

NERA *quarterly update*

www.employmentrights.ie

March 2010

LAUNCH OF 2009 ANNUAL REVIEW AND NERA STAKEHOLDER BRIEFING

On 5th February 2010 at the annual NERA stakeholder/media briefing, NERA launched its 'Review of 2009'. The Review details NERA's activities during 2009 in the various employment sectors and in the areas of employment legislation for which NERA has responsibility. The NERA 'Review of 2009' can be downloaded at www.employmentrights.ie. The event was well attended by employers and employee representatives and stakeholders from civil society groups. The briefing was addressed by the Minister for Labour Affairs, Dara Calleary TD and the Director of NERA, Ger Deering

www.employmentrights.ie

NERA's website, www.employmentrights.ie, continues to be key source of employment rights information with over 378,600 pages visited by 51,695 visitors in the period January to March 2010. 61% of the visitors to the website in this period were new and 39% were return visitors.

The website contains a comprehensive range of information on employment rights and legislation. In addition to having information about NERA and its functions, the website sets out the relevant areas of interest to both employers and employees. An extensive range of booklets, forms and guides are available for download.

In the period January to March 2010 the following were the most popular guides downloaded:

- 1 Holidays and Public Holidays- Organisation of Working Time Act, 1997**
- 2 Protection of Employees (Part-Time Work) Act, 2001**
- 3 Payment of Wages Act, 1991**
- 4 Unfair Dismissals Acts, 1977 to 2007**
- 5 Terms of Employment (Information) Act, 1994 and 2001**

NERA INFORMATION SERVICES

NERA Information Services dealt with over 30,710 telephone enquiries during the period January to March 2010.

This is a decrease of almost 9% on the same period in 2009. The fall in calls handled can largely be attributed to industrial action within the Civil Service over the period. 3,931 email enquiries were dealt with up to March 2010, compared with 3,253 emails dealt with in the same period in 2009. The most requested information categories continue to be redundancy, working hours, payment of wages, terms of employment and unfair dismissal.

To date in 2010, NERA has participated in a number of public events, notably the Hospitality Expo held in the RDS and made presentations to students at the Independent Colleges and the Bray Institute for Further Education.



MAKING THE NERA INFORMATION SERVICE WORK FOR YOU

NERA makes information available through a number of channels.

The NERA telephone information service is available to take calls between 9:30am and 5pm Monday to Friday. When you phone, you will be informed of the estimated wait time before you are connected to an Information Officer and informed of the alternative option, which is to listen to pre-recorded information. Please have all relevant information to hand before you phone NERA – this will help the Information Officer to understand your query more fully. Information Officers may ask some questions to assist them in giving you the information sought. They will also send you any relevant guides and publications to assist you with your query. In response to increased demand for information, NERA has also introduced a 24 hour pre-recorded information service on key employment rights topics, which is available through the NERA information line (1890 80 80 90).

Queries can also be submitted by letter or electronically via the NERA website using the e-form facility (available on the 'Contact Us' page).

Where a query relates to redundancy payment claims, NERA is limited to providing the following information:

- 1 confirmation of receipt of claims where a claim has been received by Redundancy Payments Section,
- 2 confirmation of the date of receipt of the claim and
- 3 details of the dates of claims currently being processed by Redundancy Payments Section.

NERA is committed to protecting personal data and will only give information in relation to a redundancy claim to the individual who is the subject of the claim or someone officially authorised by the claimant.

To confirm your identity when making an enquiry in relation to a redundancy payment claim submitted, you will be asked to provide your name, address, date of birth and PPS number or your claim number.



NERA INSPECTION SERVICES

To end of March¹ 2010, NERA Inspectors carried out inspection activity involving 706² individual employers and unpaid wages due to employees totalling €435,451 were recovered. Most inspections involve examination of an employer's compliance across several pieces of employment legislation.

The tables opposite provide a breakdown of NERA's provisional inspection figures for the period January to March 2010. Table 1 gives a breakdown of inspections conducted within the industry sectors governed by Employment Regulation Orders (EROs) or Registered Employment Agreements (REAs). These orders and agreements cover minimum rates of pay and other conditions of employment for these industries.

Table 2 gives a breakdown of inspections conducted under general employment rights legislation. It should be noted that the two categories are not mutually exclusive and that each of these industries is also covered by general employment legislation. Compliance rates are based on employers' compliance with the individual piece of employment legislation (listed in Tables 1 and 2 opposite)

¹ Statistics compiled to 26 March, 2010

² No. employers inspected = No. inspections by sector (Table 1 total) + NMW inspections + Night PYP – REA Construction/Pensions



Table 1

SUMMARY OF INSPECTIONS AND BREACHES DETECTED BY INDUSTRY SECTOR – TO END MARCH 2010

Sector	No of Inspections	Compliance Rate (%)	Unpaid Wages Recovered (€)
Agriculture	16	38%	2,619
Catering	99	34%	62,305
Retail Grocery & Allied Trade	57	19%	80,104
Hotels	17	18%	16,236
Contract Cleaning	16	50%	1,109
Security	2	50%	54,497
Construction	96	46%	132,843
Electrical REA	8	38%	5,888
Other	12	58%	0

Table 2

SUMMARY OF INSPECTIONS AND BREACHES BY EMPLOYMENT LEGISLATION – TO DATE IN 2010

Sector	No of Inspections	Compliance Rate (%)	Unpaid Wages Recovered (€)
National Minimum Wage	416	94%	50,562
Payment of Wages	641	88%	0
Organisation of Working Time	642	50%	29,288
Protection of Young Persons	637	98%	0
Employment Permits Acts	345	69%	0
Other	1	100%	0

SUMMARY OF PROSECUTION ACTIVITY

From 1st January to 31st March 2010, 44 cases were referred to NERA solicitors for prosecution. On 31st March there were 45 cases awaiting decisions on referral for prosecution.

30 cases were concluded from 1st January to 31st March 2010, most of which would have been initiated in previous years.

SUMMARY OF ENFORCEMENT ACTIVITY

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 10 new cases were opened to the end of March 2010. Six cases were concluded in the period January to March 2010.



NERA ROADSHOWS

During 2010 NERA is initiating a series of regional roadshows, aimed at providing information on employment rights legislation in regional centres and allowing employers and employees to meet NERA staff and discuss any particular issues they may have on a confidential, one to one basis.

As part of these events, NERA will offer the opportunity to local employers to attend employment law briefings which will identify and discuss the main areas of employment law they should be aware of as employers. These briefings will also provide information about the NERA inspection process, how inspections are conducted and how an employer can ensure that the process can be concluded as efficiently as possible.



NERA will also brief employees and volunteers in local information services (such as CIC's, MABs, resource and community centres and other groups in the community and voluntary sector) on the main employment rights issues they may encounter. Schools will be offered the opportunity for senior cycle students to be briefed on employment legislation relating to young people.

The first NERA roadshow took place on the 10/11th May 2010 in the Newman Institute, Ballina. NERA will also visit Wexford town on 27th of May, followed by Shannon, Navan and Cork. Other regional centres will be visited during 2010. For more information, see www.employmentrights.ie.

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