White	25.6	949
Non-white	5.6	45
Age (%)		
16-25	23.4	139
26-35	24.7	273
36-45	28.1	276
46-55	24.6	228
56-64	11.1	81
Highest qualification (%)		
No qualifications	12.2	150
NVQ 1	11.5	96
NVQ 2	25.8	221
NVQ 3	25.5	173
NVQ 4	28.3	283
NVQ 5	33.8	66

Note: all percentages are row percentages.

Looking first at personal characteristics (Table 6.1):

- There is no difference in informed awareness of working time legislation by gender.
- Whites are more likely than non-whites to be aware of the working time legislation.
- Awareness increases with age up to the 36-45 age range, and then declines, before falling sharply in the oldest (56 plus) age range.
- Awareness of the working time legislation increases with educational level, such that those qualified to NVQ Level 5 or equivalent are nearly three times as likely to be aware of the legislation than those with NVQ Level 1 or less.

Table 6.2 looks at how this measure of informed awareness of working time legislation varies with the characteristics of respondents' jobs, and shows the following:

- In line with the educational patterns recorded above, there is some tendency for those in higher level managerial and professional occupations to record higher awareness levels than those in manual and less skilled areas. As with many employment rights, however, it needs to be borne in mind that a high level of awareness among managerial employees may reflect their needing to be aware of or understand such legislation in their role as managers.
- There is some sectoral variation as well, with the highest levels of awareness in business and financial services, distribution, catering *etc.*, and the lowest levels recorded in primary and extractive and other services. It is possible that awareness here is influenced by working time patterns in the different sectors — thus, for example, high levels of awareness in catering and distribution may reflect the prevalence of long hours or particular shift patterns in those sectors. More detailed analysis at enterprise level would, however, be necessary to explore these issues in more depth.
- There is no consistent or clear variation in awareness by establishment size.
- Temporary workers have higher levels of unprompted/partially prompted awareness of working time legislation than their permanent colleagues. Again, the reasons for this are not wholly clear, but it is possible, for example that some of the rights granted in the Working Time Regulations (*eg* entitlement to paid leave) are of particular concern to some groups of temporary staff.
- Union members are less likely than non-union members to cite the Working Time Regulations (unprompted or partly prompted).
- There is no clear variation by working time.

Table 6.2: Informed awareness of working time legislation by employment characteristics

Employment characteristic	Informed awareness (unprompted/partly prompted)	
	Named a right related to working time (%)	Unweighted base (n =100%)
Occupation (%)		
Managerial/admin	36.6	183
Professional/technical	23.2	196
Assoc. professional/technical	29.6	96
Clerical/secretarial	18.2	158
Craft/skilled manual	18.4	84
Personal/protective services	17.8	71
Sales	23.8	69
Plant/machine operatives	23.4	28
Other unskilled	20.6	101
Sector (%)		
Primary & extractive	10.5	21
Manufacturing, utilities & construction	24.5	198
Distribution, catering, transport <i>etc.</i>	26.4	234
Business and financial services	28.7	99
Public admin, education and health	21.0	313
Other services	18.3	68
Size of workplace (employees) (%)		
Under 15	23.8	173
15-49	17.7	198
50-199	25.2	211
200-499	26.6	123
500-1999	20.7	105
2000+	28.4	91
Employment status (%)		
Permanent	23.5	885
Temporary	31.0	102
Working time (%)		
Under 16 hours p.w.	24.1	75
16-34 hours p.w.	15.7	174
35 + hours p.w.	25.8	751
Union membership (%)		
Member	19.9	333
Non- member	26.2	642

Note: all percentages are row percentages.

Finally in this section, Table 6.3 shows that those with experience of problems at work, in relation to working time are more likely to mention the Working Time Regulations (unprompted or partly prompted) than are respondents who have had work problems in relation to other areas or employment rights, or those who have had no such problems.

Table 6.3: Informed awareness of working time legislation by experience of problems at work relating to this area of law

Experience of problem in relation to working time	Informed awareness (unprompted/partly prompted)	
	Named a right related to working time (%)	Unweighted base (n =100%)
Had experience of this area of law	37.9	31
Experienced problems but not with this area of law	26.5	133
No problems with employment law	23.6	836

Note: all percentages are row percentages.

6.2 Informed awareness (prompted)

Following the unprompted and partly prompted awareness questions reported in the previous section, respondents were asked, in each area of legislation, a direct question about their awareness of one specific piece of legislation in that area.

In the area of working time, the piece of legislation chosen to test prompted awareness was the Working Time Regulations. Thus, respondents were asked:

'Another employment right covers annual leave, in-work rest breaks and puts a limit on the number of hours people can be made to work each week. Were you aware of that right?'

