

TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 and 2001

WRITTEN STATEMENT OF TERMS OF EMPLOYMENT

This form may be used by employers for the purpose of providing an employee with a written statement of particulars of the terms of employment as required by the above Act.

IMPORTANT: Please refer to explanatory notes attached before completing the form

This statement applies to **(NAME OF EMPLOYEE)** _____

(a) **NAME OF EMPLOYER**

(see note 1)

(b) **ADDRESS OF EMPLOYER**

(see note 2)

(c) **PLACE OF WORK**

(see note 3)

(d) **JOB TITLE OR NATURE OF WORK**

(see note 4)

(e) **DATE OF COMMENCEMENT OF EMPLOYMENT**

(f) (i) **IF TEMPORARY CONTRACT**, expected duration of that temporary contract

(ii) **IF FIXED TERM CONTRACT**, date when that contract expires

Before completing information relevant to items (g) to (l) inclusive, please refer to note 5 on the explanatory notes

(If the space provided under any of the headings is insufficient, employers may include the relevant details in an Appendix to this statement).

(g) **RATE OF REMUNERATION AND MINIMUM WAGE PAY REFERENCE PERIOD**

(see note 6)

(ga) The employee may, under Section 23 of the National Minimum Wage Act, 2000, request from the employer a written statement of the employee's average hourly rate of pay for any pay reference period falling within the previous 12 months as provided in that section.

(h) **PAY INTERVALS**

(weekly, monthly or otherwise)

(i) **HOURS OF WORK** (including overtime, rest breaks, and rest periods)

(see note 7)

(j) **PAID LEAVE** (other than sick leave)

(see note 8)

(k) (i) **INCAPACITY FOR WORK / SICKNESS / SICK PAY** (see note 9)

(ii) **PENSION AND PENSION SCHEMES** (see note 10)

(l) **PERIOD OF NOTICE TO BE GIVEN BEFORE TERMINATING EMPLOYMENT** (see note 11)

(a) by employer to employee _____

(b) by employee to employer _____

(m) **RELEVANT COLLECTIVE AGREEMENTS**
(see note 12)

Signed: _____ Date: _____

(Proprietor/Manager/Company Secretary/Personnel Manager)

In relation to any changes in the particulars given above and employment outside the State, please see Note 13

NOTES FOR EMPLOYERS ON COMPLETING WRITTEN STATEMENT OF TERMS OF EMPLOYMENT OF AN EMPLOYEE

Note 1 – NAME OF EMPLOYER – Employers must state their full and correct name. In the case of a limited Company, the name of the Company as registered with the Companies Registration Office should be given.

Note 2 – ADDRESS OF EMPLOYER – A number of options are available to the employer under this heading. The intention is to ensure that the employee is given the full and accurate address of the employer. The options are as follows:-

- the full address in the State
- the address of the principal place of the relevant business in the State; this could be appropriate in the case of a business which has a number of locations.
- the address of the registered office i.e. address of the company as registered with the Companies Registration Office.

Note 3 – PLACE OF WORK – Employers must state the place of work of the employee; if there is no fixed or main place of work, the employer must state the main place of business and state that the employee will be required or permitted to work in various locations.

Note 4 – JOB TITLE / NATURE OF WORK – Employers must state either the title of the job e.g. general operative, accounts clerk or nature of work e.g. construction work, accounts work etc.

Note 5 – IMPORTANT – As an alternative to providing the particulars required under items (g) to (l) inclusive on the form an employer may use the statement to refer the employee to certain documents containing such particulars, provided that the documents are reasonably accessible to the employee. For example, the employer may refer the employee to the provisions of relevant legislation, an Employment Regulation Order, an employment agreement registered with the Labour Court, a collective agreement or a company handbook.

Note 6 – RATE OF REMUNERATION / MEANS OF CALCULATING REMUNERATION – In addition to basic pay, this heading covers any other aspects of remuneration such as bonus, commission, productivity incentives etc. If the employer does not give details of the rate of remuneration, he/she must give details of the method of calculating the remuneration. If appropriate, it could be stated that the rate is as set out in a specified Employment Regulation Order or Registered Employment Agreement.

The employer must indicate the pay reference period for the purposes of the National Minimum Wage Act, 2000. Also the employer must state that the employee may request from the employer a written statement of the employee's average hourly rate of pay for any pay reference period falling within the previous 12 months as provided in Section 23 of the National Minimum Wage Act, 2000.

Note 7 – HOURS OF WORK – Employers must give details about the terms and conditions relating to hours of work including overtime; this should include arrangements in relation to length of normal working hours, Saturday/Sunday work, evening work, shift rotas or other

such arrangements, as appropriate, and details of rest breaks and rest periods under the Organisation of Working Time Act, 1997.

Note 8 – PAID LEAVE – Employers must give details of any terms or conditions relating to paid leave (other than paid sick leave which is covered in note 9 below); this should include any paid leave schemes that the employer operates, for example holidays, maternity, special leave etc. and any arrangements that apply to such leave.

Note 9 – SICK LEAVE – Employers must state any terms and conditions that apply to an employee relating to incapacity for work or sickness / injury and paid sick leave, e.g. terms and conditions of sick pay schemes, reporting of absences, production of medical certificates, rules relating to payment etc.

Note 10 – PENSIONS – Employers must state the terms and conditions of any pension schemes and any arrangements relevant to pensions.

Note 11 – NOTICE – Employers must give details of the period of notice to be given by the employer and by the employee prior to the termination of the contract of employment. If it is not possible to indicate the period of notice when the written statement is given to an employee, the statement should clearly indicate the method for determining the period of notice. Where an employee has a statutory entitlement to notice under the terms of the Minimum Notice and Terms of Employment Act, 1973, this should be indicated.

Note 12 – COLLECTIVE AGREEMENTS – Employers must refer to any collective agreements which affect the employee's terms and conditions of employment. In the case of collective agreements to which the employer was not a party but which apply to the employment concerned, organisations which made the agreement should be indicated. An example would be a registered agreement concluded by certain employers and unions within a sector of activity but binding on all.

Note 13 – ADDITIONAL NOTES

CHANGES IN THE TERMS OF EMPLOYMENT

Employers should note that, where there are any changes to the particulars contained in the written statement, the nature and date of the change must be notified by the employer to the employee within one month of the change taking effect. In the case of changes as a result of an employee being assigned to employment outside the State for a period of not less than one month, the nature and date of the change must be notified before the employee's departure from the State.

EMPLOYMENT OUTSIDE THE STATE

Employers should also note that, where an employee is assigned to employment outside the State for a period of not less than 1 month, an employer is required under section 4 of the Act to provide additional information relevant to the employment outside the State (see explanatory leaflet on the Act for further details). The additional information may be provided in an Appendix to this statement.