



GUIDES & LEAFLETS

- Information on Holidays and Public Holiday Organisation of Working Time Act, 1997 : Explanatory Booklet
- Organisation of Working Time Act, 1997. Sunday Premium Provision of Information Zero Hours: Explanatory leaflet for Employers and Employees
- Payment of Wages Act: Explanatory Booklet for Employers and Employees
- Detailed Guide to the National Minimum Wage Act, 2000
- Terms of Employment (Information) Act, 1994 and 2001: Explanatory Booklet for Employers and Employees
- A Guide to the Industrial Relations Act, 1990
- A Guide to the Employees (Provision of Information and Consultation) Act 2006
- Unfair Dismissals Acts, 1997 to 2007: Explanatory Booklet for Employers and Employees
- Protection of Employees (Fixed-Term Work) Act, 2003: Explanatory Booklet for Employers and Employees
- Protection of Employees (Part-Time Work) Act, 2001: Explanatory Booklet for Employers and Employees
- Protection of Young Persons (Employment) Act, 1996: Guide for Employers and Employees
- Guide to Redundancy Payments Scheme
- Collective Redundancy Factsheet
- Carer's Leave Act, 2001: Explanatory Booklet for Employers and Employees
- European Communities (Protection of Employees on Transfer of Undertakings) Regulations, 2003: Explanatory Booklet for Employers and Employees
- Guide to the Insolvency Payments Scheme: Explanatory Booklet
- Guidelines for Employees, Employers and Practitioners appearing before the Employment Appeals Tribunal
- Protection of Employment Act, 1977
- Guide to Inspections
- Guide to Labour Law
- Equal Rights and Opportunities for Men and Women in the European Union
- The Organisation of Working Time Act, 1997: Explanatory Leaflet for Employers and Employees
- Protection of Young Persons (Employment) Act, 1996. Summary of main rules on employing people under 18.

- Minimum Notice and Terms of Employment Acts, 1973 to 2001: Explanatory Leaflet for Employers and Employees
- Rights at a Glance Leaflet Available in Arabic; Chinese; Czech; English; French; Irish; Latvian; Lithuanian; Polish; Portuguese; Russian; Spanish
- Guide to Employment Rights Available in Arabic; Chinese; Czech; English; French; Irish; Latvian; Lithuanian; Polish; Portuguese; Russian; Spanish
- Employment Law Explained

CODES OF PRACTICE

- Code of Practice for Determining Employment or Self-Employment Status of Individuals
- Organisation of Working Time Act, 1997. Code of Practice on Compensatory Rest Periods: Explanatory Booklet
- Organisation of Working Time Act, 1997. Code of Practice on Sunday Working in the Retail Trade
- Code of Practice for Protecting Persons Employed in Other People's Homes: Explanatory Booklet
- Code of Practice for Addressing Bullying in the Workplace
- Code of Practice Concerning the Employment of Young Persons in Licensed Premises
- Code of Practice Dispute Procedures including in Essential Services

POSTERS

- Employment Rights at a Glance
- Under 18 Protection of Young Persons Act

FORMS

- T1A Form - Notice to Claim to the Employment Appeals Tribunal
- RP50 Form - Redundancy Payments Acts 1967 - 2007
- RP77 Form - Explanatory Note for Employee when applying to an Employer for a Lump Sum
- RP9 Form - Lay off and Short Time Procedures
- RP6 Form - Leaving before Redundancy Notice Expires
- Labour Inspectorate Section - Complaint Form
- OWT1 Form

The full range of forms for making a complaint to the Employment Appeals Tribunal and the Rights Commissioners are available from NERA.



Contact Details

National Employment Rights Authority,
O'Brien Road, Carlow.
Telephone: (059) 917 8800,
Fax: (059) 917 8912
www.employmentrights.ie

NERA Information Services

Telephone: (059) 917 8990,
Lo-Call: 1890 80 80 90
Fax: (059) 917 8909

NERA Inspection Services

Telephone: (059) 917 8990
Lo-Call: 1890 220 100

NERA Enforcement & Prosecution Services

Telephone: (059) 917 8890
Lo-Call: 1890 220 200

Callers should note that the rates charged for the use of 1890 (Lo-Call) numbers may vary among different service providers.



An Roinn Fiontar, Trádála agus Fostaíochta
Department of Enterprise, Trade and Employment

NERA INFORMATION SERVICES

NERA Information Services dealt with over 73,000 telephone enquiries and 5,973 emails in the period January to June 2009. NERA's website, www.employmentrights.ie, continues to be a comprehensive and up to date source of information on employment rights and in the period from January to June 2009 it received over 840,000 hits. The most requested information categories were queries relating to redundancy, the Organisation of Working Time Act and Payment of Wages Act.

NERA Information Services participated in 13 national and local conferences, exhibitions and seminars during the first half of 2009. These have included BiznetCork Skillnet (in association with Cork Chamber of Commerce), the Kilkenny Business Womens Network, Kingscourt Chamber, Carlow IT Enterprise Platform Programme, IMPACT School Secretaries Branch AGM, and the National Conference of the Migrant Rights Centre of Ireland.

