

WORKING HOURS (Northern Ireland)



By virtue of the Working Time Regulations 1998 (“the Regulations”) limits are imposed on working hours. Failure by an employer to comply with these provisions is an offence, which can lead to prosecution and a substantial fine. Hence, all employers should be familiar with the implications of the Regulations.

The Regulations apply to the majority of the work force. However there are certain exceptions. They do not apply to self-employed workers, merchant seamen, fishermen, civil aviation workers, doctors in training, the armed forces and police or mobile road transport workers, whose hours are covered by other directives and drivers hours legislation.

All adult workers have right to refuse to work more than an average of 48 hours per week, which is calculated over a reference period of 17 weeks.

Young workers, who are workers under the age of 18 years, are not permitted to work more than 48 hours per week or 8 hours per day. According to the Regulations young workers should not be employed at night between the hours of 10pm and 6am or 11pm and 7am.

Although a young worker does not have the right to opt out of the maximum hours set by the Regulations, an adult worker may opt to work more than the average eight hours per week set down. However, this must be done voluntarily and in writing and without any form of pressure being applied by the employer. An opt-out agreement will be deemed to be invalid if it does not specifically include a statement bringing to the worker’s attention that he or she can cancel the agreement after a specific period of notice has been given to the employer.

In the event that night work could pose a risk to the health of a pregnant, nursing or new mother, her employer must transfer her from night to day work. In the event that no such day work is available, the employer is under obligation to suspend the woman from her work on full pay until her medical advisor confirms it would be safe for her to resume normal duties. In general adult workers must not be required to work more than an average 8 hours in any 24 hour period at night, again calculated over a reference period of 17 consecutive weeks.

In the event that an employer fails to comply with the Regulations, depriving employees of statutory rest breaks or holidays, the aggrieved employee has the right

to lodge a complaint with the Industrial Tribunal and recover compensation. In the event that an employee is required to work excessively long hours in contravention of the Regulations his employer could be prosecuted and fined up to £5000. Furthermore, any employee injured as the consequence of the employers failure to provide a safe and healthy working environment, may take legal action against that employer. Employers should also note that free health assessments must be made available to night workers. Failure to make such assessments available could mean a fine of up to £5000.

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