

PROSECUTION & ENFORCEMENT SERVICE

The Minister for Enterprise, Trade and Employment, and in certain circumstances, NERA Inspectors, may bring proceedings in respect of offences detected during the course of inspections and enquiries. The Minister may also bring proceedings in respect of other offences under employment rights legislation. The Courts may impose penalties in respect of such offences and, in certain instances, order the payment of any arrears due to employees.

In relation to enforcement, the Minister may bring proceedings on behalf of employees to seek compliance with determinations made by the Labour Court and the Employment Appeals Tribunal.

Summary of Prosecution Activity

A total of 98 cases were referred to the Chief State Solicitor's Office (CSSO) for prosecution during the year. Over the year, 61 cases were concluded. A large number resulted in successful convictions and the imposition of a fine. A number of cases were settled and a small number were withdrawn prior to hearing.

Summary of Enforcement Activity

Certain employment rights legislation provides for the bringing of proceedings for the purposes of enforcing awards of both the Labour Court and the Employment Appeals Tribunal. A total of 52 cases involving arrears of some €60,000 were concluded in 2007.



Accessibility

NERA is committed to providing information and services which are fully accessible to all of our customers. NERA is developing its full suite of information in a range of accessible formats including large print, Braille and audio. As well as publishing our website in a number of languages, NERA's information brochure is now available in Arabic, Chinese, Czech, French, Irish, Latvian, Lithuanian, Polish, Portuguese, Romanian, Russian and Spanish.

Migrant Workers and the Law

No distinction is made in employment rights legislation between Irish and migrant workers. Employment rights and protections apply equally to legal workers of all nationalities and NERA Inspectors operate without any distinction with regard to worker nationality.



NERA Information Services

Lo-call 1890 80 80 90

Email info@employmentrights.ie

NERA Inspection Services

Lo-call 1890 220 100

inspection@employmentrights.ie

NERA Enforcement & Prosecution Services

Lo-call 1890 220 200

enforcement@employmentrights.ie

prosecution@employmentrights.ie

www.employmentrights.ie



NERA
National Employment Rights Authority

QUARTERLY

Issue 1, 2008



Welcome to the first issue of NERA Quarterly. This bulletin provides an update on NERA's ongoing activity in its information, inspection and prosecution services. The bulletin will be helpful in signposting access points to information on employment rights as well as showing compliance trends.

INFORMATION SERVICES

NERA Information Services provide impartial information on a wide variety of employment rights legislation to employees and employers by telephone, in writing, by e-mail and through ongoing public awareness programmes.

Summary Information Activity

NERA's information line dealt with over 93,000 calls throughout 2007. Staff also dealt with 5,800 e-mail contacts and 990 personal callers. During 2007, NERA participated in 11 exhibitions and made over 40 presentations to other organisations. The three most requested information categories were; Redundancy, Holiday Entitlements and Payment of Wages.

YOU NEED TO KNOW -

Public awareness campaign launched

NERA has developed a nationwide public awareness campaign to raise awareness of employment rights and the services provided by NERA. The broad reaching advertising and promotional campaign seeks to engage employees, employers and the general public to promote a culture of employment rights compliance. The advertising campaign will run on all advertising media including TV, radio, press, outdoor and online.

www.employmentrights.ie

NERA's recently established website is a key source for information on employment rights. The site is being developed in a number of languages with a key focus on widest possible accessibility.

INSPECTION SERVICES

Operating in a fair and impartial manner, NERA's Inspectors undertake a variety of inspections to check compliance with certain employment rights legislation. Where breaches of employment rights legislation are detected, Inspection Services seek the rectification of those breaches and the payment of any arrears due to employees arising from the breaches. Where necessary NERA will have recourse to legal proceedings to effect the rectification of breaches and the recovery of any arrears due.

NERA Inspection Powers

NERA Inspectors are authorised to enter places of employment, inspect employment records, interview employers and employees and make associated enquiries to determine compliance with certain employment rights legislation.

