



CATERING CAMPAIGN

NERA's aim is to secure compliance with employment rights legislation and to foster a culture of employment rights compliance in Ireland. Part of the Authority's strategy is to focus on enforcement and awareness activities in specific industry sectors and on specific legislation in addition to ongoing routine inspections.

NERA's most recent campaign was in the Catering sector. Minimum entitlements in this industry are set out in two Catering Employment Regulation Orders (EROs) which have been in place for over 30 years. EROs are orders made by the Labour Court following proposals agreed by employer and employee representatives which have the force of Law.

The campaign has so far seen 860 calls, interviews and inspections, identifying a 76% incidence of non-compliance. A total of €241,667 owed to employees has been recovered so far. The main types of breach detected have been the failure to pay either, or both, the Statutory Minimum Hourly Rate and the appropriate Sunday Premium. Breaches have also been detected in respect of the failure to pay the appropriate rates for overtime, public holidays, and annual leave.



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



INCREASING NUMBER OF EMPLOYERS USING NERA INFORMATION SERVICE

In response to the growing number of employers using its service, NERA has published a 'Guide to Inspections' booklet. In addition NERA has published a new booklet entitled 'Guide to Employment Rights'. This publication is intended to give general guidance to employers and employees on employment rights matters.

Although NERA does not have a role in the formulation of, the content of, or the making of employment law, it plays a central role in ensuring that individual employees get their minimum employment rights entitlements. NERA is committed to ensuring that employees receive that to which they are entitled and that minimum rights are upheld. NERA also has an important role in ensuring there is a level playing field for all employers in relation to compliance with statutory employment rights provision.



NERA'S INFORMATION SERVICES TAKE OVER 82,000 CALLS

NERA's Information Services continues to be a useful resource for employers and employees alike, handling more than 82,000 calls on its information line up to the end of September 2008. The unit has also handled nearly 7,000 emails so far this year.

NERA's website, www.employmentrights.ie has seen a record number of visitors in the last quarter, with 64,600 visitors generating nearly 1.5 million page impressions.

NERA's Information Services continues to participate in conferences, exhibitions and seminars around the country. Since July, a number of these opportunities have been taken up including presentations in Mayo, Carlow, Kildare and Cork. NERA has also taken part in events organised by ICTU, SFA and the Citizens Information Board as well as exhibiting at the National Ploughing Championships.

INSPECTION SERVICES

To date in 2008, NERA's inspectors have carried out a total of 22,674 calls, interviews and inspections. Breaches were detected in 16% of these cases. Arrears due to employees totaling €1.773m have been recovered so far this year.

Below is a breakdown of NERA's provisional inspection figures 2008.

Table 1 (below) and Figure 1 (across) 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. Many of them provide enhanced terms and conditions over and above what is provided for in general employment rights legislation.

Table 2 across and Figure 2 (across) 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 all of the industries noted are also covered by general employment legislation. Some businesses may account for more than one inspection.

The figures given for the percentage of breaches detected are based on the number of inspections carried out. A high percentage of breaches does not necessarily indicate a high rate of non-compliance within a particular sector. It can result from a small number of inspections, targeted campaigns or inspections in response to a complaint.

Table 1

Summary of Inspections and Breaches Detected by Industry Sector			
Sector	No of Inspections	Breaches Detected (%)	Arrears Recovered (€)
Agriculture	29	48%	36,955
Catering	860	76%	241,667
Retail Grocery & Allied Trade	108	69%	77,517
Hotels	97	79%	138,534
Contract Cleaning	62	90%	252,684
Security	131	55%	234,140
Construction	199	64%	416,991
Electrical REA	23	43%	115,136
Other	36	33%	6,937