As reported in Chapter 3 (Table 3.6), 72 per cent of respondents claimed prior awareness of the Working Time Regulations, when asked this direct question. In this section, we look at the personal, employment and experiential characteristics of these individuals (in Tables 6.4 to 6.7).

Looking first at personal characteristics (Table 6.4), it can be seen that:

- men are more likely to be aware of the Working Time Regulations than women
- a higher proportion of white than non-white respondents report awareness of the Working Time Regulations

Table 6.4: Prompted awareness of working time legislation by personal characteristics

Personal characteristic	Prompted awareness	
	Aware of working time legislation	Unweighted base (n = 100%)
Gender (%)		
	Male	75.8
	Female	67.5
Ethnic origin (%)		
	White	72.7
	Non-white	63.0
Age (%)		
	16-25	66.0
	26-35	66.9
	36-45	77.3
	46-55	77.1
	56-64	69.9
Highest qualification (%)		
	No qualifications	56.1
	NVQ 1	68.2
	NVQ 2	71.8
	NVQ 3	76.5
	NVQ 4	76.6
	NVQ 5	75.4

Note: all percentages are row percentages.

- there is some tendency for awareness of the working time legislation to increase with age, being higher in the 36-55 age ranges, than in the 16-35 ranges, although awareness declines again in the oldest (56 plus) age group
- awareness also tends to increase with educational level, such that those with no qualifications are least likely to name the working time legislation in response to this question, and those who are qualified to NVQ Level 3 or above are most likely to report awareness.

Table 6.5 looks at awareness of the working time legislation by the characteristics of the respondent's job, and key points from the table are as follows:

- There is no strong variation in awareness by occupational level, although there is some tendency for 'white collar' occupations (managerial, professional, technical, clerical *etc.*) to record higher levels of awareness than the manual and lower skilled occupations.

Table 6.5: Prompted awareness of working time legislation, by employment characteristics

Employment characteristic	Prompted awareness	
	Aware of working time legislation	Unweighted base (n = 100%)
Occupation (%)		
Managerial/admin	80.1	183
Professional/technical	79.3	196
Assoc. professional/technical	84.7	96
Clerical/secretarial	73.9	158
Craft/skilled manual	66.4	84
Personal/protective services	55.6	71
Sales	58.3	69
Plant/machine operatives	76.3	28
Other unskilled	61.9	101
Sector (%)		
Primary & extractive	84.2	21
Manufacturing, utilities & construction	71.6	198
Distribution, catering, transport <i>etc.</i>	69.9	234
Business and financial services	69.1	99
Public admin, education and health	78.2	313
Other services	66.1	68
Size of workplace (employees) (%)		
Under 15	59.2	173
15-49	71.4	198
50-199	77.3	211
200-499	79.2	123
500-1999	78.4	105
2000+	78.0	91
Employment status (%)		
Permanent	72.7	885
Temporary	70.5	102
Working time (%)		
Under 16 hours p.w.	48.1	75
16-34 hours p.w.	67.2	174
35 + hours p.w.	74.7	751
Union membership (%)		
Member	79.1	333
Non- member	68.7	642

Note: all percentages are row percentages.

- In sectoral terms, the highest level of awareness is in the primary and extractive sectors (although small cell sizes dictate caution here, particularly given the contrast between this finding and the finding for unprompted/prompted awareness, presented above), followed by the public administration, education and health sectors.
- There is a relationship with workplace size — those in the smallest workplaces (fewer than 15 employees) are least aware of the working time legislation, while those in workplaces with 200 or more employees have the highest reported level of awareness.
- Permanent employees are slightly more likely than temporary employees to be aware of the legislation; and not surprisingly, awareness of the legislation appears to increase significantly with the number of hours worked per week by the respondent (this differs from the pattern observed for unprompted/prompted awareness above, where there was no clear pattern by working time).
- Finally, union members are more likely to be aware of the legislation than non-members (this more intuitive result, again contrasts with that for unprompted/prompted awareness above).

Finally, Table 6.6 shows that there is no clear relationship between experience of problems at work, and prompted awareness of the working time legislation. Thus although respondents with experience of problems at work which relate to their employment rights are slightly more likely than others to report awareness of working time legislation, those who have had specific problems in relation to working time are actually slightly less likely to report awareness than those who have experienced problems in other areas of employment law.

Table 6.6: Prompted awareness of working time legislation, by experience of problems at work relating to this area of law

Experience of problem in relation to working time	Prompted awareness	
	Aware of working time legislation	Unweighted base (n = 100%)
Had experience of this area of law (%)	72.4	31
Experienced problems but not with this area of law (%)	75.6	133
No problems with employment law (%)	71.8	836

Note: all percentages are row percentages.

