



Your

Rights as

a Worker

Guide to Irish Employment Rights for
Refugees and Asylum Seekers in Ireland

June 2022

END DIRECT PROVISION
GRANT US A RIGHT TO WORK

This guide is brought to you by the trade union SIPTU in co-operation with the Movement of Asylum Seekers in Ireland (MASI) in order to support those in the international protection system to defend and advance their needs at work in Ireland.

SIPTU – the Union

SIPTU is Ireland's largest trade union, representing workers in almost every type of industry - including hotels, health, transport, the community sector, catering, the Arts and almost everything in between.

MASI - the Movement of Asylum Seekers in Ireland

MASI is an independent platform for asylum seekers to join together in unity and purpose. The collective seeks justice, freedom and dignity for all asylum seekers.



SIPTU, Ireland's largest trade union of workers, warmly welcomes you to our country and to our workplaces.

When you get settled, some of you may decide to work here. If you decide to work in Ireland, we welcome you to our workplaces and we want to ensure that you have a positive experience working and living with us here.

If you have applied for international protection in Ireland you have the right to apply for permission to work since June 2018 like everyone else, that includes the right to decent work and the exact same employment rights and entitlements in law as all other workers.



Decent work sums up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organise and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men. (International Labour Organisation)

For centuries, Irish people fled wars and famine and sought refuge in other countries. In more recent times, Irish workers have moved to other countries to find work and to make a better life for themselves and their families. As a people, we know very well what it is like to leave our country and to settle in a new one. We know how difficult it is to move to a country where you are not familiar with the native culture, language and laws.



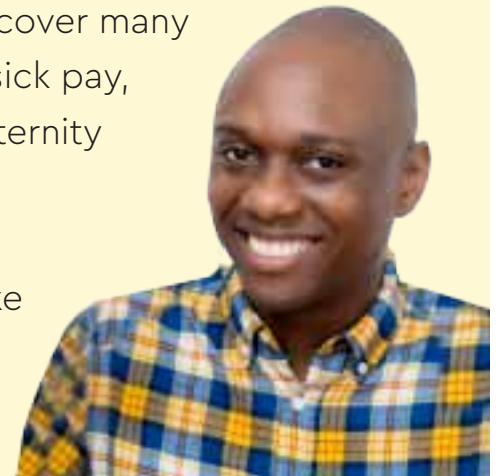
That experience, and our sense of solidarity, makes us want to make sure that you are treated well in Ireland. We want to do all that we can to make sure that you feel welcome here.

We pledge that we will work with others in civil society, advocacy groups, the Government, state agencies and employer representatives in Ireland to ensure that you are treated fairly in the communities in which you live and the workplaces in which you work.

**To make sure that you are treated properly,
we want to give you the facts about your rights
and entitlements as a worker in Ireland.**

We also want to provide you with factual advice and expert supports so that together we can make sure that your employer respects your rights. We want to help you ensure that you are paid what you are entitled to and treated with the dignity and respect that you deserve while working and living in Ireland.

Employment rights laws in the Republic of Ireland cover many subjects including work contracts, pay, overtime, sick pay, hours of work, paid holidays, rest time, breaks, maternity leave, paternity leave and parent's leave, equality, anti-discrimination, bullying, sexual harassment, health and safety, privacy at work, the right to make a complaint to an employer and to the relevant authorities including the Labour Court.

