

Guidance Notes on how to complete the Declaration Form

Note: It is important that all sections of the Form of Declaration are completed.

Name and Address of Service Provider

The Name and Address of the Employer or the Company posting the worker to Ireland. Please include the Post Code and the Country.

Name and Address of Contact Person

The name and address of the person designated to liaise with the competent authority (the Workplace Relations Commission - WRC) to receive requests for information from the WRC and to send information and documentation and to receive documents and notices as necessary and to engage with the WRC in the event that an inspection is initiated by the WRC.

Work Location

The name and address of the Irish or other company or entity that entered into the contract that gave rise to posting of the workers to Ireland and the full address in Ireland where the worker will be posted / where the worker will be performing his / her work, if different.

Employee Name, Address and Date of Birth

The address required is the address at which the employee normally resides in the sending State.

Social Security Number

The Employees Social Security Number in the sending State. **PASSPORT NUMBERS ARE NOT ACCEPTABLE.**

Job Description/Job Title and Nationality

Enter the employees Job Description/ Job Title and Nationality.

(Non – EEA National) Employment Permit held (Y/N)

If applicable, please provide details of the Employment Permit Held

Start Date – Projected End Date

The Employees Start date and projected end date working in Ireland.

Gross Weekly Pay

Exclusive of any Board and Lodgings / Expense Payments

Total of Weekly Hours Worked (In Ireland)

An average is acceptable if the weekly total varies.

Please see the following link regarding the average maximum working week

https://www.workplacerelements.ie/en/what_you_should_know/hours-and-wages/

Gross Hourly Rate of Pay

https://www.workplacerelements.ie/en/what_you_should_know/hours-and-wages/

Posted Worker Form of Declaration

What is a 'Posted Worker'?

A 'Posted Worker' is an employee who normally works in another EU Member State, but for a limited period, carries out his or her employment duties in Ireland.

Am I legally required to submit a Form of Declaration?

Yes. A Form of Declaration is required from the Employer in respect of any employee travelling to Ireland to work, from another EU country.

What happens if I don't submit a Form of Declaration?

Failure to submit a Form of Declaration is a criminal offence. A fine of up to €5,000 may be imposed upon summary conviction.

When do I need to complete this form?

The Form of Declaration must be submitted no later than the date on which the employee commences work in Ireland.

Is there a minimum period that doesn't require a Form of Declaration?

No. However, this is currently under review.

What do I do if the posting is extended?

If a posting is extended beyond the projected end date contained on the Form of Declaration submitted, an amended Form of Declaration or a further Form of Declaration is required containing the new end date for the posting.

What happens to my form?

The information is held by the WRC. The WRC may refer to the form if it is decided to inspect the employer for compliance with Irish employment law obligations.