



PARENTAL LEAVE

Parental Leave is a separate entitlement to Maternity Leave and is available both to parents and adoptive parents. The **Parental Leave Act 1998** provides for, amongst other things, 14 weeks unpaid leave for employees in respect of children aged under five who were born or adopted on or after 3rd December 1993. Normally, the employee must have worked for the same employer for at least one year in order to qualify for the full entitlement. Employees with less than one years service but more than three months service are allowed a reduced entitlement. The **Parental Leave Act** also provides for **force majeure leave** up to three days with pay in any one year (subject to not more than five days in any three year period) where the employee's presence is indispensable because of an injury or illness of a child, spouse or partner, sibling, parent or grandparent.

SICK PAY

There is no statutory entitlement to sick pay. However many employers make some provision for the payment of staff who are absent as a result of illness.

TRADE UNION MEMBERSHIP

The Irish Constitution guarantees the right of individuals to form associations and unions and the dismissal of employees for trade union membership or activities is prohibited under **the Unfair Dismissals Act 1977**. Being a member of a particular union does not mean that the Employer will automatically recognise that trade union.

HEALTH AND SAFETY

The Safety, Health and Welfare at Work Act 1989 imposes duties on employers to ensure the safety, health and welfare at work of their employees. The Act requires employers to: publish a safety statement; provide adequate training and instruction and to consult employees on health and safety issues. Employees also have duties under the Act. These include the duty to take reasonable care and to co-operate with their employer.

DISMISSAL

The Unfair Dismissals Act 1977 gives protection to employees against unfair dismissal. Under the Act, dismissal for certain reasons is automatically unfair eg. on the grounds of pregnancy.

REDUNDANCY

Under **the Redundancy Payments Acts 1967-79**, employers are required to pay compensation to employees who lose their jobs by reason of redundancy. The amount of the payment is related to the employee's age, length of service and wages (up to a weekly maximum of €507.90). To be eligible for a redundancy payment, the employee must satisfy a number of conditions including being aged between 16 and 66 years and have worked continuously for the employer for at least two years.

This leaflet is designed to provide an overview of employees' rights at work. For more detailed information/clarification contact: The INOU, your local Resource Centre for the Unemployed, your Trade Union Representative or the employment section of the Department of Enterprise, Trade and Employment.

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Your Rights at Work

This leaflet gives an
overview of the main
statutory employment
rights that apply to people
who are either about to or
who have recently taken
up employment.

WRITTEN STATEMENT OF THE PRINCIPAL TERMS AND CONDITIONS OF EMPLOYMENT

Any person who works for another person in return for remuneration (payment) can be said to be in a contractual relationship. There is no legal requirement for the contract to be in writing. However, under the **Terms of Employment (Information) Act 1994**, an employer must issue to employees a written statement of the principal terms and conditions of employment within two months of the employee starting work. The written statement must include: the name and address of the employer; the name of the employee; the title of the job; the start date, and in the case of a temporary contract the anticipated end date; the hours of work; the rate of pay and whether payment is weekly or monthly; period of notice; holiday entitlement and any other terms and conditions eg. in relation to paid sick leave, pensions etc. **NB. The above list is not exhaustive.**

THE NATIONAL MINIMUM WAGE

The National Minimum Wage Act 2000 provides for a minimum hourly rate of pay for most adult employees. The current adult rate is €6.35 per hour from 1st October 2002. A reduced rate is payable to workers aged under 18.

ITEMISED PAYSリップ

The Payment of Wages Act 1991 requires employers to issue itemised payslips to employees.

ANTI-DISCRIMINATION LEGISLATION

The Employment Equality Act 1998 prohibits employers from discriminating against an employee or prospective employee on the grounds of gender, marital or family status, sexual orientation, religion, age, disability, race or membership of the Traveller Community.

EQUAL PAY

The Employment Equality Act 1998 also requires employers to provide equal pay for equal work or work of equal value ie. a woman must not be paid less than a man for doing the same job.

MINIMUM REST PERIODS

The Organisation of Working Time Act 1997 provides for a maximum working week of 48 hours including overtime averaged out over four months or longer by agreement. The Act also provides for: a daily rest period of 11 consecutive hours in each 24 hour period; an unpaid rest break of 15 minutes after four and a half hours have been worked; and an unpaid rest break of 30 minutes after six hours have been worked, which may include the first break. A number of groups are exempt from the Act including Gardai, doctors in training and workers engaged in sea fishing and other work at sea. **NB. This list is not exhaustive**

ANNUAL LEAVE

The Organisation of Working Time Act 1997 provides for most employees to have at least four working weeks' annual leave for each leave year. Staff who have worked for less than a year are entitled to a proportionate entitlement.

PUBLIC HOLIDAYS

The Organisation of Working Time Act 1997 lists the following days as Public Holidays: New Year's Day, St. Patrick's Day, Easter Monday, the first Monday in May, the first Monday in June, the first Monday in August, the last Monday in October, Christmas Day and St. Stephen's Day. Good Friday is not a public holiday although many organisations close for the day.

For Public Holidays, employees are entitled to one of the following: a paid day off on the day in question; a paid day off within a month of that day; an extra day's annual leave or an extra day's pay. These arrangements apply irrespective of whether the employee normally works on the day on which the Holiday falls. Part-time employees qualify for Public Holiday entitlements provided they have worked at least 40 hours during the five weeks ending on the day before a Public holiday.

MATERNITY LEAVE

The Maternity Protection Act 1994 and the Safety Health and Welfare at Work (Pregnant Employees) Regulations 1973 set out the main provisions that apply to pregnant employees. Under the regulations, all pregnant employees, regardless of the length of employment or hours worked, are entitled to 18 weeks statutory maternity leave. Statutory maternity benefit may be payable providing the employee has made the required number of PRSI contributions. Employees are also entitled to return to work after maternity leave.