



TAYLORED
HR SOLUTIONS

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ORGANISATION OF WORKING TIME ACT 1997

Would Your Business Meet Working Time Requirements Today?

INTRODUCTION

The Organisation of Working Time Act 1997 is a core piece of Irish employment legislation. It sets out minimum employee entitlements relating to **working hours, rest breaks, daily and weekly rest, night work, annual leave and public holidays**. It also places an important obligation on employers to keep accurate records so they can demonstrate compliance if inspected by the Workplace Relations Commission.

For employers, compliance is not simply a matter of having a policy in place. Businesses must be able to show that **working time rules are understood, applied consistently and supported by reliable records**. This is particularly important where employees work overtime, irregular hours, shift patterns, remote or hybrid arrangements, or roles where working time can easily become blurred.



Working time compliance should be reviewed regularly. Incomplete records, missed breaks, excessive hours and incorrect leave calculations are common areas of risk during a WRC inspection.

Contact **Taylored HR Solutions** for practical, commercially focused advice and expert guidance on managing working time obligations, maintaining compliant records, reviewing leave entitlements and helping ensure your organisation meets its responsibilities under the Organisation of Working Time Act 1997.

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WHAT THE ACT COVERS

The Act regulates several key areas of employment practice. Employers should understand each area and ensure their contracts, policies, rosters, payroll records and day-to-day management practices align with statutory requirements.

Area	Employer Obligation
Working Hours	Limits the average working week and requires employers to monitor hours worked.
Daily Rest	Requires a minimum rest period between working days.
Rest Breaks	Sets minimum breaks during the working day based on hours worked.
Weekly Rest	Requires a weekly rest period, normally in addition to the daily rest period.
Night Work	Sets additional limits and protections for employees who work at night.
Annual Leave	Provides statutory paid annual leave entitlements.
Public Holidays	Provides statutory entitlements in respect of public holidays.
Records	Requires employers to maintain working time and leave records that can be inspected.

WHO THE ACT COVERS

The Act applies to most employees in Ireland, including **full-time, part-time, fixed-term, temporary and casual employees**. Certain categories of workers may be excluded from some parts of the Act or may be covered by sector specific rules.

IMPORTANT TO REMEMBER – Do not assume an employee is outside the scope of working time rules because they are senior, remote working or trusted to manage their own workload. The working time position should be assessed carefully.

WEEKLY WORKING HOURS

Employees should not work more than an **average of 48 hours** per week. The average is usually calculated over a **four month reference period**, although different reference periods may apply in certain circumstances.

What Counts as Working Time?

Working time generally includes time where the employee is working, carrying out duties or at the employer's disposal. This can include **ordinary working hours, overtime, mandatory training, certain on-call responsibilities** and **work performed outside normal hours** where the employer requires or permits it.

Employers should be especially careful where employees regularly work beyond their contracted hours. The absence of an overtime claim does not remove the employer's obligation to monitor working time.

- ❖ Review overtime patterns and recurring late finishes.
- ❖ Monitor employees with multiple roles or split shifts.
- ❖ Check whether remote or hybrid employees are sending or responding to work communications outside normal hours.
- ❖ Ensure managers understand that excessive workload can create working time risk.

DAILY & WEEKLY REST PERIODS

Employees are generally entitled to **11 consecutive hours of rest** in **every 24 hour period**. This means employers should avoid scheduling late finishes followed by early starts unless a lawful exception applies and appropriate compensatory rest is provided where required.

IMPORTANT TO REMEMBER - If an employee finishes work at 8.00 pm, they should not normally start work again before 7.00 am the following morning.

Employees are generally entitled to at least **24 consecutive hours of weekly rest** in each **seven day period**. This weekly rest should normally follow the daily rest period, creating a longer uninterrupted rest period away from work.

Employers should review rosters carefully where employees work weekends, rotating shifts, split shifts or extended periods of overtime. Weekly rest should be built into scheduling rather than corrected after issues arise.

REST BREAKS DURING THE WORKING DAY

Employees must receive rest breaks during the working day. These breaks should be taken **during the working period** and should not simply be placed at the end of the shift so the employee can leave early.

Hours Worked	Minimum Break
More than 4.5 hours	15 minutes
More than 6 hours	30 minutes, which may include the first 15 minute break

SUNDAY WORK

Where employees are required to work on Sundays, employers should review the contract of employment and pay arrangements to ensure **Sunday work** is properly addressed. Depending on the circumstances, employees may be entitled to **additional compensation for Sunday work**, such as a premium payment, increased rate of pay or paid time off.

IMPORTANT TO REMEMBER - Sunday work should be clearly addressed in contracts and payroll arrangements. Employers should avoid informal arrangements that are not reflected in written terms or pay records.

