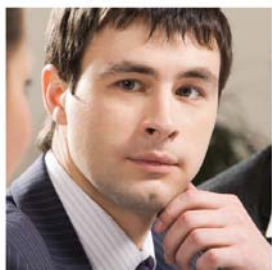


WRRC

An Coimisiún um Chaidreamh san Áit Oibre
Workplace Relations Commission



Employment Law Explained



Updates to Employment Law Explained

Since we published our Employment Law Explained in September 2018 there have been changes under employment law. Below you will find the latest changes.

Starting Employment

Day five statement

Within five days of starting work, all employees must get a written statement of the following core terms of employment:

1. the full names of the employer and the employee
2. the address of the employer
3. the expected duration of the contract, in the case of a temporary contract, or the end date if the contract is a fixed-term contract
4. the rate or method of calculation of the employee's pay
5. the number of hours the employer reasonably expects the employee to work per normal working day and per normal working week

This is as well as the full written statement of terms of employment which must be given within two months of starting the job.

National Minimum Wages

Pay/Wages

Under the new Employment Miscellaneous Provisions Act 2019 wage rates for employees under 18 and those over 18 have been simplified and will be solely based on age. Trainee rates of pay have been abolished.

Sectoral Employment Order

A Sectoral Employment Order (SEO) setting legally binding rates of pay and terms and conditions for the Electrical Contracting sector came into effect on the 1 September 2019.

Working Hours

Zero Hours

The Organisation of Working Time Act 1997 (OWTA) is amended to prohibit zero hour contracts except in the following circumstances:

- where the work is of a casual nature
- where the work is done in emergency circumstances
- where short-term relief work is used to cover routine absences for the employer

Minimum payment in certain circumstances

A new minimum payment will apply when an employee on a zero hours contract, is called in to work and does not receive the expected hours of work.

The minimum payment is calculated as three times the national minimum hourly rate of pay or three times the minimum hourly rate of pay set out in an Employment Regulation Order (if one exists for that sector and for as long as it remains in force).

The already existing method of payment (at least 25% of the contract hours or 15 hours) continues to apply overall.

Banded Hours provisions

- Employees whose contract of employment or statement of terms of employment does not reflect the reality of the hours they habitually work are entitled to request to be placed in a band of hours that better reflects the hours they have worked over a 12-month reference period.
- If you are an employee, you must be working for your employer for at least a year before making this request

Band	From	To
A	3 hours	6 hours
B	6 hours	11 hours
C	11 hours	16 hours
D	16 hours	21 hours
E	21 hours	26 hours
F	26 hours	31 hours
G	31 hours	36 hours
H	36 hrs & over	

Annual leave and certified sick leave

From the first day in a job employees are building up holiday entitlements even if they are on certified sick leave and whether they are part-time or full time. If an employee is on certified sick leave at the end of the leave year the annual leave they have earned and have not been able to take is carried over and available to take for the next 15 months.

Family friendly leave

Maternity leave and premature birth

Mothers of premature babies born over two weeks before their due date are entitled to extend their maternity leave by the difference between the birth date and the date maternity leave was due to start. Ordinarily maternity leave commences no later than two weeks before the due date.

Paternity leave

Paternity leave of two weeks is available to a relevant parent within 26 weeks of the birth of their child. A paternity benefit payment is available for qualifying relevant parents from the Department of Employment and Social protection.

Parental leave

The maximum period of parental leave increased from 18 to 22 weeks from 1 September 2019, and increases again to 26 weeks from 1 September 2020. The age of the child for which parental leave is available has increased from 8 to 12 years. For a child with a disability the parental leave age threshold remains unchanged and is available up to the age of 16.

Visit our website [workplacerelations.ie](https://www.workplacerelations.ie) for more detailed information or call our information service on 0818 **80 80 90**.

Follow us on Twitter [@WRC_ie](https://twitter.com/WRC_ie)

Published September 2019



An Coimisiún um Chaidreamh san Áit Oibre
Workplace Relations Commission

SEPTEMBER 2018

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Introduction

One of the key objectives of the Workplace Relations Commission (WRC) is to provide impartial information on a wide variety of employment rights legislation to employers and employees by telephone, in writing, through its website and through ongoing public awareness programmes. The WRC also provides an extensive range of explanatory leaflets and a comprehensive Guide to Employment, Labour and Equality Law.

This publication aims to help employers to comply with their obligations under employment law. When setting up or running a business with paid employees, employers should be familiar with a number of basic provisions under Irish employment law.

This summary guide has been produced by the WRC. Further information on employment rights is available on www.workplacerelations.ie or by contacting the Commission's Information and Customer Services at **Lo-call 0818 808090** or **059-9178900**.

