



2008

# **Know Your Welfare Rights**



*A Practical Resource Pack*



We know, from our work, that many employers are committed to ensuring that employees, who are losing their jobs as a result of redundancy, are provided with a range of job seeking and other supports designed to reduce the impact of redundancy on the individual and to maximise the potential for people to secure alternative employment.

We also know that, in many cases, both the employer and the people who lose their jobs have little or no knowledge of the Social Welfare System and the various rules and regulations governing entitlement to a social welfare payment.

This Resource Pack is designed to assist employers and others to deal with the social welfare information needs of people who are being made redundant. We would encourage any employer dealing with a redundancy situation to utilise this information so as to ensure that their staff are fully aware of their entitlements when they leave the organisation.

### **This Pack consists of:**

- A detailed guide containing information on Jobseeker's Benefit and Jobseeker's Allowance, Genuinely Seeking Work, Payment Rates, Credits and Secondary Benefits
- An INOU contact card including the Rates of Payment for Jobseeker's Allowance and Jobseeker's Benefit
- A leaflet, Know your Welfare Rights, which is aimed directly at people who have become or are about to become unemployed. Please contact the INOU if you would like to receive more of these leaflets

We value feedback on our publications and services. If you have any comments or suggestions we would be grateful if you would contact us.

Please note that the contents of this pack provide a general overview. For more detailed information please contact the INOU.



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## Introduction

The past ten years have been marked by unprecedented economic growth and job creation. There are, however, concerns that 2008 may mark the first year for a long time that we may lose more jobs than we create. Large numbers of people are facing and will continue to face the prospect of losing their jobs.

The impact of a factory closure or redundancy can be acute for the individual who loses his or her job. In addition, many of the people who lose their jobs may have little or no experience or knowledge of the social welfare system. Indeed, some may wrongly believe that, having made Pay Related Social Insurance (PRSI) contributions when they were working, they will automatically be

entitled to receive an unemployment payment that is based on their previous earnings. Many more will be unaware of *Genuinely Seeking Work* legislation and may have little or no knowledge of secondary benefits or the rates of payment and may know little about available supports to look for work, training or education options.

## Redundancy

### **What is Redundancy**

A redundancy situation generally occurs where, for a variety of reasons, an employee's job no longer exists and they are not replaced. Employers are obliged, by law, to pay compensation to employees who are dismissed by reason of redundancy.

### **Eligibility for Statutory Redundancy Payments**

In order to be eligible for a statutory redundancy payment, an employee must:

- Be aged 16 years or over
- Be in employment and paying PRSI contributions, usually Class A contributions
- Have worked continuously for the employer for at least 2 years (104 weeks)
- Have worked continuously for the employer for more than 2 years if working part-time

### **Written Periods of Notice**

An employer is obliged to issue a written notice of redundancy to the employee (Form RP50) and to send a duplicate of the form to the Department of Enterprise, Trade and Employment. Generally, the minimum period of notice will depend on a person's length of service or the period of notice in the person's contract of employment. It is good employment practise for an employer to notify all workers of a redundancy situation regardless of their length of service. The following table lists the minimum period of notice which a person is entitled to receive.

Length of employment	Minimum Period of Notice
Less than 13 weeks	Nil
13 weeks – 2 years	1 Week
2 years – 5 years	2 Weeks
5 years – 10 years	4 Weeks
10 years – 15 years	6 Weeks
More than 15 years	8 Weeks

▶▶ The employee is entitled to reasonable time off to look for other work during the period of notice.

### **Redundancy Payments**

The amount of the Redundancy payment is determined by the employee's length of continuous service and weekly earnings. Weekly earnings include the gross weekly wage, average regular overtime and benefits-in-kind. Currently, the maximum weekly amount for determining the level of a statutory redundancy payment is €600. However, many employers make provision for redundancy payments above the statutory requirements. The statutory redundancy payment, or the statutory redundancy part of an enhanced redundancy payment, is tax-free. Any enhanced element of a redundancy payment is liable for tax. An employer may obtain a rebate of 60% of the statutory redundancy payment through the Department of Enterprise, Trade and Employment.