Joint Investigations

The Social Welfare and Pensions Act, 2007, provides for the sharing of relevant employment data between the Office of the Revenue Commissioners, the Minister for Social and Family Affairs and the Minister for Enterprise, Trade and Employment. This legislation enables NERA's Inspection Services to join with inspectors from the Department of Social and Family Affairs and the Revenue Commissioners to form Joint Investigation Units and exchange information. This facilitates NERA's inspection, prosecution and enforcement activity and has already proved beneficial in a number of specific cases in which the Authority has been involved in 2007.

Targeted Inspection Campaigns

During 2007 NERA initiated three targeted inspection campaigns focusing on the Construction Sector, the National Minimum Wage Act and the Protection of Young Persons Act. The Construction Sector campaign was carried out during the summer months with 416 calls/visits/inspections recorded and 235 breaches detected for that sector over the year. In the Autumn NERA Inspectors conducted an inspection campaign focusing on the National Minimum Wage Act. Over the year, 1,909 calls/visits/inspections were recorded and 180 breaches detected in sectors covered by the National Minimum Wage. NERA inspectors also concluded a campaign targeting instances of non-compliance with the Protection of Young Persons Act, with 2,466 calls/visits/inspections recorded and 31 breaches detected.



Summary of Investigation Activity

Outlined below is a breakdown of NERA Inspection statistics for 2007. These figures are provisional figures as of the 31st December 2007 and are subject to change.

The first table gives a breakdown of inspections conducted within the industry sectors governed by Employment Regulation Orders (EROs) or Registered Employment Agreements (REAs). These industry-specific agreements cover minimum rates of pay and other conditions of employment for these industries. Aspects of these agreements often provide enhanced terms and conditions over and above what is provided for in general legislation.

The second table gives a breakdown of inspections conducted with respect to general employment rights legislation.

It should be noted the figures given for the percentage of breaches detected are based on the number of inspections carried out. So a very high figure for percentage of breaches detected can result from a small number of inspections, from targeted campaigns or from inspections in response to a particular complaint and therefore would not necessarily be representative of a high rate of non-compliance within a sector.

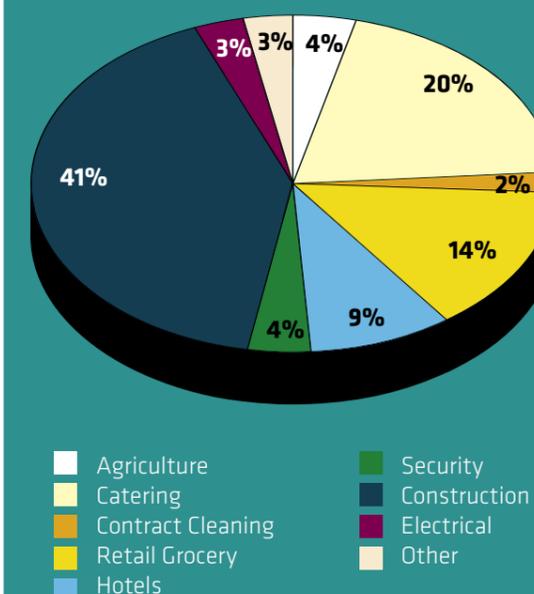
Following 14,244 calls/visits/inspections NERA inspectors detected 2,344 breaches of employment law in 2007.

Almost €2.5 million in arrears due to employees was recovered in 2007.

Summary of Inspections and Breaches Detected by Industry Sector

Sector	No. of Inspections	Breaches Detected (%)	Arrears Recovered (€)
Agriculture	46	59%	€135,836
Catering	204	61%	€263,066
Retail Grocery	139	30%	€39,639
Hotels	90	58%	€441,330
Contract Cleaning	21	67%	€72,398
Security	38	53%	€33,615
Construction	416	56%	€1,336,824
Electrical	35	43%	€26,857
Other	35	26%	€0

Inspections by Industry Sector



Summary of Inspections and Breaches by Employment Legislation

Breach Type	No. of Inspections	Breaches Detected (%)	Arrears Collected (€)
National Minimum Wage Act	1,939	10%	€122,015
Payment of Wages Act	2,655	12%	€196
Organisation of Working Time Act	2,639	48%	€3,360
Protection of Young Persons Act	2,466	1%	€617
Other	7	14%	€0