Please note that this is not a legal interpretation of the legislation.



Summary of Employers' Obligations

An employer is responsible for ensuring that their employees receive certain basic employment rights.

The main obligations include:

- To only engage employees who have permission to work within the State,
- To ensure that they provide employees with a written statement of terms and conditions of employment,
- To give employees a written statement of pay or 'payslip',
- To pay employees not less than the statutory minimum wage rates,
- To comply with the maximum working week requirements,
- To provide breaks and rest periods during working hours,
- To give annual leave from work,
- To give a minimum amount of notice before termination of employment,
- To maintain records in relation to their employees and their entitlements.

For further information download the Guide to Employment, Labour and Equality Law at www.workplacerelations.ie.

A list of Guides, Leaflets and Explanatory Booklets for specific areas of employment law is available at Appendix II.

WRC Inspection Services

The WRC is also responsible for monitoring a range of employment rights in Ireland through its Inspection Service. WRC Inspectors operate in a fair and impartial manner, carrying out inspections throughout the country. These inspections arise as a result of complaints received of alleged contraventions of employment rights, as a result of targeted inspection campaigns and as a result of routine inspection enquiries. Where evidence of non-compliance with employment rights legislation is found, the inspector's main priority is to have the matter rectified. In some cases the issue of compliance and/or fixed payment notices and/or the initiation of prosecutions against the employer may be necessary.

Summary of Inspectors' Powers

In general WRC Inspectors have the following powers under legislation:

- To enter any place of work at a reasonable time,
- To require the production of records,
- To inspect records,
- To take copies of, and remove and retain, records,
- To interview and require information from any relevant person.

For a list of the records to be made available for WRC Inspectors, see the section on "Record Keeping" on page [5].

The WRC's Inspection Services can be contacted on

Telephone: (059) 9178800

Lo-Call: 0818 220100



Record Keeping

The following list sets out the standard records which employers must keep and to which a WRC Inspector will require access during the course of an inspection:-

1. The completed template sent with the inspection appointment letter or the same information in a similar format.
2. Employer registration number with the Revenue Commissioners.
3. List of all employees including full name, address and PPS number for each employee (full-time and part-time).
4. Written terms of Employment for each employee.
5. Payroll details (including Gross to Net, Rate per hour, Overtime, Deductions, Shift and other Premiums and Allowances, Commissions and Bonuses, Service Charges, etc.).
6. Evidence that the employer has provided payslips to employees.

7. Employees' job classifications.
8. Dates of commencement and, where relevant, termination of employment.
9. Hours of work for each employee (including starting and finishing times).
10. Register of employees under 18 years of age.
11. Details of any board and/or lodgings provided to employees.
12. Holiday and Public Holiday entitlements received by each employee.
13. For non-EEA nationals¹, employment permits or evidence that permits are not required.
14. Any documentation necessary to demonstrate compliance with employment rights legislation.

Additional records may be required to be held depending on the sector/business involved. There are minimum periods for which these records must be kept (generally three years).

¹The EEA (European Economic Area) comprises the member states of the European Union together with Iceland, Norway and Liechtenstein.

Employment Status of Employees

Employers engage persons on either **contracts of service** or **contracts for services**. Only a person engaged under a contract of service is deemed to be an employee and therefore protected by the full range of employment legislation; an independent contractor or self-employed person will have a contract for services with the party for whom the work is being done. The distinction between a contract of service, on the one hand, and a contract for services, on the other, is sometimes unclear but the type of contract a person is engaged under can have serious implications for both employer and employee in matters such as employment protection legislation, legal responsibility for injuries caused to members of the public, taxation and social welfare. For further information, please see the ***Code of Practice for Determining Employment or Self-Employment Status***, which *can be downloaded from* www.revenue.ie.

If you require more detailed information on the insurability of employment and self-employment please contact:

Scope Section
Department of Employment Affairs and Social Protection
Gandon House
Amiens Street
Dublin 1.
Telephone: (01) 6732585
Email: scope@welfare.ie

Fixed-Term Employees/ Temporary Agency Workers

Depending on business needs, companies may require to take on part-time employees, fixed-term employees or temporary agency workers.

Fixed-Term Employees: A fixed term employee is someone who is employed under a contract which contains a specific start and end date or who is employed to carry out a specific task or project or the continuity of whose contract is contingent on a particular event such as the availability of continued funding from an external source.