### **Calculating Redundancy Payments**

If an employee is eligible for a Redundancy payment, they are entitled to:

- Two weeks pay for each year they have been employed and
- A bonus week's pay

### **If a Redundancy is disputed**

If there is a dispute in a redundancy situation, this may be referred to the Employment Appeals Tribunal. Further information is available on their website - [www.eatribunal.ie](http://www.eatribunal.ie)

#### **Example – Calculating Redundancy Payments**

A person has worked for an employer for 5 complete years. Their statutory redundancy payment will be calculated as follows:-

Two weeks' pay x 5	10 weeks
One week's bonus pay	+1 week
Total Statutory Entitlement	11 weeks

### **Further Information**

- A statutory redundancy calculator is available on the Department of Enterprise, Trade and Employment's website at [www.entemp.ie](http://www.entemp.ie)
- The RP50 Form is also available to download from the Department's website
- Further information is available on the National Employment Rights Authority website at [www.employmentrights.ie](http://www.employmentrights.ie)



## 2. Genuinely Seeking Work and Services for Unemployed people Looking for Work



### Introduction

In order to qualify for and continue to receive Jobseeker's Benefit (JB) or Jobseeker's Allowance (JA), the Department of Social and Family Affairs rules state that a person must be genuinely seeking work. The following includes general information on genuinely seeking work legislation and website links/contacts for services that provide supports to people looking for work.

### Satisfying Genuinely Seeking Work Criteria

Genuinely Seeking Work legislation means that, in order to qualify for an unemployment payment, an unemployed person should be available to take up work that is reasonably suitable for them on a full-time basis.

- ▶▶ A person may take up to three days part-time employment while seeking full-time work and may qualify for a jobseeker's payment for the other days in the week that they are unemployed.

### Further Information

- A detailed guide to the implementation of Genuinely Seeking and Available for Work legislation is available on the Department of Social & Family Affairs website: [www.welfare.ie](http://www.welfare.ie)
- Contact the INOU if you have any queries on Genuinely Seeking Work Telephone: 01 8560088, e-mail: [welfareinfo@inou.ie](mailto:welfareinfo@inou.ie)

### Services and supports for unemployed people looking for work

#### *Nationwide Services*

- **Social Welfare Offices**

Facilitators (formerly Job Facilitators) are based in Social Welfare Offices around the country to assist people to find employment.

A full list of Social Welfare Offices is available on the Department's website

- **FÁS Offices**

Employment Services Officers are based in local FÁS Offices and can register anyone with FÁS who are over 15 years of age and not attending school. They also advise on employment opportunities, training courses and other options, which may lead to employment.

A full list of FÁS Offices is available on the FÁS website at [www.fas.ie](http://www.fas.ie)

#### *Area specific Services*

- **Local Congress Centres Network / Resource Centres**

Local Congress Centres Network / Resource Centres provide services and supports that assist people in finding employment. Many Centres also provide a range of services including welfare to work information/advice, information on local job vacancies, assistance with CV preparation and running Job Clubs.

A full listing of Local Congress Centres, is available on the ICTU website at [www.ictu.ie](http://www.ictu.ie)

- **Job Clubs**

Job Clubs provide job seeking skills courses for people who are 'job ready' or who have recently become unemployed.

A full listing of FÁS Job Clubs, is available on the FÁS website.

- **Pobal Funded Area Based Partnerships and Community Partnerships**

Partnerships often provide services to unemployed people. These may include information, guidance and training courses. Partnerships have a particular role in supporting unemployed people to become self-employed.

A full listing of Area Based Partnerships, is available on the Pobal website at [www.pobal.ie](http://www.pobal.ie)

A full listing of Community Partnerships, is also available on the Pobal website.

- **The Local Employment Service (LES)**

The Local Employment Services assist people who have been unemployed for more than six months to secure employment. The LES provides Mediator and Guidance services.

A full listing of Local Employment Services, is available on the FÁS website.

### **Further Information**

If you would like more information on Looking for Work, you can download the INOU Resource Guide 'Looking for Work' on the INOU website at [www.inou.ie](http://www.inou.ie)

FÁS Head Office is located at 27-33 Upper Baggot St, Dublin 4. Tel (01) 607 0500



### Jobseeker's Benefit (JB)

#### Qualifying for JB

Jobseeker's Benefit is one of two main unemployment payments. For JB a person must be:

- Resident in the Irish Republic
- Aged 16 or over
- Aged under 66 years
- Unemployed for at least 3 days out of any consecutive 6 days
- Available for, Capable of and Genuinely Seeking Full-time work

#### And

- Have sufficient paid or credited PRSI contributions (see below)

#### JB Entitlement and PRSI Contributions

Entitlement to JB is based on the number of relevant PRSI paid or credited contributions (what used to be known as stamps). PRSI contributions can be paid (when working) or credited (including when signing-on the Live Register). Section 5 contains further information on PRSI Contributions.