6.3 Substantive knowledge

In this section we present the results of the substantive knowledge-testing questions, which were asked of respondents who had already responded to a prior question indicating that they had been aware of the particular employment right, their knowledge of which was being tested (in this case, the Working Time Regulations).

6.3.1 Details of the knowledge-testing questions

Five detailed knowledge questions were asked (four open questions and one multiple choice), covering the main provisions of the Working Time Regulations, and the responses to each of these are summarised in Table 6.7 below.

It is interesting to note, among those who got the answer wrong, that in three of the five cases (maximum weekly working hours, daily in-work rest break entitlement, and weekly rest break entitlement) the majority assumed that the provision was *more generous* to the employee than is in fact the case. In the other two cases (entitlement to hours off in a 24 hour period, and entitlement to paid annual leave), the majority believed the provision was *less generous* than it actually is. The details are set out below.

Maximum weekly working hours

Thirty per cent of those asked the question about the average maximum weekly working hours (*ie* those who were already aware of the Working Time Regulations), gave a response within one hour of the correct response (48 hours); around 60 per cent gave an incorrect answer, and the rest did not know. The majority of those giving an incorrect answer, *under-estimated* the working hours limit (*ie* they thought that the maximum average working time under the Working Time Regulations was less than 48 hours).

Hours off, in a 24 hour period

A similar proportion gave the correct answer (11 hours — to within one hour) to the question regarding the right to time off during a 24 hour period. A higher proportion (almost a third of those aware of the Working Time Regulations) did not know the answer to this question, and among the approximately 40 per cent who got the answer wrong, the majority *under-estimated* workers' entitlement to daily time off.

Table 6.7: Details of knowledge questions for working time legislation

Question	Question type	Response option	% of those asked question	% of total sample
Please tell me what you think the average weekly limit is for working hours. (limit on working hours)	Open	Underestimate	50.1	37.3
		Correct answer (48 to within one hour)	30.4	22.7
		Overestimate	8.6	6.4
		Don't know	11.1	8.3
		Unweighted base (N =100%)	743	1000
There is also a right within any 24 hours to a set number of hours off, please tell me how many hours you think this is. (daily hours off)	Open	Underestimate	36.8	26.9
		Correct answer (11 to within one hr.)	26.1	19.1
		Overestimate	5.8	4.3
		Don't know	31.3	22.9
		Unweighted base (N =100%)	743	1000
Workers have the right to a number of weeks of paid leave each year. How many weeks is this? (annual leave)	Open	Underestimate	32.0	23.4
		Correct answer (4)	32.7	24.0
		Overestimate	10.6	7.7
		Don't know	24.8	18.2
		Unweighted base (N =100%)	743	1000
After working a certain number of hours in one day, employees are entitled to an in work rest break. How many hours have to be worked? (in work rest break)	Open	Underestimate	72.6	53.2
		Correct answer (6)	6.8	5.0
		Overestimate	6.6	4.8
		Don't know	13.9	10.2
		Unweighted base (N =100%)	743	1000
Workers are entitled to a weekly rest break. Is this...? (weekly rest break)	Multiple choice (3 options)	2 days a week	29.9	21.9
		2 days over a fortnight	19.9	14.5
		3 days over a fortnight	12.1	8.8
		Don't know	38.2	28.0
		Unweighted base (n = 100%)	736	1000

Note: the number of respondents to the first question differs slightly from the numbers to the subsequent questions, because those who responded 'don't know' to the first question, and who had also responded 'don't know' to the prior question about awareness of the Working Time Regulations, were not asked the subsequent questions (see questionnaire in Appendix 4).

Paid annual leave

More respondents (nearly a third) answered the question regarding the minimum statutory entitlement to paid leave correctly (four weeks per year) than answered any of the other substantive knowledge questions about working time correctly. Around 45 per cent got the answer wrong, the majority *under-estimating* the minimum entitlement.

Daily rest break

The working time question which was answered correctly least often (by only seven per cent of respondents) related to the number of hours worked in a day, after which employees are entitled to an in-work rest break (the correct answer is six). Nearly 80 per cent of respondents attempted an answer, and got it wrong, most of whom *under-estimated* the number of hours after which a rest break is mandatory.

Weekly rest break

Finally, just under one in five respondents knew that workers are entitled to a weekly rest break, which must amount to at least 2 days a fortnight. Given that this was a multiple choice question, with three options, the proportion getting it right was smaller than one would expect if they were answering randomly. Of the 42 per cent who gave an incorrect answer, the majority (just under two thirds) thought that the provision was *more generous* to the employee (*ie* two days a week)

6.3.2 Substantive knowledge by self assessed awareness/knowledge

In Table 6.8 we compare respondents' self-assessments of their levels of awareness and knowledge about employment rights in general, with their levels of knowledge about working time legislation in particular.