Fixed-term employees cannot be treated in a less favourable manner than comparable permanent employees in relation to conditions of employment and all employee protection legislation, other than that relating to unfair dismissal in certain circumstances, applies to fixed-term employees in the same manner as it applies to a permanent employee. Fixed-term employees may only be treated less favourably than a permanent employee where such treatment can be justified on objective grounds.

Employees cannot remain on a series of fixed-term contracts indefinitely. If an employee whose employment commenced prior to the 14 July 2003 accrues three years continuous service as a fixed term employee, when that employee's contract comes up for renewal on or after the 14 July 2003, the employee can only be offered one further fixed-term contract. This renewal on a further fixed-term basis cannot be for more than one year. After this, if the employer wishes the employee to continue, it must be on the basis of a contract of indefinite duration.

If an employee who commenced employment on a fixed-term basis on or after 14 July 2003 has had two or more fixed term contracts, the combined duration of the contracts shall not exceed four years. After this, if the employer wishes the employee to continue, it must be on the basis of a contract of indefinite duration.

Temporary Agency Workers: An agency worker is an individual employed by an employment agency under a contract of employment by virtue of which the individual may be assigned to work for, and under the direction and supervision of, a person other than the employment agency.

The law provides that all temporary agency workers must have equal treatment with workers hired directly by the hirer in respect of:

- Pay,
- Working time,
- Rest periods,
- Rest periods during the working day,
- Night work,
- Overtime,
- Annual leave, or
- Public holidays.

Temporary agency workers must also have equal access, with the hirer's own workers, to facilities such as childcare, canteen or similar amenities, or transport services.

Where a vacant position of employment arises with the hirer of an agency worker, the hirer must, when informing his/her own employees, inform any agency worker who is for the time being assigned to work for him/her, of the vacancy for the purpose of allowing the agency worker to apply for that position.

An employment agency cannot charge an individual a fee in respect of making any arrangement for that individual's employment.

Part-Time Employees

A part-time employee is someone who works fewer hours than a comparable full-time employee doing the same type of work.

A part-time employee may not be treated less favourably than a comparable full-time employee in respect of any condition of employment and all employee protection legislation applies to part-time employees in the same manner as it already applies to full-time employees. A part-time employee may only be treated in a less favourable manner than a comparable full-time employee where such treatment can be justified on objective grounds.

Employment of Young Persons

The *Protection of Young Persons Act, 1996* is designed to protect the health of young workers, and to ensure that employment during the school year does not put their education at risk. The law sets minimum age limits for employment, sets rest intervals and maximum working hours, and prohibits the employment of those under 18 years of age on late night work. Employers must also keep specified records for those workers aged under 18. In general, the Act prohibits the employment of children under the age of 16. However 14 and 15 year olds can be employed:

- during the school holidays,
- part-time during the school term,
- as part of an approved work experience or education programme where the work is not harmful to their safety, health, or development.



Children (i.e. under 16 years of age) can be employed in cultural, artistic, sports or advertising work which is not harmful to their safety, health, or development and does not interfere with their attendance at school, vocational guidance or training programmes or capacity to benefit from the instruction received. In order to do so permission must be obtained by way of a **licence** issued on behalf of the Minister for Business, Enterprise and Innovation.

The type of activities for which licence applications are made would typically be television commercials, films or theatre performance that require the presence of a child. The licence sets out the conditions under which the children may be employed, such as general conditions about parental consent, supervision and education arrangements, and the maximum working times and minimum breaks appropriate to each group. The employer should apply in writing for a licence at least 21 days before the employment commences.



Applications should be submitted to:

**Employment of Young Persons Licensing Section,
The Workplace Relations Commission**

O'Brien Road, Carlow.

Telephone: (059) 9178800

Lo-call: 0818 220100

Email: licensing@workplacerelements.ie

The following documentation can be downloaded from
www.workplacerelements.ie.

- Protection of Young Persons (Employment) Act 1996 Application Form,
- Protection of Young Persons (Employment) Act, 1996 Note on employing a child by licence under Section 3(2) Theatre Licence,
- Protection of Young Persons (Employment) Act, 1996 Note on employing a child by licence under Section 3(2) Film/TV Licence.

Employment of Foreign Nationals

Foreign nationals working legally in Ireland are entitled to the full range of statutory employment rights and protections in exactly the same manner as an Irish worker.

A non-EEA national, except in the cases listed below, requires an employment permit to take up employment in Ireland (the EEA comprises the Member States of the European Union together with Iceland, Norway and Liechtenstein). It should be noted that it is an offence under the Employment Permits Acts 2003 and 2006 for both an employer and an employee if a non-EEA national is in employment without an appropriate employment permit or other permission to work. Employment permit holders can only work for the employer named on the permit.



