



## OFFSHORE UPDATE

7<sup>th</sup> March 2011

### **WORKING TIME DIRECTIVE**

Unite The Union Continue to support members bringing a significant claim to the UK's Supreme Court in October concerning the annual leave entitlements of workers in the offshore oil and gas industry.

Workers in the Offshore Oil & Gas Industry generally have a working pattern consisting of a period of two weeks spent working offshore, followed by two weeks spent on-shore (the latter period being known as "field break"). The central issue in this appeal is whether UK Supreme Court (*which replaced the House of Lords in July 2009 several years after these claims started*) supports the view of the Aberdeen Employment

Tribunal in February 2008 that workers are entitled to holidays from the very hazardous time spent offshore in terms of regulation 13 of the Working Time Regulations 1998 (as amended), which implements Art 7 of the Working Time Directive.

The issues raised in this litigation apply to the vast majority of workers working on offshore installations in the United Kingdom Continental Shelf, and their employers.

The litigation has been exceptionally long running with some claims originally lodged in 2004 and 2005 and the Aberdeen Employment Tribunal which deals with the majority of such offshore cases, finding in favour of the Unite members in February 2008 following a hearing in October and November 2007.

It may be that Supreme Court will require to make a preliminary reference to the European Court of Justice for guidance on how to interpret Article 7 of the WTD.

While the issues are extremely complex and as with any litigation there is no guarantee of a successful outcome, Unite the Union remains hopeful that employers will co-operate with the union in relation to matters such as holiday arrangements for those who work in the exceptionally hazardous conditions offshore.

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