



Daily Rest Periods

- The Daily Rest Period is governed by section 11 of the *Organisation of Working Time Act, 1997*.
- Section 11 states that “[a]n employee shall be entitled to a rest period of not less than 11 consecutive hours in each period of 24 hours during which he or she works for his or her employer.”
- Therefore, as a general rule, each employee should have a minimum daily period of 11 consecutive hours rest in between periods of work.
- There are, however, some exceptions to this rule, as outlined in the 1997 Act itself and also *S.I. No. 21/1998 - Organisation of Working Time (General Exemptions) Regulations, 1998*.
- An employer will be exempt from the Daily Rest period requirement where they operate in the following scenarios/industries:
 - An activity in which the employee is regularly required by the employer to travel distances of significant length, either from his or her home to the workplace or from one workplace to another workplace.
 - An activity of a security or surveillance nature the purpose of which is to protect persons or property and which requires the continuous presence of the employee at a particular place or places.
 - An activity falling within a sector of the economy or in the public service in which it is foreseeable that the rate at which production or the provision of services, as the case may be, takes place will vary significantly from time to time.
 - Sea fishing and any other work at sea.
 - The activities of a doctor in training.
 - Garda Síochána.
 - Defence Forces.
 - A person who is employed by a relative and is a member of that relative's household and whose place of employment is a private dwelling house or a farm in or on which he or she and the relative reside.
 - A person whose working time is determined by himself or herself, whether or not provision for the making of such determination by that person is made by his or her contract of employment.
 - Where a person is employed in shift work
 - An activity such that employees are directly involved in ensuring the continuity of production or the provision of services.



- The provision of services relating to the reception, treatment or care of persons in a residential institution, hospital or similar establishment.
 - The provision of services at a harbour or airport.
 - Production in the press, radio, television, cinematographic, postal or telecommunications industries.
 - The provision of ambulance, fire and civil protection services.
 - The production, transmission or distribution of gas, water or electricity.
 - The collection of household refuse or the operation of an incineration plant.
 - Any industrial activity in which work cannot, by reason of considerations of a technical nature, be interrupted.
 - Research and development.
 - Agriculture.
 - Tourism.
 - In addition, an employer can be exempt from the Daily Rest requirement by virtue of a collective agreement to that effect in line with section 24 of the 1997 Act.
 - An employer may also be exempt from the Daily Rest period by virtue of an Employment Regulation Order or Registered Employment Agreement.
- Whilst a certain type of work or industry may be exempt from the 11 hour Daily Rest period, such an employer must still provide employees with adequate compensatory rest.
 - Example: An exempted employee works Monday to Friday 9a.m. to 5.30p.m. He/she works in an industry which cannot be interrupted on technical grounds (an exempted activity)*. For 2 weeks per month that employee is “on call” for maintenance work. On Wednesday night he/she is called out to perform emergency repair work. The call-out commences at 8.30p.m and finishes at 11.30p.m. The employee’s entitlement to 11 hours consecutive rest is interrupted. Prior to the call-out the employee had received 3 hours rest and after the call-out he/she received 9.5 hours rest. In total the employee received 12.5 hours rest, therefore no further entitlement to rest arises as an exemption applies under S.I. No. 21/1998.
 - If there is no exemption then the employer must ensure that an employer receives 11 consecutive hours daily rest as otherwise they would be in breach of the 1997 Act. Compensatory rest would not be sufficient in such circumstances.

If you have any questions regarding the above please contact Peninsula on **01 850 6029**, quote: Ireland Active.