



### Introduction

In order to qualify for and continue to receive Unemployment Benefit (UB) or Unemployment Assistance (UA), the Department of Social and Family Affairs' rules state that a person must be available for, capable of and genuinely seeking work. This part of the Resource Guide outlines the criteria under genuinely seeking work legislation that an unemployed person needs to fulfil in order to qualify for and continue to receive a UA or UB payment. It also outlines a number of steps that an unemployed person can take to ensure that they keep their payment.

From time to time unemployed people will be called for an interview at their local Social Welfare office, in relation to their job-seeking efforts. If the Social Welfare Office believe that there is reason to suggest that an unemployed person is not genuinely seeking work their case may be passed on to a Deciding Officer who may review the case.

### Satisfying Genuinely Seeking Work Criteria

Genuinely Seeking Work legislation means that an unemployed person must be genuinely seeking employment appropriate to their age, education, physique, location and family circumstances. In order to satisfy this condition it is necessary for the person to show they are making genuine efforts to find a job. 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 work for up to three days in any consecutive 6 day period, while seeking full-time work and qualify for an unemployment payment for the other days in the week that they are unemployed. (So long as this does not prevent a person from looking for and taking-up full-time employment).

#### ***Circumstances in which a person may be considered as being not available for work include:***

- Looking for one type of work only
- Looking for part-time work only
- Only available during hours which are not typical of the employment sought
- Refusing work because of the going rate for the job
- Unwilling to take up an offer of reasonable short-time employment
- Moving to a location where his/her prospects of getting suitable employment have been significantly reduced
- Placing unreasonable restrictions on the distance to travel to work
- Placing unreasonable restrictions on taking-up work due to domestic circumstances

▶▶ It is important to note that these are Departmental Guidelines and there is some flexibility involved. If you believe that an unemployed person has been treated unfairly or has not been given a fair hearing, they should appeal this decision. Please contact the INOU if this situation arises.

The Department's guidelines state that a person should be available immediately to take up a full-time job offer, though they also recognise that a person may need a couple of days to make necessary (eg childcare) arrangements to take up a job offer.

### ***Steps to looking for work***

In order to be entitled to continue to receive UA or UB an unemployed person should be able to show that they have taken reasonable steps to obtain employment. These steps include:

- Oral and written applications for work to employers
- Updating of CV
- Looking for information on the availability of employment from employers' advertisements and employment agencies
- Registration with FÁS, LES and/or Job Club
- Acting on the advice given by Job Facilitators, FÁS or other placement agencies such as the Local Employment Service (LES)
- Availing of suitable training and education opportunities
- Taking positive steps towards self-employment

If an unemployed person called to a FÁS office, wrote to an employer seeking work and applied for a job vacancy, this should be regarded as taking 3 steps to seek employment.

The Department should take the following points into account when deciding whether an unemployed person is taking reasonable steps to secure employment;

- The person's skills, qualifications and work experience
- How long the person has been unemployed
- Efforts made in previous weeks to seek employment
- Availability and location of job vacancies
- The person's family circumstances

If the unemployed person is unsuccessful in finding work in their chosen field, they will be asked to broaden their jobsearch or demonstrate that there is a reasonable chance that they will obtain work in their chosen field in the near future.

▶▶ If the Deciding Officer considers that the person is placing unreasonable restrictions on their job seeking efforts, the person should be given the opportunity to respond to this assertion

### ***Keeping a Record of all Job Seeking Efforts***

A person should keep a record of their entire job seeking efforts. This record should include:

- Copies of all job adverts applied for. If it is not possible to cut out the advert the details of the job should be written down.

Similarly, copies of all e-mail applications and subsequent correspondence should be kept

- All employers' replies, including emails
- A list of all telephone calls made regarding jobs. It would also be useful to list the name(s) of people talked to
- Certificates of Postage from the Post Office. These are free of charge and act as evidence of efforts to find jobs
- Registering with FÁS and any subsequent visits
- If an unemployed person registers with a job placement service or employment agency they should include this information in their records and keep copies of email correspondence

## Appeals

If the Department is not satisfied that an unemployed person is making genuine efforts to secure employment they can stop payment. If the person feels that this is unfair they should ask for another interview to put forward their case. If the person is unhappy with a decision regarding their entitlement or application for payment they should always appeal. In order to appeal, the individual must complete the relevant Appeals Form. The completed Appeals Form should be sent to the Chief Appeals Officer, Social Welfare Appeals, D'Olier House, D'Olier Street, Dublin 2.

- ▶▶ Research has shown that an unemployed person is significantly more likely to be successful in their appeal if they have the assistance of a Welfare Rights Officer from a local Congress Centres Network Organisation, Citizens Information Centre or Other Resource Centre, a Trade Union Official or another person with welfare rights expertise in making their appeal and attending at the appeal itself

If a UA or UB payment has been stopped and the unemployed person has lodged an appeal they and/or their qualified adult/dependant children, may qualify for a means-tested Supplementary Welfare Allowance (SWA) payment from the Community Welfare Officer. This payment will continue until the appeal has been decided. The Community Welfare Officer may also apply Genuinely Seeking Work rules to the payment of SWA from the time an unemployed person's payment has been stopped by the local Social Welfare Office. If the person is refused SWA because they do not meet Genuinely Seeking Work requirements the qualified adult and dependent children of the unemployed person may qualify for an SWA payment in their own right.

### Further Information

A detailed guide to the implementation of Genuinely Seeking and Available for Work legislation is available on the Department of Social and Family Affairs website [www.welfare.ie/foi/ua\\_unempasst.html](http://www.welfare.ie/foi/ua_unempasst.html).

Contact the INOU if you have any queries on Genuinely Seeking Work or social welfare appeals.  
Tel. 8560088, e-mail: [welfareinfo@inou.ie](mailto:welfareinfo@inou.ie)

The Social Welfare Appeals Office is located at D'Olier House, D'Olier St, Dublin 2 Tel (01) 6718633.  
Website [www.socialwelfareappeals.ie](http://www.socialwelfareappeals.ie)

## Available services and supports for unemployed people looking for work

### *Nationwide Services*

- **Social Welfare Offices**

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

- **FÁS Offices**

In each local FÁS office there is an Employment Services Officer who advises on employment opportunities, training courses and other options, which may lead to employment.

### *Area specific Services*

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

The Local Employment Services assist long-term unemployed people to secure employment. The LES provides Mediator and Guidance services. Mediators work with local employers with a view to matching the skills and experience of job seekers with the recruitment needs of employers. Guidance Counsellors provide information about training and further or second chance education.

- **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 welfare to work information and advice and may provide information on local job vacancies, assist with CV preparation and run Job Clubs.

- **Job Clubs**

Job Clubs are primarily concerned with helping people who are “job ready” with skills and training relevant to local employer needs or people who may have recently become unemployed. The aim of the Job Club is to improve the job seeking skills of groups of unemployed people with a view to accessing employment opportunities.

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

Partnerships and Community Groups may provide services to unemployed people. These may include information, guidance and training courses. Partnerships and Community Groups have a particular role in supporting unemployed people to become self-employed. This could include registration for The Back to Work Enterprise Allowance (Partnerships only), Enterprise guidance and training support, assistance with business plans and a mentoring service.

### **Further Information**

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

FÁS Head Office is located at 27-33 Upper Baggot Street, Dublin 4. Tel (01) 6070500