A person has an entitlement to JB if they meet all the criteria, in either of the following ways:

#### 1.

- Experienced a loss of employment of one day which includes a loss of income
- Have 52 weeks paid PRSI contributions since starting work
- Have 39 weeks paid or credited PRSI contributions in the Relevant Tax Year (see relevant Tax/Contribution Year on page 12)

**OR»**

#### 2.

- Experienced a loss of employment of one day which includes a loss of income
- Have 52 weeks paid PRSI contributions since starting work
- Have 26 weeks paid PRSI contributions in the Relevant Tax Year
- Have 26 weeks paid PRSI contributions in the Tax Year prior to the Relevant Tax Year

- » An individual may re-qualify for Jobseeker's Benefit if they have 13 paid contributions since their previous JB claim finished (providing the unemployed person had used up all their benefit)
- » Jobseeker's Benefit can be received for up to 15 months

#### Payment

A person will be entitled to the full JB rate if their weekly wages in the relevant tax/contribution year was at least €150. Section 4, Rates of Payment, shows the 2008 JB rates.

- » In certain circumstances it may be more financially worthwhile for a person to opt for a JA payment rather than a reduced JB payment. For further information please contact the INOU

### **Relevant Tax/Contribution Year**

The relevant tax/contribution year is determined by contributions in the tax year two years prior to when a person makes a claim for an unemployment payment, i.e. for making a claim for JB in 2008, the relevant tax/contribution year is 2006. The number of paid or credited contributions made in 2006 determines entitlement to JB in 2008.

### **Delay in JB payment**

There may be a delay in receiving a Jobseeker's Benefit Payment from 1 day up to a maximum of 9 weeks, if a person:

- Receives a redundancy payment of €50,000 or over. This applies to people who are less than 55 years of age

▶▶ If a person becomes unemployed for the above reason but does not sign on for JB for the first 9 weeks they may receive JB for the full 15 month period

### **Loss of Entitlement to a JB Payment**

A person may lose their entitlement to a JB payment if they:

- Refuse an offer of suitable employment or training provided by FÁS, without good cause (also applicable for JA)
- Leave employment without good cause

### **Part-Time Working and JB**

A person on JB can work up to three days per week. They will lose their JB payment for the days they have worked. The person must continue to prove that they are available for and genuinely seeking full-time work for the days they are unemployed. Qualified Adults of a JB claimant can earn up to €100 before their payment is affected.

## **Jobseeker's Allowance (JA)**

### **Qualifying for JA**

Jobseeker's Allowance is the other main unemployment payment. For JA a person must be:

- Resident in the Irish Republic
- Aged 18 or over
- Aged under 66 years
- Unemployed for at least 3 days out of any consecutive 6 days
- Available for, Capable of and Genuinely Seeking Full-time work

And

- Have insufficient PRSI contributions in order to receive Jobseeker's Benefit
- Satisfy a means test
- Satisfy the Habitual Residence rule

### **JA Means Test**

A person's means of income will determine entitlement to a JA payment and the level of any payment. The JA claimant will be interviewed about their means. They should maintain a record of bank statements or accounts if possible as these may be required.

The following four potential means of income are taken into account in the Means Test:

- Cash Income
- Property (other than a person's own home)
- Capital
- Benefit and Privilege (this refers to the benefit received by an unemployed person from living in a parent's home)

### **How an unemployed person's means are assessed**

When an unemployed person's means are being assessed, their cash income, savings, investments or any property, other than their own home, are worked out using the following formula;

<b>Capital</b>	<b>Weekly Means</b>
Up to €20,000	€0
€20,000 – €30,000	€1 per €1,000
€30,000 – €40,000	€2 per €1,000
Over €40,000	€4 per €1,000

### **Example**

A person who has recently become unemployed has savings, to the value of €40,000.

Savings	€40,000
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Assessable savings

First €20,000 value	€0
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€20,000-€30,000 (10 x €1)	€10
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€30,000-€40,000 (10 x €2)	€20
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Total Weekly value of savings	€30
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€30 will be deducted from the person's weekly payment

### **Part-Time Working and JA**

A person can claim a Jobseeker's Allowance payment and work up to a maximum of three days per week. They will lose part of their JA payment for the days they have worked. The person must continue to prove that they are available for and genuinely seeking full-time work for the days they are unemployed.

Where a person claims a JA payment and works part-time, an income disregard of €20

will be allowed for each day worked (up to a maximum of three days per week). This income disregard also applies to Qualified Adults. A qualified adult is a spouse or partner who is not entitled to a social welfare payment in their own right.

Qualified adults of a JA claimant can work full or part-time but their earnings may affect their family JA rate.

### **Habitual Residence rule**

Entitlement to a JA payment will depend on satisfying the Habitual Residence rule. Generally an applicant who has been living in Ireland for 2 years or more, works in Ireland and has a settled intention to remain in Ireland and make it his / her permanent home will normally satisfy the habitual residence rule.

