



04

## Employment Rights



While the vast majority of employers are fair, some employers are not. If you have an employment rights complaint you should contact your union, the National Employment Rights Authority (NERA) or the Rights Commissioner Service. You can also get advice from Crosscare Migrant Project or the Migrant Rights Centre Ireland.

Workers in Ireland are entitled to:

- Have their terms of employment in writing
- be paid at least the minimum wage of €8.65 per hour
- payslips
- a maximum working week of 48 hours
- holidays and payment for this
- minimum rest times
- to be treated the same whether a part-time or full-time employee
- minimum notice if they are going to be made redundant

NERA have a Guide to Employment Rights on their website:

[www.employmentrights.ie](http://www.employmentrights.ie). Go to 'Select your Language', choose the language you would like to read this information in and 'Guide to Employment Rights' is at the end of the list. This guide gives basic information. Below are other

frequently asked questions about employment rights:

## Other issues

### Am I entitled to overtime pay?

Overtime pay is not a statutory entitlement, although it is usual practice for most employers to provide an overtime rate of pay.

Policy in relation to overtime may be decided by the employer and agreed as part of the employee's terms and conditions of employment. Some industries are legally bound to pay overtime rates as they are covered by Registered Employment Agreements (REAs) and Employment Regulation Orders (EROs).

### Am I entitled to a reference?

A reference is not a statutory entitlement and therefore is supplied at the discretion of the employer.

## Carers leave

### What is Carers Leave?

Carers Leave allows an employee to personally provide full-time care and attention for a person who is in need of such care. The minimum statutory entitlement is 13 weeks but an employee is entitled to a maximum of 104 weeks for any one “relevant person”. A relevant person is someone who a deciding officer from the Department of Social and Family Affairs considers in need of full-time care and attention.

### Who is entitled to Carers Leave?

You are entitled to take Carers Leave if you have at least 12 months continuous service.

## Payments for Carers

The two main payments for carers are Carer's Benefit which is based on PRSI contributions and Carer's Allowance which is means tested. There is also Domiciliary Care Allowance which may be paid for a child with a disability. Recipients of these payments may be eligible for an annual Respite Care Grant.

## Carer's Benefit

Carer's Benefit is a payment made to insured persons who leave the workforce to care for a person(s) in need of full-time care and attention. Under Carer's Leave legislation, you may be entitled to unpaid temporary leave from your employment to provide care to a person. If you are providing care for more than one person you may be entitled to an extra 50% of the personal rate of Carer's Benefit each week.

## Carer's Allowance

Carer's Allowance is a payment for carers who look after certain people in need of full-time care and attention and who satisfy a means test. Carers who are providing care to more than one person may be entitled to up to an extra 50% of the maximum rate of Carer's Allowance each week, depending on the weekly means assessed.

Crosscare Carers Support is a programme which aims to improve the quality of life of family carers who are often vulnerable and under stress. Carers Support provide support, respite for carers and education and training. For further information go to: [www.crosscare.ie](http://www.crosscare.ie) or contact:

Crosscare Carers Support Programme  
The Red House, Clonliffe College, Drumcondra,  
Dublin 3  
Telephone: 01 8360011  
Email: [nkirrane@crosscare.ie](mailto:nkirrane@crosscare.ie) or [rdaynes@crosscare.ie](mailto:rdaynes@crosscare.ie)

## Maternity Leave

If you are pregnant in Ireland while employed, you are entitled to take maternity leave from your job for a basic period of 26 weeks. At least two weeks have to be taken before the end of the week of your baby's expected birth and at least four weeks after. You can decide how you would like to take the remaining 16 weeks. Generally, employees take two weeks before the birth and 24 weeks after. You can also avail of an additional 16 weeks unpaid maternity leave.

The entitlement to maternity leave from employment extends to all female employees in Ireland (including casual workers), regardless of how long you have been working for the organisation or the number of hours worked per week.

## Maternity Benefit

Maternity Benefit is a payment made to women in Ireland on maternity leave from work and who have paid a certain

amount of PRSI contributions (search for 'Maternity Benefit' on [www.welfare.ie](http://www.welfare.ie) for more information). You need to apply for the payment 6 weeks before you intend to go on maternity leave (12 weeks if you are self-employed).

The amount of money paid to you each week will depend on your earnings.

## Parental Leave

The Equality Authority provides a summary of Parental Leave:

- The Parental Leave Act 1998 entitles each parent to 14 weeks unpaid parental leave
- The leave must be taken before the child is 8 years of age, or 16 years of age in the case of children with disabilities
- This leave is non-transferable between the parents, except where both parents work for the same employer. However, this depends on the agreement of the employer
- You must notify your employer 6 weeks in advance of your intention to take parental leave.
- The leave may be "broken up" with the agreement of the employer
- Disputes are heard by the Rights Commissioners. Further information on dispute procedures and complaint forms are

available on the Rights Commissioners Website:

[www.lrc.ie](http://www.lrc.ie)

## Adoptive Leave

The Equality Authority provides a summary of Parental Leave:

- An adopting mother or sole male adopter is entitled to 24 weeks adoptive leave
- An employee must give 4 weeks written notice to their employer before starting the leave
- There is no obligation on employers to pay an employee, however the employee may be entitled to a social welfare benefit.

