



REST INTERVALS AT WORK*

The provisions of Section 12 of the Organisation of Working Time Act can sometimes be difficult to comprehend.

The two most usual provision of Section 12 are Section 12(1) and (2) these state,

- (1) An employer shall not require an employee to work for a period of more than 4 hours and 30 minutes without allowing him or her a break of at least 15 minutes.
- (2) An employer shall not require an employee to work for a period of more than 6 hours without allowing him or her a break of at least 30 minutes, such a break may include the break referred to in subsection (1).

There is a view expressed by some employers and their representatives that this means that after four and a half hours the employee must receive a 15 minute break and after a further one and half hours a further 15 minute break. This is not the position.

If an employer after 4 hours and 30 minutes provides the employee with a 15 minute break then after a further one hour and 30 minutes the employer must provide the employee with a 30 minute break.

If however the employer after 4 hours and 30 minutes provides the employee with a 30 minute break this complies with the provisions of subsection (1) and subsection (2).

The employee can then work for a further period of 4 hours and 30 minutes before the employer must provide the employee with a further 15 minute break.

Employers or their representatives in cases are now currently raising the argument that it is a matter for the employee to take their own breaks. That is not the position. The law requires the employer to ensure that the rest intervals at work are not only scheduled and that those rights are in some policy or other documentation but that those rights are actually observed.



***Before acting or refraining from acting on anything in this guide, legal advice should be sought from a solicitor.**

****In contentious cases, a solicitor may not charge fees or expenses as a portion or percentage of any award of settlement.**