

Executive awarded €7,500 for having to deal with out-of-hours emails

GORDON DEEGAN

A business executive at a subsidiary of meat producer Kepak has been awarded €7,500 over being required to deal with out-of-hours work emails, including some after midnight, that led to work in excess of 48 hours a week.

At the Labour Court, Kepak Convenience Foods Unlimited Co has been ordered to pay its former business development executive Gráinne O'Hara €7,500.

Employment law expert and solicitor, Richard Grogan said the "excellent, very clear and

precise" Labour Court ruling was "a massive wake-up call to employers who expect employees to be available 24 hours a day, seven days a week". "The law is very clear. Employees are entitled to an uninterrupted 11-hour break between finishing work and starting work the following day," he said.

'Open to claims'

Mr Grogan also said employers have left themselves "open to claims when requiring employees to be available 24/7. It is a health and safety issue."

Ms O'Hara submitted copies of emails to the court that she

sent to and/or received from her employers both before normal start time and after normal finish time on numerous occasions. These ranged from 5pm to midnight in most cases, but some were after midnight.

The firm had said the volume of work she undertook was in line with other members of staff, none of whom worked in excess of a 48 hour-week. Ms O'Hara's employment ended in April, 2017.

The court found the Kepak firm breached the Organisation of Working Time Act by permitting Ms O'Hara to work beyond 48 hours a week.