## Force Majeure Leave

An employee in Ireland has a limited right to leave from work in time of family crisis. This is known as “force majeure leave”. You must notify your employer as soon as practicably possible that you need to avail of force majeure leave. Immediately on your return to work, you must make your application in writing to your employer. The maximum amount of leave is 3 days in any 12 month period or 5 days in a 36 month period. You are entitled to be paid while you are on force majeure leave.

## Compassionate Leave

Compassionate leave is granted in the event of a death in an employee's family. There is no legal entitlement to compassionate leave and it is generally at the discretion of the employer.

### Where can I get information on Parental Leave, Adoptive Leave and Force Majeure Leave?

Information on all of the above can be got from the Equality Authority: [www.equality.ie](http://www.equality.ie)

Telephone: 01 4173333

Lo-Call 1890 245 545

## Health and Safety in the workplace

Health and safety at work means working in a safe environment and where there are risks that they are minimised or eliminated and to be treated with dignity and respect. The Health and Safety Authority (HSA) is the national body in Ireland with responsibility for securing health and safety at work.

## Unhealthy or Unsafe Working Conditions.

I am concerned about health and safety issues in my workplace, what should I do?

You should contact the Health and Safety Officer in your place of employment. If you are not satisfied with the result of this you should contact the Health and Safety Authority (HSA). The HSA monitors compliance with legislation at the workplace and can take enforcement action (up to and including prosecutions).

Health and Safety Authority

The Metropolitan Building, James Joyce Street, Dublin 1

Telephone: 1890 289 389

Website: [www.hsa.ie](http://www.hsa.ie)

I am being bullied at work, what can I do?

You can contact the Health and Safety Officer in your place of employment or you can contact the Health and Safety Authority.

## Work related injuries

I have been injured at work and will not be able to work due to the injury, how can I get some financial assistance?

You may be entitled to Injury Benefit.

### What is Injury Benefit?

Injury Benefit is one of the benefits under the Occupational Injuries Scheme. It is a weekly payment made to you if you are unfit for work due to an accident at work or because you have contracted a disease due to the type of work you do.

Injury Benefit is normally paid from the 4th day of your illness/incapacity. Payment can be made for up to 26 weeks starting from the date of your accident or development of the disease. If you are still unable to work after 26 weeks, you may be entitled to Illness Benefit if you satisfy certain PRSI contribution conditions (search for 'Illness Benefit' on [www.welfare.ie](http://www.welfare.ie) for more information).

### How can I seek compensation for an injury I received in work?

This will depend on the nature of the accident and the injury. You may wish to pursue civil proceedings through the courts. However, there may be a cheaper option through InjuriesBoard.ie (previously called the Personal Injuries Assessment Board).

### What is InjuriesBoard.ie?

InjuriesBoard.ie is a statutory body which provides independent assessment of personal injury compensation for victims of Workplace, Motor and Public Liability accidents.

This assessment is provided without the need for the majority of legal costs.

### Where can I get more information?

InjuriesBoard.ie

P.O. Box 8, Clonakilty Co. Cork

Lo-Call: 1890 829 121

Email: [enquiries@injuriesboard.ie](mailto:enquiries@injuriesboard.ie)

Website: [www.injuriesboard.ie](http://www.injuriesboard.ie)

### Links

The National Employment Rights Authority (NERA):

[www.employmentrights.ie](http://www.employmentrights.ie)

O'Brien Road, Carlow

Telephone: 059 9178800

Email: [info@employmentrights.ie](mailto:info@employmentrights.ie)

The Labour Relations Commission:

[www.lrc.ie](http://www.lrc.ie)

Rights Commissioner Service, Tom Johnson House,  
Haddington Road, Dublin 4

Telephone: 01 6136700

Email: [rightscomm@lrc.ie](mailto:rightscomm@lrc.ie)

**Crosscare Migrant Project**

Website: [www.migrantproject.ie](http://www.migrantproject.ie)

Telephone: 01 8732844

Email: [migrantproject@crosscare.ie](mailto:migrantproject@crosscare.ie)

**Migrant Rights Centre Ireland**

Website: [www.mrci.ie](http://www.mrci.ie)

Telephone: 01 8897570

Email: [info@mrci.ie](mailto:info@mrci.ie)

SIPTU – the Services, Industrial, Professional and Technical Union represents over 200,000 workers in almost every employment sector of the Irish economy: [www.siptu.ie](http://www.siptu.ie)

Telephone: 01 8586389

Email: [info@siptu.ie](mailto:info@siptu.ie)

Irish Congress of Trade Unions (ICTU) is the largest civil society organisation on the island of Ireland, representing and campaigning on behalf of some 832,000 working people:

[www.ictu.ie](http://www.ictu.ie)

Telephone: 01 8897777

Email: [congress@ictu.ie](mailto:congress@ictu.ie)

