

5.2 Organisation of Working Time Act

[The Organisation of Working Time Act 1997](#) sets out the statutory rights for staff members in respect of rest, maximum working time and holidays.

Maximum weekly working time:

The maximum amount of hours a staff member is permitted to work in a week is 48 hours. Averaging may be balanced out over a 4, 6 or 12 month period depending on the circumstances as follows:

- For staff members generally, 4 months
- For staff members where work is subject to seasonality, a foreseeable surge in activity or where staff are directly involved in ensuring continuity of service or production, 6 months
- For staff members who enter into a collective agreement with their employer which is approved by the Labour Court, 12 months.

Night Workers:

Night time is the period between midnight and 7am the following day. Night workers are staff members who normally work at least 3 hours of their daily working time during night time and the annual number of hours worked at night equals or exceeds 50% of annual working time.

Maximum night working time:

For nightworkers generally – 48 hours per week averaged over 2 months or a longer period specified in a collective agreement that must be approved by the Labour Court. For nightworkers whose work involves special hazards or heavy physical or mental strain – an absolute limit of 8 hours in a 24 hour period during which they perform night work.

Daily Rest:

Having completed a day's work, a staff member cannot report back to work until 11 consecutive hours have elapsed. For example, if a staff member works until 10pm, they must not report back to work again until at least 9am the following day.

Rest Breaks:

All staff are entitled to a 15 minute break where up to 4.5 hours have been worked and 30 minutes where up to 6 hours have been worked, which may include the first break. A rest break cannot be given at the end of the day. A rest break is not counted in when calculating all the hours worked for any one working day. An employer does not have to pay staff for the rest periods.

Weekly rest period:

A staff member is entitled to a period of 24 hours consecutive rest in each 7 day period. Usually, this means Sunday off. Or the staff member could have two separate 24 hour periods off in a 14 day period instead (one of which should be a Sunday). If the weekly day of rest is preceded by a working day, the staff member must first receive their daily rest entitlement of 11 hours consecutive rest. This in effect means that the weekly rest period represents a period of 35 hours consecutive rest.

Reference Period Calculations

Annual leave, sick leave or maternity/adoption leave cannot be included when doing the reference period calculations. Lunch breaks, tea breaks, “on call” time and the like are not regarded as working time and are excluded from the calculations.

Exceptional or Unforeseen Circumstances

The Act permits exemption from the rest provisions if there are exceptional, unusual and unforeseeable circumstances. Equivalent compensatory rest must be taken within a reasonable period of time.

Other Employment

Teagasc as an employer is prohibited from “casting a blind eye” to situations where staff members work aggregate periods (between two employments) which exceed the hours permitted in the legislation. Hence, all staff are required to supply Teagasc with details of any other employment(s) in which they are engaged (excluding working at home). It is up to Teagasc to make reasonable enquiries to confirm that their staff are not working for another employer.

Records:

Teagasc must keep appropriate records to show that they are complying with the law. These records must be kept for three years. A standard Teagasc documentation approach is highly desirable. Indeed, as a national organisation whose records are likely to be audited in all locations at some stage. It is proposed that this information will be recorded electronically.

Version	Revision Date	Summary of Changes	Policy Owner
1.0		n/a	Health & Safety