In most cases there is a broad, if not very strong, relationship in the expected direction, and substantive knowledge of the features of the working time legislation is generally highest among those who rate themselves as well-informed and knowledgeable. The exception is the entitlement to annual leave, the question relating to which is answered correctly most often by those in the 'not well informed and not interested category', but the small numbers in this category dictate caution.

Table 6.8: Knowledge of working time legislation by self assessed awareness/knowledge combined

Self assessed awareness/knowledge	Limit on working hours		Substantive knowledge				Unweighted base
	Correct	Unweighted base	Daily hours off	Annual leave	In-work rest break	Weekly rest break	
			Correct	Correct	Correct	Correct	
Well informed and knowledgeable (%)	33.5	145	32.8	43.7	9.8	18.7	144
Well informed but could know more (%)	31.0	397	26.9	25.9	7.2	21.4	394
Not well informed and could know more (%)	25.5	182	19.0	38.0	4.7	17.5	179
Not well informed and not interested (%)	29.4	19	29.4	52.9	*	*	19

*Note: percentages are row percentages.
* = fewer than five respondents in cell.*

6.3.3 Substantive knowledge by individual characteristics

This section looks at how substantive knowledge about individual aspects of working time legislation varied with respondents' personal and employment characteristics and their prior experience of problems at work.

Personal characteristics

Looking first at respondents' personal characteristics, key features (shown in Table 6.9) are:

- Men are generally more likely than women to exhibit substantive knowledge about most aspects of the working time legislation.
- In all cases, white respondents were more likely to give the correct answer to the questions on specific aspects of working time legislation than non-white respondents.
- There was no consistent pattern by age in substantive knowledge of these rights.
- There was no consistent variation in substantive knowledge by educational level across the five aspects of the working time legislation examined.

Table 6.9: Knowledge of working time legislation by personal characteristics

Personal characteristics	Limit on working hours		Substantive knowledge				Unweighted base
	Correct	Unweighted base	Daily hours off	Annual leave	In-work rest break	Weekly rest break	
	Correct	Unweighted base	Correct	Correct	Correct	Correct	Unweighted base
Gender (%)							
Male	37.5	343	27.6	26.2	6.4	21.8	341
Female	19.8	400	23.9	23.9	7.6	16.9	395
Ethnic origin (%)							
White	31.3	708	26.8	33.5	7.2	20.2	701
Non-white	6.1	29	14.7	17.6	2.9	17.6	29
Age (%)							
16-25	14.5	93	23.4	39.1	9.7	15.2	92
26-35	29.3	197	26.6	32.3	6.3	19.8	194
36-45	36.9	215	23.7	29.3	7.2	19.1	214
46-55	37.9	179	28.2	33.7	7.4	18.8	178
56-64	11.5	57	24.0	35.3	2.0	29.4	56
Highest qualification (%)							
No qualifications	18.6	93	13.8	29.8	3.6	15.8	91
NVQ 1	37.3	60	21.3	19.7	1.7	21.7	60
NVQ 2	26.7	168	31.0	39.2	7.2	22.0	167
NVQ 3	28.7	128	28.3	40.7	5.9	15.4	125
NVQ 4	35.5	232	23.2	27.9	9.5	20.2	231
NVQ 5	34.6	54	34.0	25.0	3.9	22.6	54

Note: all percentages are row percentages.

Employment characteristics

As far as employment characteristics are concerned (Table 6.10), the dominant finding is that, with very few exceptions, there is no clear tendency for substantive knowledge of the working time provisions to vary with the job or workplace characteristics. In particular:

- There are no strong or consistent patterns of variation in substantive knowledge of working time provisions by respondents' occupational level. Thus, for example, although in most cases, knowledge of the provision is more widespread than the average among managers/administrators, this group did not give the highest proportion of correct responses to any of the five questions, and in each case, the highest proportion was to be found in a different occupational group.

