

Contents

	PAGE
INTRODUCTION	2
POSTED WORKERS	3
TEMPORARY AGENCY WORKERS	4
WRITTEN TERMS AND CONDITIONS	5
PAY AND WAGES	6
REST BREAKS REST TIME	8
HOLIDAYS	9
PUBLIC HOLIDAYS	10
TERMINATION OF EMPLOYMENT	11
NON- DISCRIMINATION	12
DISPUTES AND ENFORCEMENT	13
OCCUPATIONAL HEALTH AND SAFETY	14

Introduction

This publication aims to help workers understand their rights when posted to work in Ireland. The publication also contains contact information for the relevant State authorities in Ireland. It has been prepared by the Workplace Relations Commission (WRC)

Workplace Relations Commission (WRC)

The Workplace Relations Commission (WRC) is the competent authority in Ireland for posted worker issues. The core services include the inspection of employer's employment records to ensure employment law compliance, the provision of information on employment law, mediation, adjudication, conciliation, facilitation and advisory services.

One of the key objectives of the WRC is to provide impartial information on a wide variety of employment rights legislation to workers by telephone, in writing, through its website and through ongoing public awareness programmes.

Website: www.workplacerelations.ie

Tel 1890 808090 or 00 353 59-9178900 (for callers from outside of the Republic of Ireland).

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

Posted Workers

A posted worker is someone who, for a limited period, and for no longer than one year, carries out his/her work in a Member State of the EU other than the State in which he/she normally works. This includes employees placed by an agency.

The EU Posted Workers Directives provide that a worker posted to the territory of a Member State 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 by the employer for all temporary postings of workers to Ireland from another Member State. Forms are e-mailed to a dedicated e-mail address.

WRCpostedworkers@workplacereactions.ie

This e-mail address has been created for the submission of:-

- Form of Declarations by employers
- General enquiries from both workers and employers
- Complaints from workers about non-compliance with posted workers legal right

General Enquiries / complaints or queries may be made as above

Temporary Agency Workers

An agency worker is an individual employed by an employment agency or a placement agency under a contract of employment and assigned to work for and under the direction and supervision of a third party (someone other than the agency).

The law provides that all agency workers must have equal treatment with workers hired directly by the third party 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 canteen or similar amenities, or transport services.

Under Irish law, an employment agency cannot charge an individual a fee in respect of making any arrangement for that individual's employment.

Written Terms and Conditions

Workers are entitled to written terms and conditions. The following terms and conditions of employment must be included in the written statement.

- The full names of the employer and the employee,
- The address of the employer,
- The place or places of work,
- Job title or description,
- Date of commencement of employment,
- The expected duration of the contract. In the case of a temporary contract, or a fixed-term contract, the end date should be specified;
- The rate of pay,
- The number of hours per normal working day and per normal working week.
- Whether pay is weekly, monthly or otherwise,
- Terms or conditions relating to hours of work, including overtime
- The 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,
- Details of any collective wage agreements which affect the employment.

An employer may provide a contract of employment instead of written terms and conditions of employment and in these circumstances, the contract should include the information set out above.

Pay and Wages

National Minimum Wage: Ireland has a legally binding National Minimum Wage Rate since 2000. Workers in Ireland are entitled to be paid a minimum rate per hour depending on their age. There are some exceptions to the minimum wage, including employees employed by close relatives and employees aged under 18.

Specific Industry Agreements: There are agreements in place for certain industries which set specific terms and conditions for those who are covered by them.

Details of any current agreements and the legally binding wage amounts under these agreements are available on www.workplacerelations.ie

Allowances specific to posting:

Allowances specific to the posting are considered to be part of remuneration. This does not include reimbursement of expenditure actually incurred on account of the posting, such as expenditure on travel, board and lodging.

Pay Slips: All employees are entitled to receive a pay slip with every payment of wages. This pay slip must show the gross wage (the wage before any deductions have been made) and details of the nature and amount of any deductions made from the gross wage.

Deductions from wages by employers : Under Irish law, an employer may only make deductions from an employee's wage where :

- The deduction is allowed by law (such as Taxation and National Insurances)
- The deduction was agreed as part of the employee's contract (such as pension contributions, or other items specified in the contract),
- The deduction was agreed to in writing in advance by the employee

Rest Breaks, Rest Time

Employers must ensure that employees are given adequate rest. The following rules apply:

Maximum Working Week: The maximum an employee should work in an average working week is 48 hours. Generally, this working week average is calculated over a four-month period.

Rest 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.

Rest breaks are unpaid as there is no legal entitlement to payment for breaks.

Sunday Work: Under Irish law, Sunday work attracts a premium.

If not already included in the rate of pay, employees are entitled to an additional payment for Sunday working or paid time off in lieu.

Holidays

Paid holiday entitlements (annual leave) are earned from the date of commencement of employment.

Annual leave is accrued based on time worked by the employee and time absent from work on medically certified sick leave.

The minimum paid annual leave entitlement is 4 working weeks paid annual leave per leave year.

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.

Public Holidays

There are nine public holidays in Ireland each year and an employer must choose to give one of the following four options where an employee works or normally works on a public holiday.

- 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)

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.

Termination of Employment

Minimum Notice: 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

Employee Notice: 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.

Non-Discrimination

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 wage 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.

Disputes and Enforcement

Complaints and disputes regarding employer non-compliance with employment or equality law may be made to the Workplace Relations Commission (WRC).

General Enquiries / complaints or queries may be made to the e-mail address: -

WRCpostedworkers@workplacerelations.ie

Telephone enquiries in English may be made to:-

Tel 1890 808090 or 00 353 59-9178900 (for callers from outside of the Republic of Ireland).

Written enquiries may be made to :-

The Workplace Relations Commission
Posted Workers Liaison Unit
O'Brien Road
Carlow
R93 E920
Ireland

Occupational Health and Safety

Occupational Health and Safety is monitored by the Health and Safety Authority (HSA).

The goal of the HSA is to realise a safe and healthy working life for people in Ireland and to foster an environment where businesses can grow and prosper.

Contact Details

Email: wcu@hsa.ie

Website: www.hsa.ie

Tel 1890 289 389 or 00 353 01-6147000 (for callers from outside of the Republic of Ireland).

An emergency service outside of standard office hours is operated.

In case of a serious injury/fatality outside of standard business hours (9:00am to 12:30pm), callers can call the 1890 289 389 number where they will be offered a transfer to the Police (Garda Síochána) who will in turn notify a HSA senior inspector.