



SPECIAL RELEASE

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STOP PRESS

Working Time Regulations “unlawful” - workers should be entitled to paid holidays from the first day of work

In an Opinion given on 8 February 2001 the Advocate General of the European Court of Justice has stated that the UK's implementation of the 1993 Working Time Directive is unlawful.

Currently the Working Time Regulations in the UK entitle workers to claim 4 weeks paid holiday per year only once they have worked for 13 weeks. The Opinion says that this is wrong and that there should be no qualifying period.

The Opinion arises out of a High Court claim by the broadcasting union, BECTU, that the UK Regulations were incompatible with the EU Directive. The High Court referred the matter to the European Court of Justice and the first step in their decision-making process is for an Opinion to be given. The Judgment is expected later this year but it is rare for a Judgment not to follow an Opinion.

If the Regulations are changed as a result of this case then all employers will be affected. However, the decision will affect the entertainment business significantly because many workers in that business work on short term contracts for less than 13 weeks under which they currently do not receive paid holidays. The change could therefore amount to a substantial additional cost to the entertainment business.

If you would like to discuss this matter further, please contact one of the partners in our Employment Group.

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