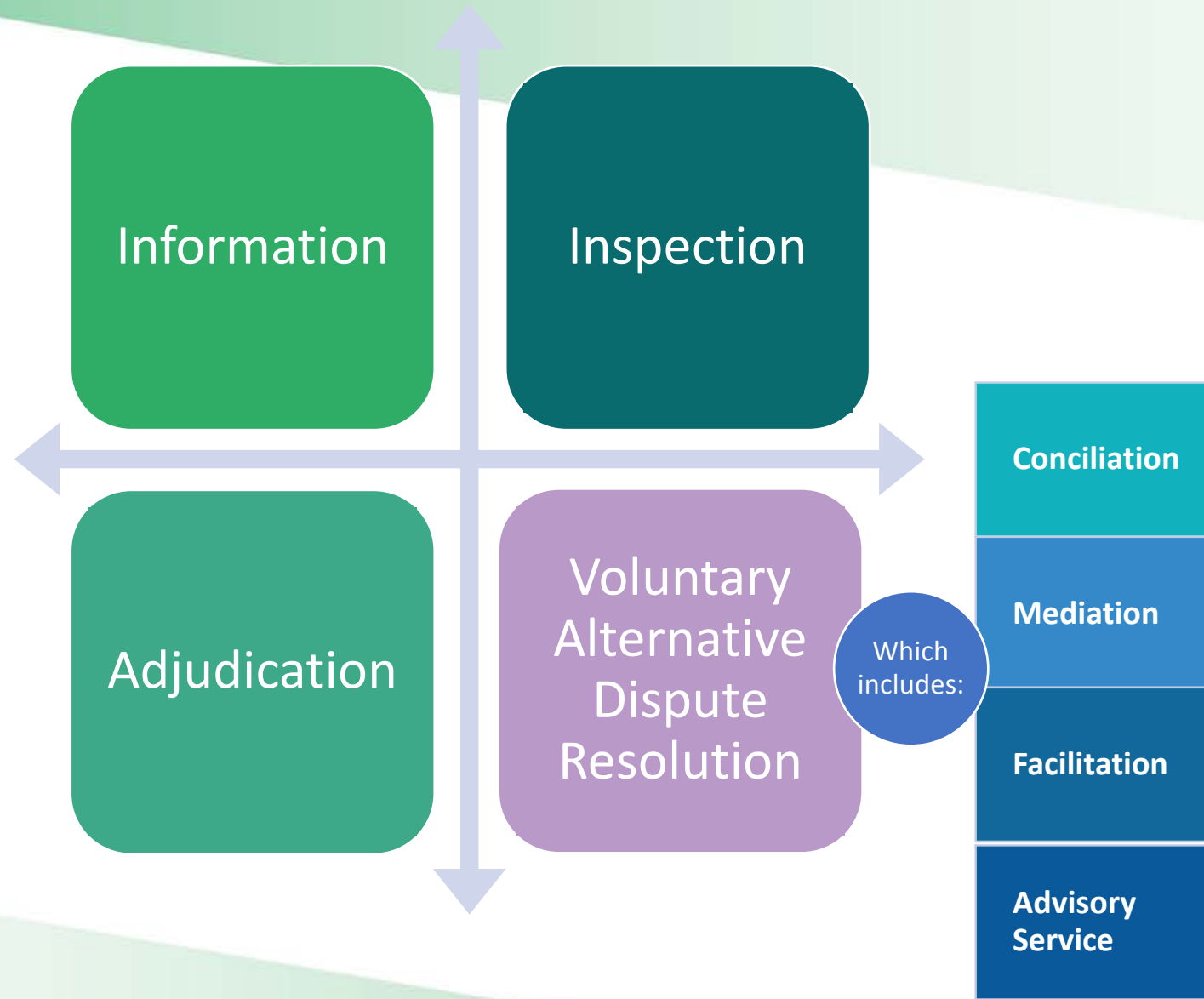




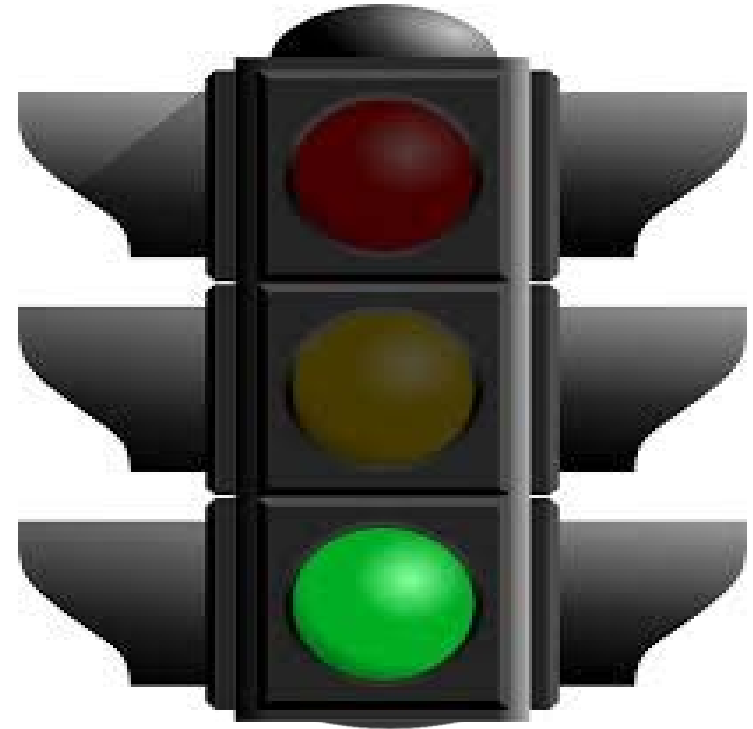
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Fair and Compliant Workplaces and Equal Treatment in Services



First time Working or Employing Somebody?



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Getting it Right from the Start

- Employment Permit
- A Written Statement of Terms and Conditions
- Written statement of Pay (Payslip)
- Minimum Wage - €9.80
- Sunday Premium
- Employing Young People
- Records



Rest Periods



Average 48 hour working week

Public Holidays + Annual Leave

Days you normally work

- Paid day off
- Paid day off within a month
- Additional day annual leave
- Additional days pay

Days you do not work

- 1/5 normal weekly wage
- Paid day off within a month
- Additional day annual leave
- Additional days pay

