



## **Organisation of Working Time Act**

In the case of Irish Museum of Modern Art and Joe Stanley the Court had to consider the issue of what is the holiday year for the purposes of the Organisation of Working Time Act.

The Court held that the leave year for the purposes of the Act runs from 1st April and ends of 31st March in the following year. In this case the Court said;

“It is clear from the Decision of the High Court in Royal Liver Assurance Limited – v- Macken [2002] 4 I.R. 427 that a cause of action accrues in respect of a failure to afford and employee annual leave during a leave year at the end of the leave year in which the leave relates. The Act provides that a leave year commences on 1 April and ends on 31 March of the following year”.

The Court held that as the complaint was lodged on 8th April 2013 the contravention of the Act in particular Section 19 is in respect of the full leave year in which the time limit is actionable.

The Court went on to hold as regards public holidays that claims in respect of public holiday entitlements accrue as and when they arise. The Court stated;

“In Royal Liver Assurance Limited –v- Macken, Laven J held, in effect, that in the case of public holidays a separate cause of action arising from the failure to comply with Section 21 of the act accrues on the date of each public holiday to which the contravention relates”.

This case is important for again restating the issue relating to the annual leave year.

Many companies operate on an Annual Leave year from 1st January to 31st December. Unfortunately this is not in compliance with the Act. This office has made representations to the Minister seeking to have the legislation changed. In the UK employers can specify a leave year and it is only where there is a failure to do so that the statutory leave year applies. There is every reason why a similar situation should be considered here in Ireland.