

Employees can decide that they want to leave a job for many reasons, including taking on a new job, to deal with life issues or opportunities. Employers may need people to leave if the job is gone or product demand is falling. Both employees and employers have certain requirements and entitlements at such times.

Minimum Notice

Employees with at least 13 weeks employment are entitled to a minimum notice period before the employer may dismiss them. This period varies from 1 to 8 weeks according to their length of service.

An employee who has 13 weeks service is obliged to give at least 1 weeks' notice when resigning, unless there is a written contract of employment that provides for a longer period.

Redundancy

A redundancy situation arises where an employee's job no longer exists and the person will not be replaced.

An employee with 104 weeks continuous service and whose employment is terminated because of redundancy is entitled to a redundancy lump sum payment. This payment is 2 weeks' pay for every year of service plus a bonus week subject to a statutory ceiling amount.

Unfair Dismissal/Constructive Dismissal

In certain circumstances a dismissal may be unfair and an employee may be able to bring a complaint against an employer. A constructive dismissal arises where an

employee has formed the view that the conduct of the employer was such that he or she had no alternative but to leave having tried as best he or she could to deal with the matter internally. In such instances, the employee may refer a complaint to the WRC using the online complaint form at www.workplacelrelations.ie.

Documentation

At the conclusion of employment, employees should receive a P45 from the employer which shows pay and tax and PRSI deducted by the employer. It is required:

- Where the employee is changing employer so as to avoid the imposition of emergency tax in the new employment
- Where the employee is claiming a tax refund or social welfare payment.

References

There is no obligation on an employer to provide references but in most instances references are provided.

Further Information

For further information on all or any of the above please contact our Information and Customer Services at Lo-call 1890 808090 or look at our website www.workplacelrelations.ie.