If the holder of an employment permit ceases, for any reason, to be employed by the employer named on the permit during the period of validity of the permit, the original permit and the certified copy must be returned immediately to the Department of Business, Enterprise and Innovation.

Citizens of non-EEA countries who do not require Employment Permits include those with:

- Permission to remain as spouse or a dependant of an Irish/EEA national,
- Permission to remain as the parent of an Irish citizen,
- Temporary leave to remain in the State on humanitarian grounds, having been in the Asylum process,
- Explicit permission from the Department of Justice and Equality to remain resident and employed in the State,
- Permission to be in the State as a registered student who is permitted to work 20 hours during term time and 40 hours during holiday periods,
- Permission to be in the State under the terms of the Diplomatic Relations and Immunities Act 1967, and are assigned to a Mission of a country with whom the Government has entered into a Working Dependents Agreement,
- Swiss Nationals: In accordance with the terms of the European Communities and Swiss Confederation Act, 2001, which came into operation on 1 June, 2002, this enables the free movement of workers between Switzerland and Ireland, without the need for Employment Permits.

Note:

The possession of a PPS (Personal Public Service) number does not automatically entitle a person to work in the State.

Contact Details

Employment Permits Section

Department of Business, Enterprise and Innovation

Earlsfort Centre, Lower Hatch Street, Dublin 2, D02 PW01

Tel: (01) 417 5333 • **Lo-Call:** 0818 201616* **Email:**

employmentpermits@dbei.gov.ie **Website:**

www.dbei.gov.ie

*Note that the rates charged for the use of 0818 (Lo-Call) numbers may vary among different service providers.

Telephone queries to the Employment Permits Call Centre will be dealt with by the Workplace Relations Commission.

Employment Permit information and application requirements are also available at www.dbei.gov.ie The current status of employment permit applications may also be checked using the Online Status Update Enquiry facility on that website.

Posted Workers: A posted worker is someone who, for a limited period, carries out his/her work in a Member State of the EU other than the State in which he/she normally works. The European Community's Posted Workers Directive requires each Member State to ensure that a worker posted to its territory is guaranteed the terms and conditions of employment that employees are guaranteed under the law of that Member State.

A Form of Declaration is required for all temporary postings of workers to Ireland from another Member State. The Form of Declaration and the address or e-mail address for the submission of the form are available at

www.workplacerelations.ie



Written Terms and Conditions

While the full contract of employment does not have to be in writing, certain terms and conditions of employment must be stated in writing within two months of starting employment. These would typically include the method of calculating pay and whether or not there is a sick pay scheme in operation. (For fixed term employees it would also include in what circumstances their employment will come to an end). The Terms of Employment (Information) Acts 1994 to 2014 provide that an employer must issue their employees with a written statement of terms and conditions relating to their employment within two months of commencing employment.



It must include the following:

- The full names of the employer and the employee,
- The address of the employer,
- The place of work, or where there is no main place of work, a statement indicating that an employee is required or permitted to work at various places,
- Job title or nature of the work,
- Date of commencement of employment,
- If the contract is temporary, the expected duration of employment,
- If the contract is for a fixed-term, the date on which the contract expires,
- The rate of pay or method of calculating pay,
- The right to a written statement of the average hourly rate of pay for any reference period upon request,
- Whether pay is weekly, monthly or otherwise,
- Terms or conditions relating to hours of work, including overtime,
- Terms or conditions relating to paid leave (other than paid sick leave),
- Terms or conditions relating to incapacity for work due to sickness or injury,
- Terms or conditions relating to pensions and pension schemes,
- Periods of Notice or method for determining periods of notice,
- A reference to any collective agreements which affect the terms of employment.

Transfer of Undertakings: The European Communities (Protection of Employees on Transfer of Undertakings) Regulations, 2003 provide that the employment law rights and obligations of the original employer will be transferred to the new employer in the event of the transfer of the business or part of the business. The new employer must observe the terms and conditions agreed in any collective agreement on the same terms as were applicable to the original employer.

Pay and Wages

National Minimum Wage: Experienced adult workers in Ireland are entitled to be paid a minimum rate per hour. There are however, some exceptions to the minimum wage, including those employed by close relatives, those aged under 18 and trainees or apprentices.

Legal minimum rates of pay for particular industries or sectors may also be laid down in Employment Regulation Orders (EROs), Registered Employment Agreements (REAs) and Sectoral Employment Orders (SEOs).

Details of the existing minimum rates, under the National Minimum Wage Acts and under EROs, REAs and SEOs are available on www.workplacelrelations.ie.