Table 6.10: Knowledge of working time legislation by employment characteristics

Employment characteristics	Limit on working hours		Substantive knowledge				Unweighted base
	Correct	Unweighted base	Daily hours off	Annual leave	In-work rest break	Weekly rest break	
Occupation (%)							
Managerial/admin	39.7	156	29.8	42.9	9.9	22.0	156
Professional/technical	28.6	161	25.9	27.7	5.4	16.8	160
Assoc. professional/technical	33.3	80	30.9	30.5	10.6	22.6	80
Clerical/secretarial	18.4	113	21.3	39.2	10.8	19.6	112
Craft/skilled manual	28.7	62	30.7	16.9	2.7	22.4	60
Personal/protective services	35.8	40	19.6	54.0	6.0	23.5	39
Sales	10.7	41	27.7	26.5	6.1	16.7	40
Plant/machine operatives	50.0	20	20.7	21.1	1.8	10.2	20
Other unskilled	19.1	62	24.4	34.1	0.0	22.0	61
Sector (%)							
Primary & extractive	28.9	16	26.7	31.3	*	*	16
Manufacturing, utilities & construction	41.1	141	35.3	20.7	6.3	20.5	139
Distribution, catering, transport etc.	32.5	174	23.0	37.4	7.1	16.6	171
Business and financial services	26.5	73	22.4	38.8	6.1	21.2	73
Public admin, education & health	27.0	244	22.7	31.9	6.1	19.2	124
Other services	27.8	45	37.5	46.2	14.6	27.5	45
Size of workplace (employees) (%)							
Under 15	18.9	112	15.9	32.2	3.3	17.6	112
15-49	34.2	137	25.5	37.3	8.7	30.2	135
50-199	40.2	170	27.3	31.9	8.6	15.5	168
200-499	26.9	98	36.5	29.6	6.1	19.1	96
500-1999	38.6	81	25.8	30.7	9.0	16.9	81
2000+	33.9	76	28.1	33.8	3.1	18.5	76
Employment status (%)							
Permanent	32.9	666	27.3	32.5	7.4	19.2	660
Temporary	15.2	69	18.0	36.3	3.3	24.2	68
Working time (%)							
Under 16 hours p.w.	19.2	43	7.6	48.1	7.4	21.4	43
16-34 hours p.w.	11.6	118	22.6	28.3	7.7	22.6	116
35 + hours p.w.	33.7	582	27.5	32.7	6.6	19.4	577
Union membership (%)							
Member	34.1	269	27.3	30.0	8.5	18.5	266
Non-member	29.1	458	26.3	35.3	6.0	20.7	454

Note: percentages are row percentages.
 *= fewer than five respondents in cell.

- There are, similarly, no clear or consistent patterns in substantive knowledge of these provisions by sector of employment or size of workplace (although as far as the latter is concerned, in most cases those in the very smallest workplaces are less likely to exhibit substantive knowledge of the provisions than those in larger workplaces).
- Permanent employees are more likely to answer the substantive questions correctly in three of the five cases.
- Two of the questions which relate most directly to working hours (the weekly maximum and the daily entitlement to hours off) are more likely to be answered correctly by full time employees, but there is no clear pattern to the other three.
- Finally, there is no clear tendency for union members to exhibit greater knowledge levels than non-members. In only three out the five questions did more members than non-members get the answer right.

Experience of problems at work

As Table 6.11 shows (although there are relatively small numbers in this category), having had previous experience of problems at work relating to rights under working time legislation is associated with a greater (sometimes substantially greater) likelihood of answering correctly the substantive knowledge questions about working time legislation.

Table 6.11: Knowledge of working time legislation by experience of problems at work

Experience of problem	Limit on working hours		Substantive knowledge				Un-weighted base
	Correct	Un-weighted base	Daily hours off	Annual leave	In-work rest break	Weekly rest break	
			Correct	Correct	Correct	Correct	
Had experience of this area of law (%)	40.9	21	31.8	47.6	22.7	36.4	21
Experienced problems but not with this area of law (%)	32.0	98	14.0	36.0	3.1	15.0	98
No problems with employment law (%)	29.8	624	27.7	31.7	6.8	20.1	617

Note: all percentages are row percentages.

6.4 Perception of entitlements (scenarios)

As in the other areas of employment legislation, respondents were presented with a series of three scenarios relating to hypothetical breaches of rights in the broad area of working time, and asked to identify whether the action in question was lawful or not. The three areas were as follows:

Annual leave

A friend of yours is told by their employer that, due to a fall in profits at the organisation, his annual holiday entitlement will be cut from four weeks to three weeks a year.

Sick pay

A friend becomes ill, and is signed off sick by their doctor for 2 weeks. Their employer tells them that they won't be paid for any of this time off.

Working hours

Your friend works in a factory where the official working week is 45 hours. However, people have always worked more like a 50 or 60 hour week, despite the fact that they get the same wage regardless of the number of hours they work. Wages at the factory have always been considered good. The employer decides to limit the working week to 48 hours in line with recent legislation, but tells your friend that his salary will also have to be cut.

