

For further
information contact:

Judith Ellery

jellery@metcalfes.co.uk

0117 9453080

Paul Seath

pseath@metcalfes.co.uk

0117 9453084

VICTORY FOR 97 HOUR A WEEK EMPLOYEE

In a case which could have implications for up to 4 million workers in the UK a shop manager, who worked up to 97 hours a week, has successfully sued her employer for breaching the Working Time Regulations.

The claimant suffered stress and anxiety after clocking up long hours serving customers and stocking shelves. She was contracted for a 39 hour week but frequently had to work up to 12 hours without taking a meal break. During 5 months of work in 2000 she repeatedly raised her concerns with her manager, but nothing was done to cut her hours.

She complained to her local council, which launched a prosecution on her behalf. It was the first action of its kind against a British firm for breaching the Working Time Regulations. The employer admitted failing to protect her health and safety under the terms of the Regulations. Bedford Magistrates fined them £5,000 and awarded her £1,200 compensation.

Employees should not have to work more than 48 hours a week, averaged over a 17 week period, unless they have consented to in writing. And while the facts of this case are extreme employers should ensure they have the appropriate opt-outs in place.