Pay Slips: All employees are entitled to receive a pay slip with every payment of wages. This pay slip should show the gross wage (wage before deductions) and the nature and amount of each deduction.

Deductions: An employer is allowed to make the following deductions from an employee's wage:

- Any deduction required or authorised by law (e.g. PAYE or PRSI),
- Any deduction authorised by the term of an employee's contract (e.g. pension contributions, or particular till shortages),
- Any deduction agreed to in writing in advance by the employee (e.g. health insurance subscription, sports and social club membership subscription).

Holidays, Breaks, Rest Time

Employers must ensure that employees are given adequate rest. The Organisation of Working Time Act, 1997 sets down the rules governing maximum working hours, daily and weekly rest breaks, annual leave and public holiday entitlements.

Maximum Working Week: The maximum an employee should work in an average working week is 48 hours. This working week average should be calculated over a four-month period. There are however some exceptions to this average period.

Breaks: Employees are entitled to;

- A daily rest period of 11 consecutive hours per 24 hours,
- A weekly rest period of 24 consecutive hours per seven days, following a daily rest period,
- A 15-minute break after working 4½ hours,
- A 30-minute break after working six hours.

There is no statutory entitlement to payment for breaks.

Sundays: If not already included in the rate of pay, employees are generally entitled to a premium payment for Sunday working or paid time off in lieu. In some industries, Registered Employment Agreements (REAs), Employment Regulation Orders (EROs) and Sectoral Employment Orders (SEOs) may provide additional rest and/or Sunday pay entitlements (see Specific Industry Agreements section).



Holidays and Public Holidays: Holiday entitlements are earned from the date of commencement of employment.

The minimum annual leave entitlement is 4 working weeks paid annual leave per leave year. However, annual leave is accrued based on time worked by the employee. Full-time employees earn one week of paid annual leave for every three months worked. Employees who work 1365 hours in any given leave year have earned their full four week annual leave entitlement at that point, except if it is a leave year in which the employee changes employment.

Part-time employees are entitled to annual leave consisting of 8% of hours worked, subject to a maximum of 4 working weeks in the leave year. Employees are also entitled to nine public holidays during the year, in respect of which an employer may choose to give one of the following four options:

- a paid day off on the day, or
- a paid day off within a month, or
- an extra day of paid annual leave, or
- an extra day's pay.

The following are the nine public holidays in Ireland:

PUBLIC HOLIDAYS
1st January (New Year's Day)
St. Patrick's Day (17th March)
Easter Monday
First Monday in May
First Monday in June
First Monday in August
Last Monday in October
Christmas Day (25th December)
St. Stephen's Day (26th December)

In order for a part-time employee to qualify for a public holiday, he/she must work at least 40 hours in the 5-week period that immediately precedes the public holiday.

Pay for Public Holidays: If the public holiday falls on a day on which the employee does not normally work, the employee is entitled to one fifth of his/her normal weekly wage for the day.

Protective Leave

Employers are obliged to allow employees (who meet relevant qualifying criteria, if any) to avail of certain statutory protective leaves, such as maternity leave, health and safety leave, parental leave, adoptive leave, and carer's leave. There is specific legislation setting down the rules for each entitlement which can be accessed at www.workplacerelations.ie.

Equality

The Employment Equality Acts outlaw discrimination in work-related areas such as pay, vocational training, access to employment, work experience and promotion including harassment and victimisation at work and the publication of discriminatory advertisements.

Discrimination is prohibited where it relates to gender, civil status, family status, sexual orientation, religious belief, age, disability, race, colour, nationality, ethnic or national origins and membership of the travelling community.

Any provision in a collective agreement, Employment Regulation Order, Registered Employment Agreement or Sectoral Employment Agreement which discriminates on any of the grounds set out above may be declared null and void.

It is also unlawful to discriminate directly or indirectly in relation to occupational pensions on any of the grounds set out above.



Specific Industry Agreements

Employees in certain sectors are covered by specific agreements regarding their employment and which deal with the pay and working conditions of the employees in these sectors. These agreements are

- *Employment Regulation Orders (EROs)* made by the Minister for Business, Enterprise and Innovation following proposals made by a Joint Labour Committee and adopted by the Labour Court;
- *Registered Employment Agreements (REAs)* proposed by a class, type or group of workers or trade unions and relevant employers or a trade union of employers and registered with the Labour Court: and
- *Sectoral Employment Agreements (SEOs)* made by Order of the Minister for Business, Enterprise and Innovation following recommendations made by the Labour Court.

Employers in sectors covered by an ERO, REA or SEO are obliged by law to pay the wage rates and provide the conditions of employment prescribed by the orders and agreements.