6.4.1 Extent to which respondents identified scenarios as unlawful

As Table 6.12 shows, the vast majority of respondents (85 per cent) identified the hypothesised cut in annual leave entitlement as unlawful. Somewhat smaller, but still substantial majorities also identified the other two scenarios as unlawful.

Table 6.12: Perception of entitlement re: working time legislation

Perception of entitlement	Scenario concerned		
	Annual leave (%)	Sick pay (%)	Working hours (%)
Identified as unlawful	84.6	74.3	70.9
Unable to identify as unlawful	15.4	25.7	29.1
Unweighted base (n = 100%)	213	186	190

6.4.2 Perception of entitlement by self assessed awareness/knowledge

Table 6.13 compares self-assessed general awareness and knowledge of employment rights, with respondents' perceptions of the lawfulness of the three scenarios relating to working time. As far as two of the three scenarios are concerned (those relating to annual leave entitlement, and the entitlement to salary while on sick leave), the pattern is broadly in the expected direction — *ie* those who assess themselves as well informed and knowledgeable, are more likely to identify the scenario described as unlawful. This pattern is not, however, in evidence with regard to the third scenario (relating to the lawfulness of a reduction in wages associated with compliance with the Working Time Regulations limit on the working week).

Table 6.13: Perception of entitlement re: working time legislation by self assessed awareness/knowledge

Self assessed awareness/knowledge	Perception of entitlement					
	Annual leave		Sick pay		Working hours	
	Identified as unlawful	Un-weighted base	Identified as unlawful	Un-weighted base	Identified as unlawful	Un-weighted base
Well informed and knowledgeable (%)	97.1	37	83.9	33	64.7	34
Well informed but could know more (%)	84.1	109	76.5	101	68.7	98
Not well informed and could know more (%)	79.7	60	62.0	47	77.8	55
Not well informed and not interested (%)	75.0	7	100	5	*	3

*Note: all percentages are row percentages.
* = fewer than 5 respondents in cell.*

6.4.3 Perception of entitlement by individual characteristics

Table 6.14 shows how responses to the scenario questions on working time vary with personal characteristics. Generally speaking the results suggest that there is no consistent variation in responses by personal characteristics, across the three scenarios. Thus:

- There is no clear pattern by gender (women are more likely to identify breaches of legislation in two of the cases, and less likely in the third).
- Similarly there is no consistent age pattern, although in the scenarios relating to sick pay and working hours, the youngest respondents (16-25 year olds) are significantly less likely than others to identify the scenario as unlawful.

Table 6.14: Perception of entitlement of working time legislation by personal characteristics

Personal characteristics	Perception of entitlement					
	Annual leave		Sick pay		Working hours	
	Identified as unlawful	Unweighted base	Identified as unlawful	Unweighted base	Identified as unlawful	Unweighted base
Gender (%)						
Male	79.8	93	71.4	83	76.5	83
Female	90.0	120	77.9	103	64.1	107
Ethnic origin (%)						
White	84.4	204	73.4	174	70.4	179
Non-white	88.9	8	85.7	8	80.0	11
Age (%)						
16-25	84.1	33	52.0	20	48.0	22
26-35	86.6	61	82.6	44	71.1	51
36-45	83.1	49	78.0	50	81.1	55
46-55	81.6	34	73.5	54	77.3	44
56-64	100	7	66.7	18	53.8	18
Highest qualification (%)						
No qualifications	85.7	23	66.7	26	75.0	34
NVQ 1	100	20	76.9	22	83.3	15
NVQ 2	73.4	50	77.4	43	73.3	37
NVQ 3	83.3	38	59.3	29	64.9	32
NVQ 4	93.4	61	85.2	55	74.0	57
NVQ 5	81.0	19	45.5	10	*	11

Note: all percentages are row percentages.

- Neither is there a clear pattern by level of education, and once again it is not the case that those with higher levels of qualification are consistently more likely to identify the unlawfulness of these scenarios related to working time issues.
- However, when ethnic group is examined, non-white respondents are consistently more likely to identify each of the three scenarios as unlawful (although the very small cell sizes indicate that caution should be exercised in drawing conclusions from this).

Turning to employment characteristics (Table 6.15) there are no clear patterns by sector or size of workplace. Neither does the working time pattern of the respondent appear to be an influence on the answer to the scenario responses.