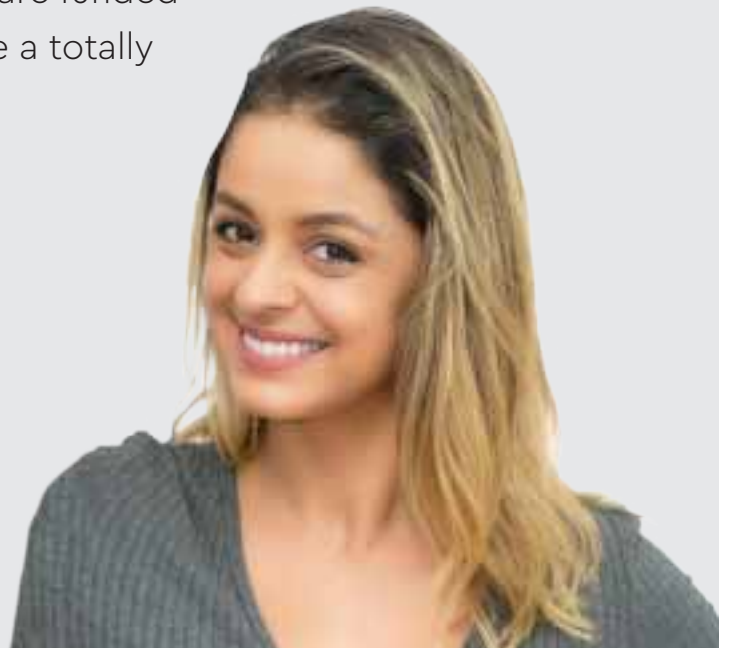


This guide is just a short introduction to these rights as they exist in the Republic of Ireland in May 2022.

The guide also tells you where you can go to get advice if you think you are not receiving what you are entitled to or if you are being treated badly at work.

Anywhere you work in Ireland, SIPTU will be nearby and ready to help. We have Welcome Centres and local offices across the country. Their locations and contact details are contained in this guide on pages 8–9.

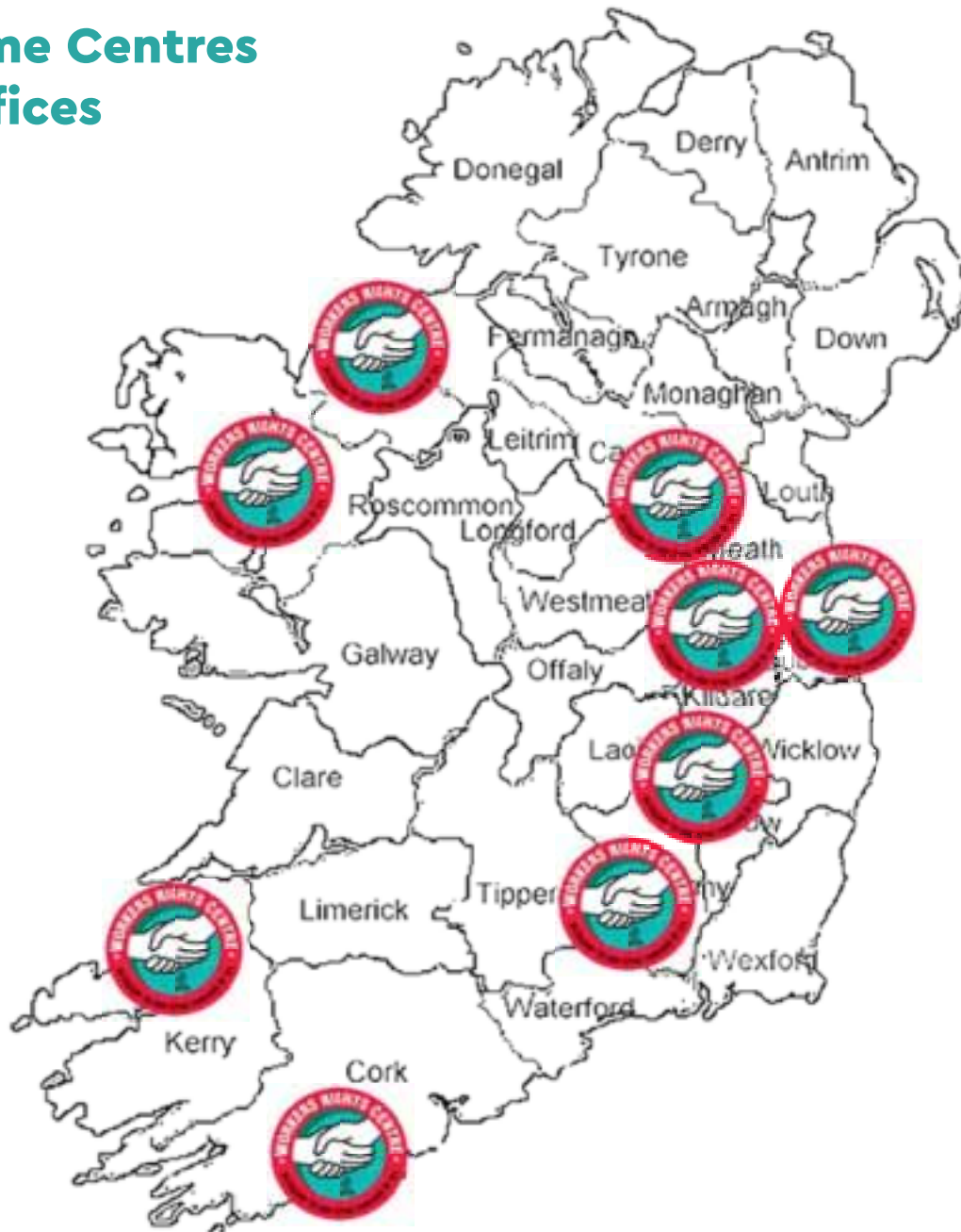
SIPTU is totally independent of the Irish government, employers and state authorities. We are funded entirely by our members. We provide a totally confidential service.