Details of EROs, REA and SEOs currently in force are available at www.workplacerelations.ie.

Termination of Employment

Minimum Notice: The Minimum Notice and Terms of Employment Acts 1973 to 2005 provide that every employee who has been in the employment of his/her employer for at least 13 weeks is entitled to a minimum period of notice before that employer may dismiss him or her. This period varies from one to eight weeks according to the length of service.

An employer and employee may agree payment in lieu of notice. An employee's minimum notice entitlement is as follows:

Length of Service	Minimum notice
Thirteen weeks to less than two years	One week
Two years to less than five years	Two weeks
Five years to less than ten years	Four weeks
Ten years to less than fifteen years	Six weeks
More than fifteen years	Eight weeks

An employee who has 13 weeks service with his/her employer is obliged to give one week's notice to his/ her employer when resigning, unless there is a written contract of employment that provides for a longer period, in which case this notice period must be given.

Employment contracts can be terminated in a variety of ways, such as dismissal, redundancy, or insolvency. Employers should be familiar with the rules relating to termination of employment in any of these contexts. To justify a dismissal, an employer must show that it either resulted from one or more of the following causes:

- (a) the capability, competence or qualifications of the employee for the work s/he was employed to do;
- (b) the employee's conduct;
- (c) redundancy;
- (d) the fact that continuation of the employment would contravene another statutory requirement;
- (e) that there were other substantial grounds for the dismissal.

Redundancy

A redundancy situation arises, in general, where a job no longer exists and the person is not replaced.

Under the Redundancy Payment Scheme all eligible employees are entitled to a statutory redundancy lump sum payment on being made redundant. An employee is entitled to two weeks pay for every year of service, with a bonus week added on, subject to the prevailing maximum ceiling on gross weekly pay which is €600 with respect to redundancies notified and/or declared on or after 1st January 2005.

An employee must have at least two years continuous service (104 weeks) to qualify for statutory redundancy. An employer who is making an employee redundant must give appropriate notice to the employee according to the length of service under the Minimum Notice and Terms of Employment Acts 1973 – 2005 or the employee's contract.

However, notice of redundancy is only required two weeks before the termination of employment and must be given in writing. This can be done either by using Part A of the RP50 form (see below) or by informing the employee in writing of the redundancy. The employee should not sign Part B of the RP50 form until they have actually received their redundancy payment. For more information including how to calculate redundancy entitlements using the redundancy calculator, log onto www.welfare.ie.

The Redundancy Payments Acts 1967 to 2014 provide that the redundancy lump-sum must be paid direct to the employee. Statutory redundancy rebates to employers only apply where the date of dismissal due to redundancy is before 1st January, 2013. Information for employers on making a redundancy rebate claim to the Department of Employment Affairs and Social Protection using the online facility (Form RP50) is available at www.welfare.ie.

Collective redundancies: Where employers are planning collective redundancies, they are obliged to supply the employees' representatives with specific information regarding the proposed redundancies and to consult with those representatives at least 30 days before the dismissal takes place to examine if the redundancies can be avoided or lessened or their effects mitigated.

Codes of Practice and Other Requirements

In places of employment the establishment of certain policies and procedures, such as those dealing with discipline and grievances, dignity at work (including bullying and harassment), is considered necessary, while the establishment of other policies and procedures, such as data protection and absence policies, is considered best practice. This will vary in importance for employers depending on the type of business involved.

A number of organisations, including the Workplace Relations Commission, the Health and Safety Authority and the Office of the Revenue Commissioners have produced codes of practice which may be useful for employers. (See Appendix II for a schedule of useful Codes, Leaflets, Explanatory Booklets and other literature).

There are a range of other matters which must also be considered when employing people, including tax and social welfare, pensions, equality, data protection and health and safety requirements. A list of Organisations and associated contact details is available in Appendix I to this booklet).

Enforcement

Complaints in relation to alleged contraventions of employment and equality legislation may be presented to the Workplace Relations Commission. The Commission's e-Complaint Facility can be accessed at www.workplacerelations.ie. Depending on the nature of the complaint, the matter will be referred for either investigation or adjudication.

Inspection: Inspectors of the Workplace Relations Commission are authorised to carry out inspections, examinations or investigations for the purposes of monitoring and enforcing employment legislation.

Where an Inspector determines that a contravention of specified areas of employment law (including the non-payment of certain monies due to an employee under employment law) has taken place, and the employer concerned fails or refuses to rectify the non-compliance the Inspector may issue a Compliance Notice setting out the steps the employer must take to effect compliance. If the employer does not appeal and fails or refuses to rectify or set out in writing how he or she proposes to rectify the matters set out in the notice, the Workplace Relations Commission may initiate prosecution proceedings against the employer.

