

This Week in Employment Law

Court Provide Clarification on Compensatory Rest Breaks

Workers are generally entitled to a 20 minute continuous rest break when they work more than 6 hours. However, certain workers will be exempt from this and an 'equivalent' period of rest will need to be given. A recent case looks at what this means in practice:

- As a signaller, the employee had to operate on his own and continuously monitor trains during his 8 hour shifts.
- He was rarely able to take a full 20 minute continuous rest break and was instead allowed several shorter 'naturally occurring' breaks, which when added together made up to 20 minutes.
- He argued that this denied him his statutory right to a 20 minute continuous rest break under the Working Time Regulations 1998 (WTR).
- The ET and EAT had differing views on this matter, with the EAT ruling that a continuous 20 minutes' rest was required in order to be compensatory.
- The Court of Appeal overturned this, adding that the WTR allowed employers to make up the 20 minutes of rest using 'equivalent' shorter rest breaks in exempt roles (e.g. transport, care and security).
- It will still be important to keep track of shorter rest breaks in these circumstances and make sure there is sufficient time for individuals to eat and use bathroom facilities.

Government urge firms to 'do more' to earn contracts

Companies who want to agree contracts with the government for work will need to show that they are doing more to help society. When agreeing contracts in the future the government will take into account efforts to improve diversity, prevent modern slavery and offer training to boost employees' earning potential.

Did you know?

Under the Modern Slavery Act 2015, employers with a turnover of £36m have to produce a modern slavery statement each year. Although smaller organisations are not legally required to do so, recent government guidance has encouraged them to voluntarily produce a statement.

Unions introduce disability passport template

The TUC and GMB union have created a disability passport which can be used to record reasonable adjustments made to support disabled staff. This is intended to prevent any adjustments from being overlooked when staff change roles or get a new line manager at work.

Did you know?

Employers have a duty to make reasonable adjustments to the working environment to support disabled staff. It is important to review these adjustments regularly to ensure they remain fit for purpose, as a failure to ensure this could qualify as disability discrimination.

Major bank reverses its decision on home working

The Bank of New York Mellon (NYM) has put a stop to plans which looked to prevent staff across the world from working at home. Critics of the bank's original decision had suggested legal action could be taken if they were to introduce an outright ban on requests for flexible working practices.

Did you know?

Workers have a statutory right to request flexible working after 26 weeks' service, which employers have a duty to consider. Banning this completely is likely to qualify as indirect discrimination as it may disproportionately impact staff with disabilities or childcare commitments.

There will be many situations where employers require staff to work continuously and it is important to have a firm understanding of their rights when it comes to compensatory rest breaks. For more information on this, or any other questions on rest breaks under the Working Time Regulations 1998, give us a call using our 24 hour Advisory Service.

Please contact the 24 Hour Advice Service for advice on your specific situation before acting on the information in this publication.