Table 6.15: Perception of entitlement of working time legislation by employment characteristics

Personal characteristics	Perception of entitlement					
	Annual leave		Sick pay		Working hours	
	Identified as unlawful	Un-weighted base	Identified as unlawful	Un-weighted base	Identified as unlawful	Un-weighted base
Occupation (%)						
Managerial/admin	91.7	38	72.7	34	61.8	33
Professional/technical	94.3	44	88.5	40	70.0	32
Assoc. professional/technical	89.3	27	62.5	19	66.7	14
Clerical/secretarial	93.5	28	91.3	33	85.7	30
Craft/skilled manual	69.0	21	55.6	15	88.2	14
Personal/protective services	73.3	15	81.3	11	53.8	14
Sales	100	14	100	7	52.2	18
Plant/machine operatives	50.0	4	66.7	3	85.7	6
Other unskilled	72.7	19	61.1	21	73.3	25
Sector (%)						
Primary & extractive	100	5	100	3	66.7	4
Manufacturing, utilities & construction	84.4	33	77.1	47	91.5	29
Distribution, catering, transport etc.	88.5	56	67.7	31	71.4	50
Business and financial services	93.8	19	65.5	27	75.0	17
Public admin, education & health	82.7	63	91.4	53	65.4	70
Other services	92.3	15	80.0	13	55.6	11
Size of workplace (no. of employees) (%)						
Under 15	93.3	36	81.3	31	72.2	30
15-49	76.2	44	92.0	28	80.0	44
50-199	89.6	45	78.6	34	67.4	44
200-499	78.1	26	85.3	25	58.1	23
500-1999	96.0	22	65.0	25	83.3	19
2000+	92.9	17	44.4	23	61.5	13
Employment status (%)						
Permanent	89.1	181	78.8	167	74.0	169
Temporary	72.5	29	39.1	16	45.5	18
Working time (%)						
Under 16 hours p.w.	73.3	18	100	11	68.8	20
16-34 hours p.w.	87.1	36	87.5	27	80.0	37
35 + hours p.w.	85.1	159	71.9	148	69.1	133
Union membership (%)						
Member	89.3	58	75.0	50	74.5	55
Non-member	86.9	125	72.0	92	69.2	79

Note: all percentages are row percentages.

As far as occupation is concerned, small numbers in some of the occupational groups limit the possibilities of statistical analysis, but in so far as a pattern is evident, it would seem that ‘white collar’ or non-manual workers (managerial and administrative, professional, clerical and secretarial) are more likely to perceive the unlawfulness of the different scenarios, than respondents in lower level or manual occupations.

The most consistent patterns in the employment characteristics relate to:

- Union membership: In all three scenarios, union members are more likely to identify an infringement than non-members (although the difference is quite small).
- Employment status: This is the most pronounced result in the table — in each case, permanent employees are substantially more likely than their temporary counterparts to take the view that the situation described in the scenario is unlawful.

6.5 How far are perceptions based on knowledge?

In this section we look at the extent to which responses identifying the scenarios about working time as unlawful are, in fact, associated with some knowledge on the respondent’s part about the area of law involved.

Table 6.16 shows that although a higher proportion of respondents were able to identify the cut in annual leave scenario as unlawful, than was true of the other scenarios, they were much less likely than in the other cases to know the area of law that this was based on. Similarly, only two fifths of those identifying the pay cut associated with working time reduction could identify the provisions covering the unlawfulness of this action. By contrast, nearly three quarters of those responding that the refusal to pay sick pay was unlawful appeared to have their response founded in some knowledge of the relevant right in law.

Table 6.16: Whether perception of entitlement for working time legislation is based on knowledge

Whether perception of entitlement is based on knowledge	Scenario		
	Annual leave (%)	Sick pay (%)	Working hours (%)
Named relevant area of law	26.8	73.6	39.3
Named other area of law/don’t know	73.2	26.4	60.7
Unweighted base (n = 100%)	185	148	138

From Table 6.17 we can see that there is no clear relationship between respondents' self-assessments of their levels of awareness/knowledge about employment rights in general, and their ability to judge the working-time related scenarios as unlawful on the basis of knowledge. Only in the case of the proposed cut in annual leave did it appear that those who saw themselves as well-informed and knowledgeable were indeed more likely to judge this scenario as unlawful on the basis of knowledge (and we have seen that this scenario was, overall, the least likely of the three scenarios to be judged unlawful on the basis of some knowledge).

Table 6.17: Knowledgeable perception of working time legislation by self-assessed awareness/knowledge

Self-assessed awareness/knowledge	Knowledgeable perception of entitlement (<i>ie</i> respondent named relevant area of law)								
	Annual leave			Sick pay			Working hours		
	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh -ted base	Relev't (% of those recog'g scenario as unlawful)	Relevant (% of all asked scenario question)	Un-weigh -ted base	Relev't % of those recog'g scenario as unlawful)	Relevant (% of all asked scenario question)	Un-weigh -ted base
Well informed and knowledgeable (%)	41.2	40.0	35	73.1	61.3	25	27.3	17.6	20
Well informed but could know more (%)	21.3	17.9	93	76.0	58.2	83	38.2	26.3	72
Not well informed and could know more (%)	27.5	21.9	51	71.0	44.0	35	47.2	37.0	43
Not well informed and not interested (%)	*	*	6	*	*	5	*	*	3

Note: all percentages are row percentages.
* = fewer than five respondents in cell.