**We hope you find this short guide
to your employment rights in
Ireland helpful. Get
in touch with us if you
want more information
or if you need our help,
advice or representation.**

SIPTU

**Welcome Centres
and Offices**



Belfast

3 Antrim Road,
Belfast BT15 2BE

Cavan

Ashe Street,
Cavan H12 NH30

Carlow

Barrack Street,
Carlow R93 YW10

Clare

O'Connell Street,
Ennis, Co. Clare V95 W889

Cork

Connolly Hall
2 Lapps Quay Cork T12 F8EF

Liberty Hall, Fair Street,
Mallow, Co. Cork

Donegal

Port Road, Letterkenny,
Co. Donegal F92 PX99

Dublin

Liberty Hall Dublin 1 D01 E5Y3

Corballis Park,
Dublin Airport K67 E371

Galway

Bothar Bhreandain Ui Eithir,
Galway, H91 NYW8

Kerry

Connolly Hall, Upper Rock Street,
Tralee, Co. Kerry V92 PP78

Kildare

Block B,
The Courtyard Shopping Centre,
Edward Street, Newbridge,
Co. Kildare W12 YD27

Kilkenny

18 Patrick Street, Kilkenny R95 X3NV

Laois

Peppar's Court, Peppar's Lane,
Port Laoise, Co. Laois R32 EY7K

Limerick

30–36 Roxborough Road
Limerick V94 YY31

Louth

Palace Street, Drogheda,
Co. Louth A92 YV70

Mayo

Moneen Road, Castlebar,
Co. Mayo F23 WP71

Meath

Dan Shaw Centre,
Dan Shaw Road., Navan,
Co. Meath C15 TR28

Monaghan

3/4 Old Cross Square,
Monaghan H18 P683

Offaly

Unity Hall,
Church Street,
Tullamore,
Co. Offaly R35 CH56

Sligo

Ice House Fish Quay,
Sligo F91 HHX4

Tipperary

Banba Square,
Nenagh,
Co. Tipperary E45 TP98

Fintan Kennedy Hall,
Anglesea St.,
Clonmel,
Co. Tipperary E91 NY32

Connolly Hall,
Churchwell, Co. Tipperary

Waterford

Connolly Hall,
Summerhill,
Waterford Y35 EW94

Westmeath

Sean Costelloe Street,
Athlone,
Co. Westmeath

Unit 23A,
Lough Sheever Corporate Park,
Robinstown,
Mullingar,
Co. Westmeath
N91 WT35

Wexford

Townspark,
Coolcotts,
Co. Wexford

Wicklow

Bradshaw Lane,
Main Street, Arklow,
Co. Wicklow
Y14 YY91

Pay

Are there minimum rates of pay in Ireland?