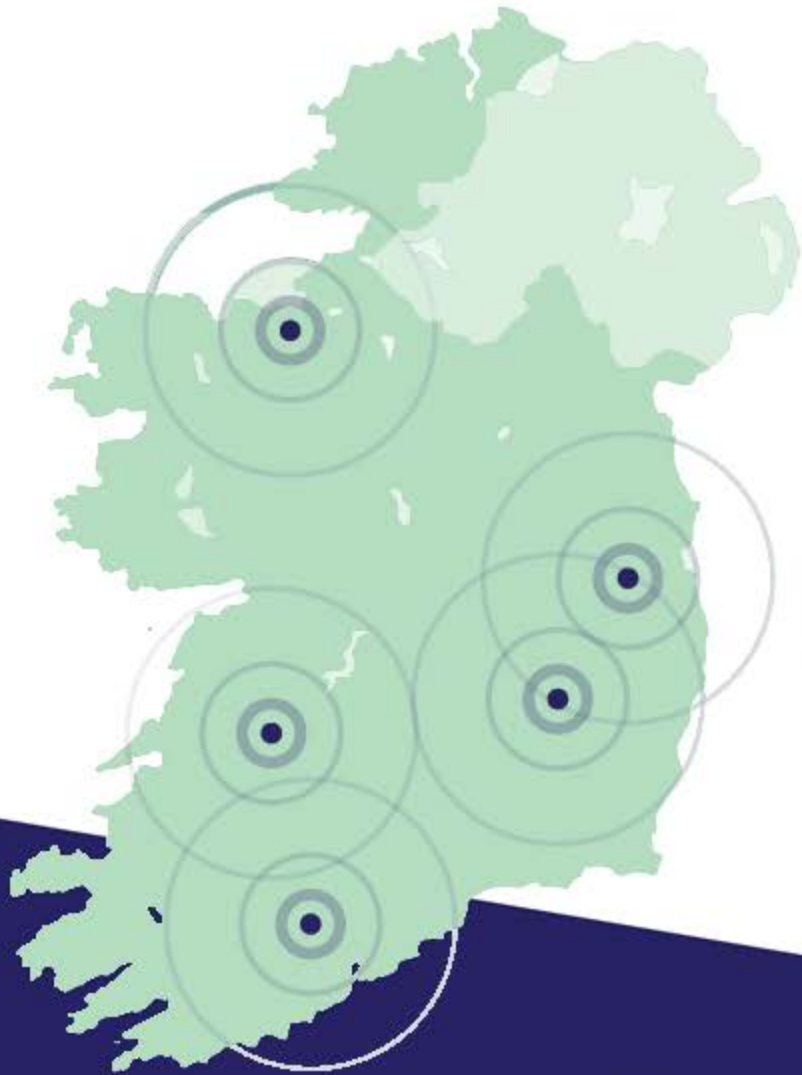
Minimum Notice

- Minimum notice periods apply after 13 weeks work
 - Employee must give 1 week's notice
 - Employer must give 1-8 week's notice dependent on length of employment

Length of Service	Minimum Notice
Thirteen weeks to two years	One week
Two to five years	Two weeks
Five to ten years	Four weeks
Ten to fifteen years	Six weeks
More than fifteen years	Eight weeks

Family Friendly Leave

Maternity	26 weeks, Additional 16 weeks
Paternity	2 weeks within 26 of birth of a child
Adoptive	24 weeks, Addition 16 weeks
Parental	18 weeks, Up to child's 8th birthday
Carer's Leave	Minimum 13 weeks, Maximum 104 weeks May work up to 15 hours a week



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Getting Inspection Ready

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Records

- Statement of Terms of Employment
- Copies of OWT1 / Clock cards
- Copies of Payslips
- Record of Annual and Public Holiday benefit received
- Employee list – PPS, DOB, Nationality, Rate of pay, normal hours worked, job title
- Copies of Employment Permits or Permissions to work for any Non-EEA Nationals employed

Record Keeping

- It's the law!!! Reputational damage if prosecuted & published
- Documented understanding between employer and employees
- Protection against unfounded claims
- All businesses keep records:
 - How do you recruit employees?
 - How do you know who you employ legally?
 - How do you know how much to pay employees?
 - How do you know who is supposed to be in work?
 - How do you compile annual accounts/tax returns?

Inspection

- Aim of Inspections to achieve compliance with legislation
- Appointment letter or unannounced
- Inspector will interview employer & staff and examine records
- Following inspection a letter outlining issues will issue – 21 days to respond [Reminder letter further 14 days]
- If resolved file will be closed. If unresolved the following may happen:
 - Prosecution
 - Compliance Notice
 - Fixed Penalty Notice

Inspections generally

- Most inspections by appointment
- Records will be examined
- Employer will be interviewed
- Employees will be interviewed
- Carry out Joint Inspections and share information with Revenue and Social Protection
- MOUs with other agencies
- Compliant employers, or those willing to become so, have nothing to fear
- Non-compliance can usually be resolved through communication and cooperation

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An Employer's Guide
to WRC Inspections



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Compliance Notices

- Typical contraventions
- NOT KEEP RELEVANT RECORDS
 - Unauthorised deduction from wages
 - Rest periods
 - Maximum working week
 - Public holiday benefit
 - Annual leave
 - Agency workers access to facilities & amenities, less favourable treatment
 - Schedule 4 of WRC Act gives full details

Fixed Payment Notice

- Section 36 WR Act 2015
- Offences under the following pieces of legislation may attract a fixed payment notice -
 - Section 11 of the Protection of Employment Act 1977 – Consultation on Collective Redundancies (fixed payment amount is €2,000)
 - Section 4(4) of the Payment of Wages Act 1991 – Failure to provide payslip (fixed payment amount is €1,500)
 - Section 23 of the National Minimum Wage Act 2000 – Failure to provide statement of hourly rate of pay (fixed payment amount is €1,500)
- Inspector must have “reasonable grounds for believing” that an offence has occurred