In respect of a specified range of acts of non-compliance on the part of employers, an Inspector may serve a fixed payment notice. If the person on whom the notice is served pays the amount specified in the notice the matter does not proceed to Court. However, if the person fails or refuses to pay the amount the matter can be progressed to the District Court where the defendant can defend their position in the normal way.

WRC inspectors are also appointed by the Minister for Business, Enterprise and Innovation as authorised officers for the purposes of the Employment Permit Acts 2003-2014.

Adjudication: Adjudication Officers of the Workplace Relations Commission (WRC) are statutorily independent in their decision making duties as they relate to adjudicating on complaints referred to them by the WRC Director General.

The Adjudication Officer's role is to hold a hearing where both parties are given an opportunity to be heard by the Adjudication Officer and to present any evidence relevant to the complaint. Hearings of the Workplace Relations Commission are held in private. The Adjudication Officer will not attempt to mediate or conciliate the case. Parties may be accompanied and represented at hearings by a trade union official, an official of a body that, in the opinion of the Adjudication Officer, represents the interests of employers, a practicing barrister or practicing solicitor or any other person, if the Adjudication Officer so permits.

The Adjudication Officer will then decide the matter and give a written decision in relation to the complaint. The decision, which will be communicated to both parties and published, will

- (a) declare whether the complainant's complaint was or was not well founded,
- (b) require the employer to comply with the relevant provision(s),
- (c) require the employer to make such redress as is just and equitable in the circumstances.

A party to a complaint may appeal to the Labour Court from a decision of an Adjudication Officer.

Mediation: the Workplace Relations Commission (WRC) may be in a position to offer a mediation service in certain cases to facilitate the resolution of complaints/disputes where possible at an early stage and without recourse to adjudication. Complaints/ disputes may only be referred for mediation with the agreement of both parties to the complaint/dispute.

Mediation seeks to arrive at a solution through an agreement between the parties, rather than through an investigation or hearing or formal decision. The Mediation Officer empowers the parties to negotiate their own agreement on a clear and informed basis, should each party wish to do so. The process is voluntary and either party may terminate it at any stage.

Mediation can take the form of telephone conferences with the parties, face-to-face mediation conferences/ meetings or such other means as the Mediation Officer considers appropriate.

The terms of a resolution are binding on the parties and if either party contravenes these terms, the contravention will be actionable in any court of competent jurisdiction.

Referral form can be found on www.workplacerelations.ie or email: mediation@workplacerelations.ie

Tel: 01- 6136700 • **Lo-call:** 0818 220 227



Appendix I: Organisations that can assist with Employment Issues

Organisation	Relevant Functions	Contact Details
Workplace Relations Commission	Information provision, complaints investigation and adjudication, mediation, conciliation, young persons and employment agency licensing.	Lo-call 0818 808090 Website Contact Us page www.workplacerelations.ie
Department of Business, Enterprise and Innovation	Issue of employment permits.	Lo-call 0818 808090 www.dbei.gov.ie
Labour Court	Appeals against adjudication decisions and compliance notices.	Lo-call 0818 220228 or 01 6136666 www.workplacerelations.ie
Citizens Information	Information on public services and entitlements.	www.citizensinformation.ie
Companies Registration Office	Holds company information, incorporates companies and enforces the Companies Acts.	Lo-call 0818 220226 01 8045200 Email: info@cro.ie www.cro.ie
Data Protection Commission	Protects the right to privacy under the Data Protection Acts and provides information on individuals rights and organisations responsibilities.	057 8684800 076 1104800 www.dataprotection.ie
Department of Employment Affairs and Social Protection	Responsible for promoting a caring society through ensuring access to income support and other services, enabling active participation, promoting social inclusion and supporting families.	Lo-call 0818 800699 (Redundancy Payments) www.welfare.ie

Organisation	Relevant Functions	Contact Details
Scope Section (Department of Employment Affairs and Social Protection)	Gives decisions and information on the insurability of employment in accordance with the law.	01 6732585 Email: scope@welfare.ie www.welfare.ie
Health and Safety Authority	Responsibility for securing safety, health and welfare at work.	Lo-call 0818 289389 or 01-6147000 Email: wcu@hsa.ie www.hsa.ie
Irish Human Rights and Equality Authority	Protection and promotion of equality.	Lo-call 0818 245545 or 01 8589601 Email: info@ihrec.ie www.ihrec.ie
Revenue Commissioners	The assessment and collection of taxes.	See contact locator on www.revenue.ie
The Private Security Authority	Responsibility for licensing and regulating the private security industry in Ireland.	062 32600 Email: info@psa.gov.ie www.psa.gov.ie
The Pensions Authority	Monitors the Pensions Act, protects the interests of company pension scheme members and PRSA contributors; and encourages pension provision.	Lo-call 0818 656565 or 01 6131900 Email: info@pensionsauthority.ie www.pensionsauthority.ie