Yes there are minimum rates of pay.

The current minimum rates of pay (as of 1 January 2022) are:

	Minimum hourly rate of pay	% of minimum wage
Experienced adult worker (20 years old+)	€10.50	100%
19 years old	€9.45	90%
18 years old	€8.40	80%
Under 18 years old	€7.35	70%

Nothing in the national minimum wage law stops unions from negotiating higher rates of pay for their members.

You cannot agree to be paid less than the minimum wage or to not receive payment for work, unless your employer is a close family relative of yours or you are working in a recognised apprenticeship.

You may also have a particular rate of pay which is included in your contract of employment or in a collective agreement which forms part of your contract.

Trade unions also negotiate minimum wages in certain industries, such as cleaning, construction and security, which are higher than the national minimum wage.

Am I entitled to get a payslip?

Yes. All employers have to provide all employees with a written statement showing how much you are paid before and after tax as well as any deductions.

Does my employer have to pay me while I am off work sick?

Employers were not required to pay sick pay to employees until a new scheme was introduced in early 2022.

Under the new Statutory Sick Pay Scheme, employers will have to introduce paid sick pay for up to 3 days in 2022. This is planned to increase to 7 days in 2023 and 10 days in 2025. Employers will have to pay a rate of payment for statutory sick leave of 70% of a worker's normal wages up to a maximum of €110 per day. To be entitled to sick pay under the 2022 scheme, a worker must have worked for their employer for at least 13 weeks and be certified by a General Practitioner/Doctor as unfit for work.

If you do not receive sick pay in accordance with the Statutory Sick Pay Scheme or your contract of employment or if the collective agreement with the union in your employment provides for sick pay and you do not receive it, you may be able to take a case.

Can my employer deduct money out of my wages without my permission?

No. Your employer cannot deduct money from your wages without your written agreement, except under certain conditions where it is required by law (e.g. taxes) or if it is stated in your contract of employment.

It is illegal for employers to make deductions from wages or receive payment from their workers unless:

- required to do so by law (e.g. PAYE or PRSI)
- the deduction is provided for in the contract of employment (e.g. if the contract requires an employee to make pension contributions or to pay for till shortages etc.)
- the deduction is made with the written consent of the employee (e.g. private health insurance payments etc.)

However, if the deduction or the receipt of payment arises from any act or omission of the employee (e.g. breakages) or is in respect of the supply to the employee by the employer of goods or services that are necessary to the employment (e.g. uniforms supplied), it must be authorised by a term in the employee's contract of employment and the employee must be given at some time prior to the act or omission, or the provision of the goods or services, written details of the terms in the contract of employment governing the deduction or payment to the employer from wages or written notice that such a term exists and that the amount of the deduction must be fair and reasonable having regard to all the circumstances including the amount of the wages of the employee and if the deduction relates to an act or omission by the employee, the employee must be given written details of the act or omission at least one week before the deduction is made.

Can my employer charge me for accommodation? What are my rights if I am living in accommodation provided by my employer?

Board (otherwise known as food) and lodgings (otherwise known as accommodation) can be provided by employers to employees but can be included in the calculation of the minimum wage in which employees are entitled to be paid. The current rate of pay for this benefit since January 1st, 2022 is as follows: • For board: €0.94 per hour worked (calculation at hourly rate) • For lodgings only: €24.81 per week or €3.55 per day

Can I get paid in cash or by cheque or by some other means?

The modes of payment allowable in Irish law include cheque, credit transfer, cash, postal/money order and bank draft.

Annual Leave from Work

Are employees entitled to be paid for their annual leave?

All employees are entitled to paid annual leave that is taken in accordance with the Organisation of Working Time Act 1997.

How much annual leave is an employee entitled to?

The Organisation of Working Time Act 1997 sets out the amount of annual leave to which an employee is entitled. In accordance with this Act, annual leave is based on the hours that the employee has worked.