Fixed Payment Notice

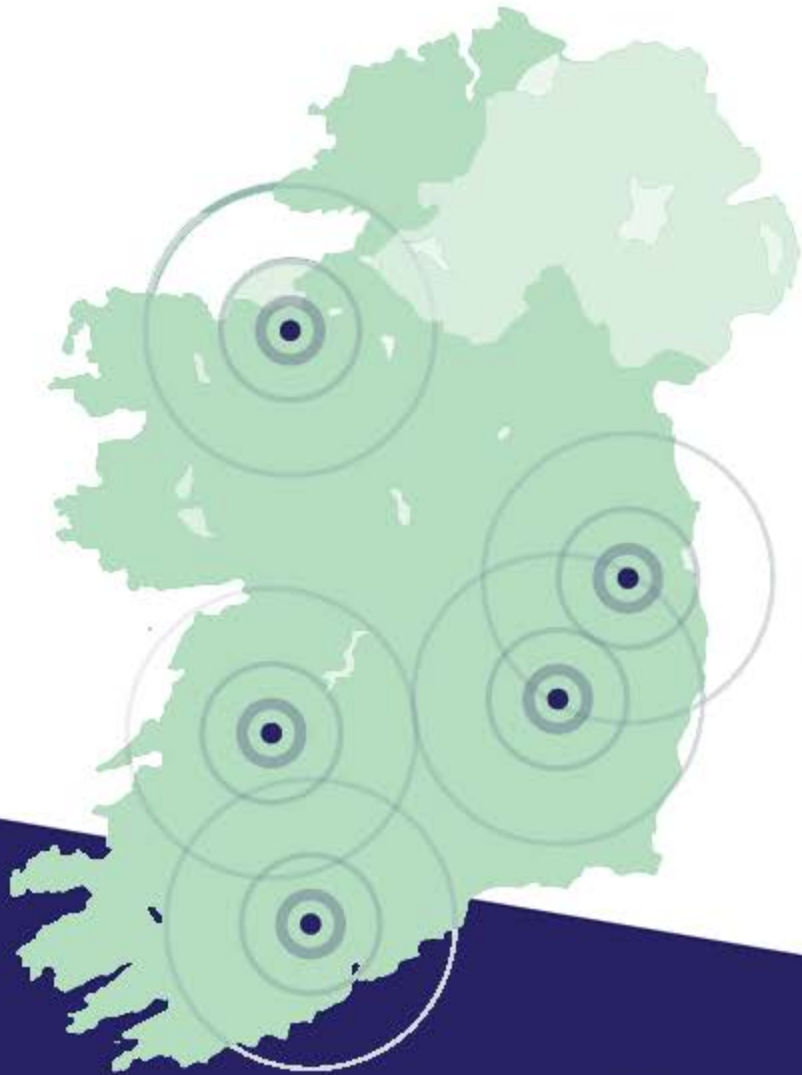
- Person has 42 days from date of notice to pay
- Prosecution will not be initiated during 42 day period or if payment made during that period
- No obligation to make payment
- Format of Notice, prescribed amounts and other matters (Workplace Relations Act (Fixed Payment Notice) Regulations 2015)

Offences

- Failure to pay National Minimum Wage rate
- Failure to keep records under legislation
- Failure to provide payslips
- Employing someone without permit
- Fixed Payment Notice as alternative to prosecution
- Obstruction, false or misleading information to inspector
- Failure to comply with the lawful request of an inspector

Compliance issues

- Incomplete time records (signatures, breaks not evident)
- Terms and Conditions of Employment incomplete
- Basis of public holiday benefit
- Annual leave/public holidays rolled into hourly rate
- Board/Lodge component of wages (NOT deductions)
- Notification of break entitlements (Electronic records - SI 473/2001)
- Employment Permit/Stamps – retaining copies
- Compensatory rest periods
- Max working week 48 hours



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