There are a range of Employer Representative Bodies and Trade Unions who provide information, advice and advocacy in the area of employment and equality legislation:

Irish Congress of Trade Unions

Tel: 01 8897777

Email: congress@ictu.ie

www.ictu.ie

Irish Business and Employers Conference

Tel: 01 6051500

Email: info@ibec.ie

www.ibec.ie

Small Firms Association

Tel: 01 6051500

Email: info@sfa.ie

www.sfa.ie

Irish Small and Medium Enterprises Association

Tel: 01 6622755

Email: info@isme.ie

www.isme.ie

Migrant Rights Centre of Ireland

Tel: 01 8897570

Email: info@mrci.ie

www.mrci.ie

Appendix II: Useful Publications

- Guide to Employment, Labour and Equality Law
- An Employer's Guide to WRC Inspections
- Revenue Commissioners Code of Practice for Determining Employment of Self-Employment status of Individuals
- Information on Holidays and Public Holidays Organisation of Working Time Act, 1997: Explanatory Booklet
- The Organisation of Working Time Act, 1997. Explanatory Leaflet for Employers and Employees
- Organisation of Working Time Act, 1997. Sunday premium/Provision of Information/Zero Hours: Explanatory Leaflet for Employers and Employees
- Organisation of Working Time Act, 1997. Code of Practice on Compensatory Rest Periods: Explanatory Booklet
- Organisation of Working Time Act, 1997. Code of Practice on Sunday Working in the Retail Trade
- Code of Practice for Protecting Persons Employed in Other People's Homes: Explanatory Booklet
- Health and safety Authority's Code of Practice for Addressing Bullying in the Workplace
- Payment of Wages Act: Explanatory Booklet for Employers and Employees
- Detailed Guide to the National Minimum Wage Act, 2000
- Terms of Employment (Information) Act, 1994 and 2001: Explanatory Booklet for Employers and Employees
- A Guide to the Industrial Relations Act, 1990
- A guide to the Employees (Provision of Information and Consultation) Act 2006
- Protection of Employees (Fixed-Term Work) Act, 2003: Explanatory Booklet for Employers and Employees

- Protection of Employees (Part-Time Work) Act, 2001: Explanatory Booklet for Employers and Employees
- Protection of Young Persons (Employment) Act, 1996: Guide for Employers and Employees
- Protection of Young Persons (Employment) Act, 1996. Summary of main rules on employing people under 18
- Code of Practice concerning the employment of young persons in Licensed Premises
- Guide to the Redundancy Payments Scheme
- Minimum Notice and Terms of Employment Acts, 1973 to 2001: Explanatory Leaflet for Employers and Employees
- Carer's Leave Act, 2001: Explanatory Booklet for Employers and Employees
- European Communities (Protection of Employees on Transfer of Undertakings) Regulations, 2003: Explanatory Booklet for Employers and Employees
- Code of Practice Dispute Procedures including in Essential Services
- Guide to the Insolvency payments scheme: Explanatory Booklet

Many of the above publications are available to download from www.workplacerelations.ie.





An Coimisiún um Chaidreamh san Áit Oibre
Workplace Relations Commission

CONTACT DETAILS

The Workplace Relations Commission (WRC)

O'Brien Road, Carlow

Telephone: (059) 9178800

www.workplacelrelations.ie

Information Services

Tel: (059) 9178990 – Lo-Call: 0818 808090

Inspection Services

Tel: (059) 9178800 – Lo-Call: 0818 220100

Adjudication Services

Tel: (01) 613 3380

Mediation Services

Tel: (01) 6136700 – Lo-Call: 0818 220227

Conciliation and Facilitation Services

Tel: (01) 6136700 – Lo-Call 0818 220227

Advisory Services

Tel: (01) 6136700

Licensing

(Employment of Young Persons and Agencies)

Tel: (059) 9178800

Callers should note that the rates charged for the use of 0818 (Lo-Call) numbers may vary among different service providers.





An Coimisiún um Chaidreamh san Áit Oibre
Workplace Relations Commission

Workplace Relations Commission (WRC)

O'Brien Road, Carlow

Telephone: (059) 9178800

www.workplacelrelations.ie