FIGURE 1: No of Inspections - ERO/REA

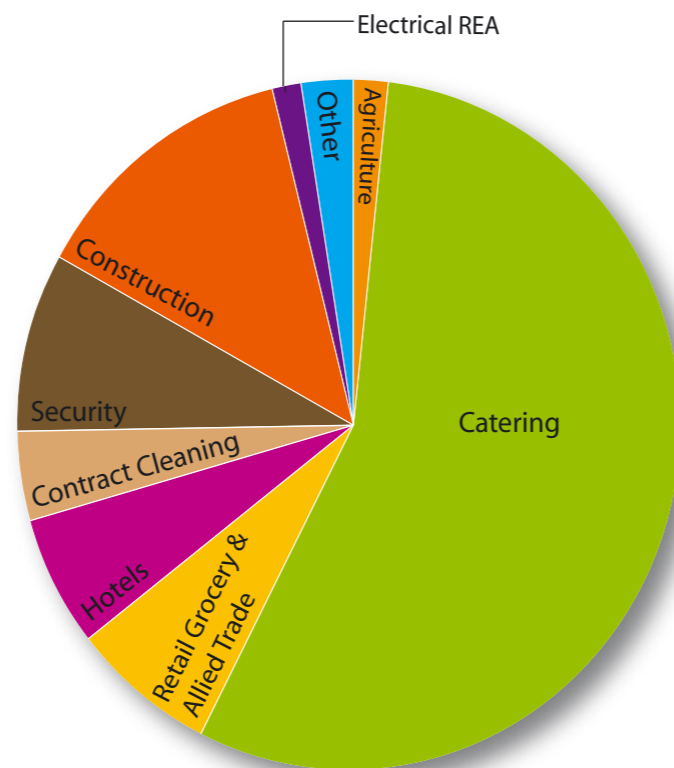
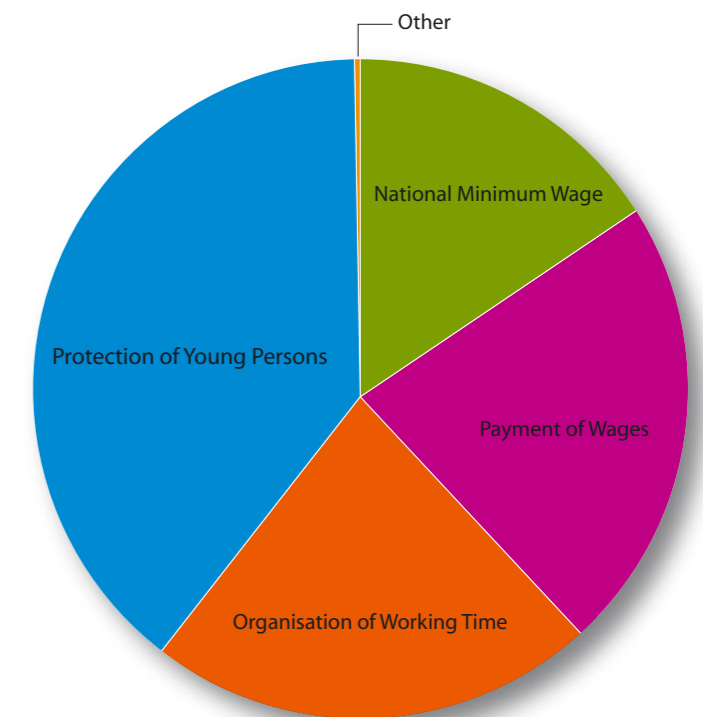


Table 2

Summary of Inspections and Breaches by Employment Legislation			
Sector	No of Inspections	Breaches Detected (%)	Arrears Recovered (€)
National Minimum Wage	2,612	8%	215,897
Payment of Wages	3,722	14%	0
Organisation of Working Time	3,759	45%	36,739
Protection of Young Persons	6,506	3%	0
Other	5	60%	0



FIGURE 2: No of Inspections - General Legislation



SUMMARY OF PROSECUTION ACTIVITY

So far in 2008, 62 cases have been referred to the Chief State Solicitor's Office for prosecution, 72 cases have been concluded in this period, (including some referred in 2007).

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 47 cases were received up to the end of September 2008, 33 cases were concluded in the same period.