General
The Organisation of Working Time Act sets out statutory rights for employees in respect of rest, maximum working time and holidays. These new rights apply either by law as set out in the Act, in regulations made under the Act or through legally binding collective agreements. These agreements may vary the times at which rest is taken or vary the averaging period over which weekly working time is calculated.

You are not covered by the rest and maximum working time rules if you are a member of the Defence Forces, the Garda Síochana, if you control your own working hours or if you are a family employee working on a farm or private house.

Otherwise, if you are an employee, you are generally covered by the following rest and maximum working time entitlements.

Maximum Weekly Working Time
From 1st March 1998 the new maximum average working week is 48 hours. Averaging may be balanced out over a 4, 6 or 12 month period depending on the circumstances. The provision relating to the 48 hour week operates as follows:

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

Rest
From 1st March 1998 every employee has a general entitlement to:

- 11 hours daily rest per 24 hour period
- One period of 24 hours rest per week preceded by a daily rest period (11 hours)
- Rest breaks - 15 minutes where up to 4½ hours have been worked; 30 minutes where up to 6 hours have been worked which may include the first break.

Definitions, Exceptions and Other Features of the Working Time Act
Working time is net working time i.e. exclusive of breaks, on call or stand-by time.

Exceptional or Unforeseeable 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.

Shift and Split Shift Working
The Act provides for automatic exemption from the rest provisions for shift workers when they change shift and for workers on split shifts. Equivalent compensatory rest must be taken within a reasonable period of time.

Exemption by Regulation
Categories of employees in the sectors set out in the Organisation of Working Time (Exemption) Regulations may subject to receiving equivalent compensatory rest, be exempted from the rest provisions of the Act. The regulation SI 52 of 1998 Exemption of Civil Protection Services) provide exemptions from the rest and maximum working time provisions of the Act without a requirement for equivalent compensatory rest.

Exemption by Collective Agreement
Any sector or business may be exempted from the statutory rest times by collective agreement, subject to equivalent compensatory rest being made available to the employees.

Night time is the period between midnight and 7 a.m. the following day.

Night workers are employees 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
From 1st March 1998:

- For nightworkers generally - 48 hours per week averaged over 2 months or a longer period specified in a collective agreement which must be approved by the Labour Court.
- For dayworkers whose work involved 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.

Holidays
Holiday pay is earned against time worked. All employees, full-time, part-time, temporary or casual employees are entitled to holiday entitlements from the time work is commenced. Depending on time worked, employees’ holiday entitlements should be calculated by one of the following methods:

(a) 4 working weeks in a leave year in which the employee works at least 1,305 hours (unless it is a leave year in which he or she changes employment).

(b) ¼ of a working week per calendar month that the employee works at least 117 hours.

(c) 8% of the hours an employee works in a leave year (but subject to a maximum of 4 working weeks).

For further information see Dept. of Enterprise, Trade and Employment explanatory booklet on Holidays and Public Holidays. Copy available on request, or on Department website at www.entemp.ie.
Penalties
A person found guilty of offences relating to failure to keep records, double employment, obstruction of inspectors or non-compliance with regulations outworkers may face fines of up to €1990.61 (€1,500) and an extra €634.87 (€500) a day for a continuing offence.
Employers may face compensation claims for amounts up to 2 years of an employee’s salary for breaches of other provisions of the Act. Such amounts may be determined by the Rights Commissioner and the Labour Court.

List of Regulations
The following is a list of regulations made under the Organisation of Working Time Act, 1997. Copies of these regulations may be obtained from the Government Publications Office, Molesworth St., Dublin 2; Tel: (01) 679 5515

6. Term of Employment (Additional Information) Order, 1998 S.I. No. 49 of 1998 (This Order was made under the Terms of Employment (Information) Act, 1994 but is relevant to Organisation of working Time Act, 1997).

Complaints and Enquiries
Complaints about any breaches of the Act or collective agreements made under the Act, may be referred to a Rights Commissioner, Tom Johnson House, Haddington Road, Dublin 4, tel: 01 6136700 or 1800 228 227 (to call if outside 01 area), or to a Labour Inspector, Dept. of Enterprise, Trade and Employment, Davitt House, 65A Adelaide Road, Dublin 2, tel: 01 631 2121 or lo call 1890 228 222 (to call if outside 01 area).

For further information or complaint forms in connection with the Organisation of Working Time Act please contact Employment Rights Information Unit at tel 01 631 3131 or 1890 201 615 (to call if outside 01 area). Information is also available on our website at www.entemp.ie