### **Supplementary Welfare Allowance (SWA) Payment**

If an unemployed person is not entitled to a JB or a JA payment, they may be entitled to a SWA payment. This payment is available through Community Welfare Officers, who are currently based in local health centres.

### **Supplementary Welfare Allowance and Habitual Residence**

EU citizens who have been working in Ireland may be able to claim a Supplementary Welfare Allowance payment, access Rent Supplement and other SWA payments, if they:

- Have been employed in Ireland
- Have lost their job *and*
- Meet other relevant qualifying conditions for SWA

### **Other Entitlements**

There may be an entitlement to other payments which are related to family circumstances. These may include a Qualified Adult payment and a payment for children under 18, or 22 if in full-time education (a Qualified Child payment).

A person may also have an entitlement to other benefits (called secondary benefits) as a result of receiving a Jobseeker's Benefit or Jobseeker's Allowance payment. For further information see Section 6 – Secondary Benefits.

### **Further Information**

- For more detailed information on any aspect of Jobseeker's Benefit or Jobseeker's Allowance, please contact the INOU
- The Department of Social and Family Affairs website [www.welfare.ie](http://www.welfare.ie) contains more information on the guidelines on Habitual Residency
- More details on the guidelines applied by the Department in relation to JA and JB are also available on the Department's website
- The Department of Social and Family Affairs Payments & Information Services are contactable by phone at: (01) 704 3000



### 2008 Maximum Payment Rates for Jobseeker's Benefit and Jobseeker's Allowance

Personal Rate	€197.80
Qualified Adult Rate	€131.30
Each Qualified Child Rate	€24.00
Each Qualified Half Child Rate	€12.00

### Jobseeker's Benefit 2008 Rates

Average Weekly Earnings	Personal Adult Rate	Qualified Adult Rate	Qualified Child Rate	Qualified Half Child Rate
Less than €80	€88.90	€85.10	€24.00	€12.00
€80 - €124.99	€127.80	€85.10	€24.00	€12.00
€125 - €149.99	€155.00	€85.10	€24.00	€12.00
Over €150	€197.80	€131.30	€24.00	€12.00



Credits are social insurance PRSI contributions that will help protect a person's social insurance entitlements (e.g. pensions during periods when they are not able to make paid contributions (i.e. when unemployed).

### ***PRSI Class A***

If a person has been working and paying PRSI, they will have paid Class A PRSI unless they are either:

- Self employed,
- Employed by the state before 6th April 1995 or,
- Earning less than €38.00 gross per week

Class A PRSI provides entitlement for Jobseeker's Benefit and other social insurance payments such as Illness Benefit.

Benefits which a person may be entitled to as a result of paying Class A PRSI include:

- Jobseeker's Benefit
- Illness Benefit
- Maternity Benefit
- Adoptive Benefit
- Health and Safety Benefit
- Invalidity Pension
- Widow's or Widower's (Contributory) Pension
- Guardian's (Contributory) Payment
- State Pension (Contributory) — previously known as Old Age Pension
- State Pension (Transition) — previously known as Retirement Pension
- Bereavement Grant
- Treatment Benefit
- Occupational Injuries Benefit
- Carer's Benefit



Secondary Benefits are benefits which a person may be entitled to as a result of being in receipt of an unemployment payment.

If a person is in receipt of JB or JA, they may be entitled:

- From their local Health Services Executive to:
  - **Rent/Mortgage Interest Supplement**
  - **Medical Card**
  - **GP Visit Card**
  - **Back to School Clothing & Footwear Allowance**
  - **Diet Supplement**
  
- From their local Social Welfare office to:
  - **Christmas Bonus\***
  - **Fuel Allowance\***
  - **Smokeless Fuel Allowance\*\***
  
- From their Local Authority to:
  - **Differential Rent**
  - **Rental Accommodation Scheme (RAS)\*\*\***

**\* Christmas Bonus/Fuel Allowance** – Both the Christmas Bonus and the Fuel Allowance are payable to a person who is in receipt of Jobseeker's Allowance for more than 390 days, but are not payable with Jobseeker's Benefit.

**\*\* Smokeless Fuel Allowance** – The Smokeless Fuel Allowance is payable to people who live in smokeless or low fuel areas who are in receipt of Jobseeker's Benefit or Jobseeker's Allowance for more than 13 weeks.

**\*\*\* Rental Accommodation Scheme (RAS)** – The Rental Accommodation Scheme is for people who receive rent allowance for over 18 months and who need long-term housing. The scheme is run by the Local Authorities.