

## FOCUSSING ON DOMESTIC WORKERS

Employment Legislation applies to all workers including those employed in private residences on domestic or other duties. The same protections apply irrespective of the workers' nationality or whether they live in or away from their place of work. The most basic rights provided in law include the right to :

- Receive a written statement of their terms and conditions of employment
- Receive a payslip with each payment of wages
- Receive at least the national minimum wage
- Receive annual leave (holidays)

- A maximum average 48 hour working week
- Breaks and rest periods
- To receive minimum notice before termination/dismissal

The Labour Relations Commission published a very useful Code of Practice for Protecting Persons Employed in Other People's Homes which seeks to:

- Set out certain employment rights and protections for persons employed in other people's homes
- Encourage good practice and compliance with the law concerning the employment of persons in other people's homes

- Increase awareness of the application of relevant legislation and codes of practice with regard to the sector to which the code applies.

In the coming months NERA will be actively examining and carrying out inspections in this area of employment and seeking to gauge the level of compliance with employment legislation in the sector.

Persons employed as domestic workers and their employers who would like to get information regarding employment legislation effecting them should contact NERA on 1890 80 80 90 or click on <http://www.employmentrights.ie/> to download further information including the Code of Practice.

## NERA WEBSITE ([www.employmentrights.ie](http://www.employmentrights.ie))

NERA's website, [www.employmentrights.ie](http://www.employmentrights.ie), continues to be accessed by large numbers of people seeking employment rights information. Over one million web pages were visited by more than 220,000 visitors in the period January to September 2010. Our records indicate that 59% of these visitors were new and 41% were return visitors.

Over the period to September 2010 the five most popular guides downloaded from NERA's website were:

- 1 Holidays and Public Holidays-Organisation of Working Time Act, 1997**
- 2 Protection of Employees (Part-Time Work) Act 2001**
- 3 The Organisation of Working Time Act, 1997**
- 4 Payment of Wages Act, 1991**
- 5 Unfair Dismissals Acts, 1977 to 2007**

## NERA INFORMATION SERVICES

**NERA Information Services dealt with over 92,441 telephone enquiries during the period to end September 2010, a decrease of about 19.5% on the same period in 2009. 10,192 email enquiries were dealt to September 2010, an increase of 15.6% compared with 8,812 dealt with in the same period in 2009.**



## NERA INSPECTION ACTIVITY

**To end September 2010, NERA Inspectors carried out inspections of 3,903 employers (this equates to 12,000 inspections under individual pieces of employment legislation). €742,848 in unpaid wages due to employees was recovered.**

The tables below provide a breakdown of NERA's provisional inspection figures for the period January to September 2010. 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 under 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 almost all cases, inspections are carried out under more than one piece of legislation. Accordingly, the number of employers inspected in the period was 3,903. The figures given for the percentage of compliance are based on the number of inspections carried out under general employment rights legislation.

Table 1

### SUMMARY OF INSPECTIONS AND BREACHES DETECTED BY INDUSTRY SECTOR – TO DATE IN 2010

Sector	No of Inspections	Compliance Rate (%)	Unpaid Wages Recovered (€)
Agriculture	45	27%	8,472
Catering	357	40%	109,147
Retail Grocery & Allied Trade	165	17%	140,868
Hotels	156	22%	72,123
Contract Cleaning	50	38%	14,338
Security	22	36%	54,497
Construction	294	43%	169,620
Electrical REA	27	44%	5,888
Other	52	48%	4,818

Table 2

### SUMMARY OF INSPECTIONS AND BREACHES BY EMPLOYMENT LEGISLATION – TO DATE IN 2010

Legislation	No of Inspections	Compliance Rate (%)	Unpaid Wages Recovered (€)
National Minimum Wage	1,155	93%	97,958
Payment of Wages	1,899	87%	0
Organisation of Working Time	1,904	46%	65,120
Protection of Young Persons	1,900	98%	0
PYP Night	1,690	100%	0
Employment Permits Acts	1,139	76%	0

## SUMMARY OF PROSECUTION ACTIVITY

In the period January to September 2010, 102 cases were referred to NERA solicitors for prosecution and 71 cases were concluded in the same period, the majority of which would have been initiated in previous years.

## 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. 53 cases were in progress at the end of September 2010. Eighteen cases were concluded in the period to the end of September 2010.

## NERA ROADSHOWS

During 2010 NERA began a series of regional roadshows, aimed at providing information on employment rights legislation in regional centres and allowing employers and employees to meet NERA staff and discuss any particular issues they may have on a confidential, one to one basis.

In the coming months NERA will host the following roadshows.

**Cork - 9th November - Metropole Gresham Hotel, MacCurtain St, Cork**

**Galway - 19th November - the Blake Suite, Menlo Park Hotel, Terryland, Galway**

**Sligo - 23rd November - Methodist Church, Wine St, Sligo**

They will be open from 12 noon to 8pm with presentations at 1pm and 7pm. The roadshows are free and open to the public.



## NEW RETAIL GROCERY AND ALLIED TRADES ERO

A new Statutory Instrument (SI No.448 of 2010) fixing the statutory minimum rates of pay and statutory conditions of employment for workers has been agreed by the Retail Grocery & Allied Trades Joint Labour Committee (JLC) which is law from the 25th October 2010.

A proposed increase of 2.5% which was to come into effect on 25 October 2010 under the 2009 ERO has been split into two 1.25% increases to come into effect on 1 January 2011 and 1 June 2011. The full text of the new Retail Grocery and Allied Trades ERO is available at <http://www.attorneygeneral.ie/esi/2010/B27904.pdf>.

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## Contact NERA

**Information Services**  
Lo-call 1890 80 80 90

**Inspection Services**  
Lo-call 1890 220 100

**Prosecution & Enforcement Services**  
Lo-call 1890 220 200

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