NIGHT WORK

The Act includes additional rules for night workers. Employers with **night shifts** or **regular work** between **midnight and 7.00 am**, should assess whether employees fall within the definition of night worker and whether specific limits or health and safety obligations apply.

- ❖ Identify employees who regularly work during night time hours.
- ❖ Check whether night work is accurately reflected in contracts and rosters.
- ❖ Review working hours for employees performing heavy physical or mental work.
- ❖ Ensure night work arrangements are considered as part of health and safety risk assessments.

ANNUAL LEAVE

Employees are entitled to **statutory paid annual leave**. Employers must calculate annual leave correctly, keep accurate records of leave taken and ensure employees receive their statutory entitlement. Particular care is needed for part-time employees, employees with variable hours, employees on **long term absence** and employees joining or leaving during the leave year.

Employees who are unable to take annual leave due to illness may carry forward statutory annual leave for up to 15 months after the end of the relevant leave year.

An employee is entitled to annual leave based on the greatest of:

- ❖ 4 working weeks in a leave year where the employee works at least 1,365 hours in the leave year.
- ❖ One third of a working week for each month in which the employee works at least 117 hours.
- ❖ 8% of the hours worked in the leave year, subject to a maximum of 4 working weeks.

IMPORTANT TO REMEMBER - Annual leave compliance should not be reviewed only at year end. Regular monitoring throughout the year helps employers identify calculation errors, manage workforce planning and ensure statutory entitlements ARE received, while reducing the risk of workplace disputes and WRC inspection findings.

PUBLIC HOLIDAYS

Employees may be entitled to a public holiday benefit depending on their working pattern and eligibility.

Public holiday compliance issues commonly arise for part-time employees, employees with variable working hours and employees whose normal working day does not fall on the public holiday. Part-time and variable hours employees are entitled to a public holiday benefit where they have worked **at least 40 hours in the five weeks immediately preceding the public holiday**.

Eligible employees are entitled to **one of the following benefits** in respect of a public holiday:

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|--|-------------------------------------|
| ❖ A paid day off on the public holiday. | ❖ An additional day's annual leave. |
| ❖ A paid day off within one month of the public holiday. | ❖ An additional day's pay. |

WORKING TIME RECORDS

Employers must keep records that demonstrate compliance with working time and leave obligations. These records should be accurate, accessible and capable of being understood by a WRC Inspector. Poor records can significantly weaken an employer's position, even where the employer believes employees have received their entitlements.

Record Type	What Employers Should Keep
Employee Details	Name, address, PPS number, employment dates and job classification.
Working Hours	Start and finish times, total daily and weekly hours, overtime and rosters.
Breaks and Rest	Records of meal breaks, rest breaks, daily rest and weekly rest.
Leave Records	Annual leave, public holiday entitlements and related payments.
Payroll Link	Pay records should align with hours worked, overtime, premiums and leave payments.
Retention	Working time records should be retained for the statutory period and available for inspection.

EMPLOYER READINESS CHECKLIST

Checklist Area	Action Points
Contracts and Policies	☐ Working hours are clearly stated in contracts. ☐ Sunday work, overtime and shift work arrangements are addressed where relevant. ☐ A working time, breaks and leave policy is in place and up to date.
Time and Attendance Records	☐ Start and finish times are recorded. ☐ Breaks and rest periods are recorded or otherwise evidenced. ☐ Overtime is monitored and approved. ☐ Records are retained and can be accessed quickly.
Leave and Public Holidays	☐ Annual leave accruals are calculated correctly. ☐ Public holiday entitlements are applied consistently. ☐ Leave records reconcile with payroll records. ☐ Leavers receive correct holiday pay on termination.
Management Practice	☐ Managers understand working time obligations. ☐ Rota's allow for daily and weekly rest. ☐ Workloads are monitored where employees regularly work excessive hours. ☐ Remote and hybrid working arrangements are recorded appropriately.

HOW TAYLORED HR SOLUTIONS CAN HELP

Managing working time compliance can be challenging, particularly for growing businesses, employers with variable shifts, or organisations where managers are balancing commercial pressures with legal obligations. Taylorored HR Solutions provides practical, commercially focused HR support to help employers identify risk, strengthen documentation and implement workable processes.

Our Working Time Compliance Support can include:

- Review of contracts, policies and working time clauses.
- Audit of working hours, break, rest period and overtime records.
- Assessment of annual leave and public holiday processes.
- Identification of gaps in records before a WRC inspection.
- Practical recommendations tailored to the size and structure of your business.
- Manager guidance on working time, leave and record keeping obligations.
- Support before, during and after a WRC inspection.

We work with employers to ensure that employment documentation, workplace practices and record keeping systems meet current legislative requirements and are readily available should a WRC Inspector request them.

CONTACT US TODAY

Would your Organisation meet working time compliance requirements today?

Contact **Taylorored HR Solutions** for a practical compliance review and expert guidance to help ensure your business is inspection ready.

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