Again small cell sizes limit the extent of possible analysis by personal and other characteristics of respondents, but as Table 6.18 shows, using a limited number of comparator variables, there is no systematic relationship between:

- any of gender, hourly pay levels, working time patterns, or union membership, on the one hand, and
- the likelihood that respondents' assessments of the unlawfulness of the working time scenarios are based on knowledge, on the other hand.

Table 6.18: Knowledgeable perception of working time legislation by individual characteristics

Characteristic	Knowledgeable perception of entitlement (<i>ie</i> respondent named relevant area of law)								
	Annual leave			Sick pay			Working hours		
	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un- weigh -ted base	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un- weigh -ted base	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un- weigh -ted base
Gender (%)									
Male	26.3	21.0	77	76.0	54.3	60	31.2	23.8	57
Female	27.8	25.0	108	70.5	55.1	88	52.0	33.3	81
Working time (%)									
Under 16 hours p.w.	*	*	15	83.3	36.4	11	36.4	25.0	16
16-34 hours p.w.	29.6	25.8	33	71.4	45.0	23	45.0	36.0	30
35 + hours p.w.	27.0	23.0	137	73.9	38.5	114	38.5	26.6	92
Hourly rate of pay (%)									
Less than £5.00 an hour	17.9	16.3	36	88.9	58.5	27	50.0	38.7	32
£5.00 to £7.40	28.0	23.3	24	40.7	36.7	28	*	10.3	26
£7.40 to £10.96	45.5	38.5	31	73.1	65.5	26	51.5	41.5	26
£10.97 and more	20.5	17.0	41	76.9	57.1	30	90.0	62.5	17
Union membership (%)									
Member	24.0	21.4	58	76.2	57.1	50	34.1	25.5	55
Non- member	27.8	24.2	125	69.4	50.0	92	39.8	27.5	79

*Note: all percentages are row percentages.
* = fewer than five respondents in cell.*

6.6 Taking action

Finally, those individuals identifying a scenario as unlawful were asked whether they would take action (such as seeking advice from an independent source or discussing the matter with the employer) if they found themselves in that situation. Once again, the pattern is consistent across all three scenarios (Table 6.19). In each case the vast majority (around nine in ten) respondents faced with this situation believed that they would take action as a result.

Table 6.20 shows how the propensity to take action in each of the scenarios varies with some key individual characteristics:

- Men are more likely to take action over the reduction in annual leave and the reduction of pay associated with a 48

hour week. Women, however, are slightly more likely to take action over the non-payment of sick pay.

- There is no strong pattern by pay levels, but generally speaking the least well paid are less likely than average to take action.
- There is no consistent pattern across the scenarios by working time, possession of a statement of terms and conditions, or union membership.

Table 6.19: Whether individuals would take action if scenarios related to working time happened to them

Whether individual would take action in that situation	Scenario		
	Annual leave	Sick pay	Working hours
Yes, would take action	91.1	88.6	91.2
No, would not take action	8.9	11.4	8.8
Unweighted base (n = 100%)	185	148	138

Table 6.20: Propensity to take action in working time scenarios by individual characteristics

Individual characteristic	Scenario					
	Annual leave		Sick pay		Working hours	
	% would take action	Unweighted base	% would take action	Unweighted base	% would take action	Unweighted base
Gender (%)						
Male	92.6	77	86.7	60	94.8	57
Female	89.0	108	90.2	88	86.0	81
Working hours (%)						
Under 16 hours	100	15	100	11	90.9	16
16-35 hours	88.9	33	85.7	23	85.7	30
Over 35 hours	90.5	137	87.9	114	91.8	92
Hourly rate of pay (%)						
Less than £5.00 an hour	89.7	36	81.5	27	82.6	32
£5.00 to £7.40	92.0	26	92.6	28	87.0	26
£7.40 to £10.96	84.8	31	96.0	26	100	26
£10.97 and more	92.3	41	92.3	30	81.8	17
Statement of terms & conditions? (%)						
Yes	90.4	157	89.7	121	91.6	113
No	96.0	26	80.0	21	87.5	21
Union membership (%)						
Member	91.8	58	88.1	50	92.7	55
Non-member	91.0	125	87.2	92	90.4	79

Note: all percentages are row percentages.