QUERIES RELATING TO REDUNDANCY

In April 2009, NERA Information Services (lo-call 1890 80 80 90) assumed the role of dealing with all telephone queries in relation to redundancy issues. This change was made to ensure that staff of Redundancy Payments Section of the Department of Enterprise, Trade and Employment can prioritise the processing of redundancy claims. NERA has dealt with approximately 22,000 redundancy related queries since April 2009.

In addition to providing general information with regard to redundancy legislation and entitlements, NERA can now provide callers with the following information relating to their individual redundancy claims:

- Whether a claim has been received and is entered on the Redundancy Payments System
- The date of entry on the Redundancy Payments System
- The latest processing times

Callers should note that information in respect of an individual redundancy claim may only be given out to the claimant or their authorised nominee. Callers requiring information on the above matters should contact NERA Information Services at 1890 80 80 90 or 059 9178990.

NERA Information Services hours of operation are 9:30am to 5pm, Monday to Friday. However, comprehensive recorded information on a range of employment rights related issues is also available for callers to the above numbers on a 24 hour basis.



NERA INSPECTION SERVICES

Inspection Services are responsible for monitoring and enforcing compliance with certain employment conditions for all categories of workers. Inspections can be initiated in a number of ways:

- ❑ In response to complaints received of alleged non-compliance with relevant employment rights legislation
- ❑ As part of NERA's compliance campaigns which focus on compliance in a specific sector or compliance in respect of a specific piece of legislation
- ❑ Routine inspections, which act as a control measure

NERA Inspectors have the power to:

- ❑ Enter at all reasonable times any premises where there are reasonable grounds for believing that any workers are employed
- ❑ Require the production of records to demonstrate compliance with employment legislation
- ❑ Inspect, examine and copy such records
- ❑ Interview any person



Where evidence of non-compliance with the relevant employment rights legislation is found, NERA works with the employer to achieve compliance. If there are underpayments of statutory minimum rates of pay, NERA seeks redress for the individual/s concerned. Where breaches are not rectified, or where there are substantial breaches of employment rights legislation, NERA may initiate a prosecution.

NERA Inspectors have recently been appointed as authorised officers under the Employment Permits Acts 2003 and 2006. From July 2009, they will undertake employment permits compliance checks as part of their inspection role.

INSPECTION OUTCOMES

The tables right provide a breakdown of NERA's provisional inspection figures for the period January to June 2009. Table 1 gives a breakdown of inspections conducted within the industry sectors governed by Employment Regulation Orders (EROs) or Registered Employment Agreements (REAs). These industry-specific orders and agreements cover minimum rates of pay and other conditions of employment for these industries. Table 2 gives a breakdown of inspections conducted with respect to general employment rights legislation. It should be noted that the two categories are not mutually exclusive and that each of the industries are also covered by general employment legislation. In addition, most employers will have inspections carried out under more than one piece of legislation. Accordingly, the number of employers inspected will be less than the number of inspections carried out. The figures given for the percentage of compliance is based on the number of inspections carried out.

To the end of June 2009, NERA inspectors carried out a total of 10,445 calls, interviews and inspections and breaches were detected in 18% of cases. Unpaid wages totalling €1,131,224 were identified, compared with almost €1 million in the same period of 2008.

Table 1

Summary of Inspections and Compliance Level by Industry Sector - to date in 2009			
Sector	No of Inspections	Compliance Rate (%)	Unpaid Wages Recovered (€)
Agriculture	25	68%	€75,508
Catering	203	21%	€394,342
Retail Grocery & Allied Trade	133	26%	€131,162
Hotels	49	29%	€30,533
Contract Cleaning	155	45%	€77,007
Security	22	55%	€40,742
Construction	163	37%	€137,323
Electrical REA	5	60%	€9,309
Other	52	88%	€42,537

Table 2

Summary of Inspections and Compliance Level by Employment Legislation - to date in 2009			
Sector	No of Inspections	Compliance Rate (%)	Unpaid Wages Recovered (€)
National Minimum Wage	1,328	92%	€107,517
Payment of Wages	1,939	85%	€0
Organisation of Working Time	1,955	52%	€85,245
Protection of Young Persons	2,727	99%	€0
Other	3	67%	€0

NERA PROSECUTION AND ENFORCEMENT SERVICES

Summary of Prosecution Activity

In certain circumstances NERA Prosecution Services may initiate a prosecution in the Courts. This generally happens where a breach of employment rights legislation has been identified during a NERA inspection and where the employer fails to rectify the matter; or where breaches of the Protection of Young Persons (Employment) Act 1996 have been detected. It should be noted that out of 27,900 calls/visits/inspections carried out by NERA Inspection Services in 2008, only 44 (0.16%) of cases were referred for prosecution.

To date in 2009, 29 cases were referred to NERA's panel of external solicitors for prosecution. Fifty-nine cases were concluded in this period.

Summary of Enforcement Activity

Employment rights legislation provides for the bringing of proceedings for the purposes of enforcing awards of both the Labour Court and the Employment Appeals Tribunal. A total of 36 new cases were received to date in 2009, with 27 cases concluded in the same period. The prosecution and enforcement cases concluded this year would include cases initiated in previous years.