

SAMPLE WRITTEN STATEMENT OF 'CORE' TERMS OF EMPLOYMENT

Terms of Employment (Information) Act, 1994 and 2001. Employment (Miscellaneous Provisions) Act 2018.

A WRITTEN STATEMENT OF "CORE" TERMS OF EMPLOYMENT MUST BE GIVEN TO EMPLOYEES WITHIN 5 DAYS AFTER STARTING WORK

This template is produced for guidance purposes and may be used by employers for the purposes of providing an employee with a written statement of core terms of employment not later than 5 days after starting work, as required by the Terms of Employment (Information) Act, 1994 and 2001, and the Employment (Miscellaneous Provisions) Act 2018.

Care should be taken to read the explanatory notes associated with each part of the template before completing that part. It should be noted that the particulars in respect of each part of the template are required to be included in the statement.

**SAMPLE WRITTEN STATEMENT OF 'CORE' TERMS OF
EMPLOYMENT**

**THIS STATEMENT MUST BE GIVEN TO THE EMPLOYEE WITHIN 5 DAYS AFTER STARTING
WORK**

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

This statement applies to

(a) FULL NAME OF EMPLOYEE _____

(b) FULL NAME OF EMPLOYER _____ (See Note 1)

(c) ADDRESS OF EMPLOYER _____ (See Note 2)

(d) IF TEMPORARY CONTRACT (expected duration of temporary contract)

(e) IF FIXED TERM CONTRACT (date on which contract expires)

(f) RATE OF RENUMERATION _____
(See Note 3)

(g) MINIMUM WAGE PAY REFERENCE PERIOD (weekly, monthly or
otherwise) period used to calculate hourly rate of pay or the National Minimum
Wage Act 2000) (See Note 3)

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

(h) APPLICABLE EMPLOYMENT REGULATION ORDER OR SECTORAL EMPLOYMENT ORDER

(i) The NUMBER OF HOURS (including overtime) which the employer reasonably expects the employee to work

Per normal working day _____

Per normal working week _____

Signed: _____ Date: _____
(Proprietor/Manager/Company Secretary/Personnel Manager)

NOTES FOR EMPLOYERS ON COMPLETING WRITTEN STATEMENT OF CORE 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 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 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 (within the meaning of the Companies Act 2014)

Note 3: RATE OF REMUNERATION/MEANS OF CALCULATING REMUNERATION — In addition to basic pay, this heading covers any other aspects of remuneration such as Sunday premium, 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 Sectoral Employment Agreement.

The following payments are regarded as wages:

- Normal basic pay (as well as any overtime);
- Sunday premium
- Shift allowances or other similar payments;
- Any fee, bonus or commission;
- Any holiday, sick or maternity pay;
- Any other return of payment for work (whether made under the contract of employment or otherwise), and;
- Any sum payable to an employee in lieu of notice of termination or employment

Sunday Premium: If already included in the determination of pay, this should be indicated. If not already included in the rate of pay, an employee is entitled to paid time off in lieu or a premium payment for Sunday working.

An employee is entitled to the premium payment for Sunday working payable to a comparable employee in a collective agreement in force in a similar industry or sector. This means that the Sunday premium, if not already paid, will be equivalent to the closest applicable collective agreement which applies to the same or similar work under similar circumstances and which provides for a Sunday premium.

The premium can be in the form of:

- An allowance
- Increased rate of pay
- Paid time off
- Combination of the above.

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 reference period falling within the previous 12 months as provided in Section 23 of the National Minimum Wage Act, 2000.

Version 30 January 2020