The method that is used to calculate an employee's annual leave entitlement is set out in the Act as follows:

- Four working weeks annual leave, where the employee works more than 1,365 hours in the leave year
- Or if the employee works less than 1,365 hour in the year then

Either

- 1/3 of a working week where the employee works at least 117 hours in a calendar month

Or

- 8% of the hours the employee worked in the leave year (to a maximum of four working weeks per year)

An employee may receive more annual leave than is stated in the Act (in accordance with their contract of employment or negotiated by their trade union) but they cannot receive less.

Who decides when an employee can take their annual leave?

Under the Organisation of Working Time Act 1997, it is the employer who decides the times at which a worker takes their annual leave having regard to work requirements. However, the employer is obliged, when making such a decision, to take into account the needs of the worker to reconcile work and family responsibilities as well as the opportunities for rest and recreation that the worker has available to them.

Can an employee take two weeks annual leave together?

Under the Organisation of Working Time Act 1997, if an employee works eight months or more in a leave year then they are entitled to an unbroken period of two weeks annual leave.

Public Holidays

From March 2022, there are 10 public holidays per year. Sometimes you will hear these being referred to as 'bank holidays.'

Full-time employees who work or are normally rostered to work the public holiday are entitled to either an extra day's pay or a paid day off. Part-time workers are also entitled to this but only if they have worked at least 40 hours in the 5 weeks leading up to the day of the public holiday.

Breaks/Rest Periods/Hours at Work

Weekly Working Hours

Under the Organisation of Working Time Act 1997 the maximum average working week is 48 hours. The working week average is calculated in one of the following ways:

- Over a four month period (which applies to most employees).
- Over a six month period (for employees working in certain industries).
- Over a 12 month period (where there is an agreement between the employees and their employer which has been approved by the Labour Court).

(There are different weekly working hours for young people aged under 18 and these are fixed by the Protection of Young Persons (Employment Act 1996)

Breaks and Rest Periods

The law says what breaks and rest periods an employee is entitled to but it also provides that some employees are exempt from these provisions in certain circumstances.

Therefore, in general, but with some exceptions:

- An employee is entitled to an 11 hour rest period in each 24 hour period during which they work for their employer.
- For every 4.5 hours worked, an employee is entitled to a 15 minute break.
- For every 6.5 hours worked, an employee is entitled to a 30 minute break.
- In each 7 day period worked, an employee is entitled to a rest period of 24 consecutive hours.

Bullying in the Workplace

Is there legislation that bans bullying at work?

There is no employment law which outlaws bullying but an employer who engages in bullying, or tolerates such inappropriate behaviour, risks being sued for personal injury resulting from such behaviour and would also be in breach of the duty of care explicit in the Safety, Health and Welfare at Work Act 2005 for the protection of the health and welfare of the employee.

If I feel I am being bullied at work, can I make a complaint to my employer?

Yes. Employers are obliged to have proper formal and informal procedures in place for the processing of complaints by employees.

Is there any definition of bullying?

The Health and Safety Authority produced a Code of Practice on the Prevention and Resolution of Workplace Bullying in 2007. This Code is regularly relied upon by the Courts as being the yardstick definition of bullying as follows:

“repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual’s right to dignity at work”.

Family Leaves

Maternity Leave

Pregnant workers are entitled to maternity leave of 26 weeks and payments for this period may be provided by the Department of Social Protection. Additional unpaid leave of 16 weeks is also available. You are entitled to return to the same job under the same contract of employment once you finish your maternity leave. You carry over your annual leave entitlements and public holiday entitlements while on maternity leave.

SIPTU has negotiated paid maternity leave for many union members.

Paternity Leave

There is an entitlement to two weeks' paternity leave for fathers, as well as the spouse or civil partner or cohabitant of the mother. Payment is available from the State.

Parent's Leave

There is an entitlement to parent's leave for each parent of 5 weeks' leave during the first 2 years of a child's life, or in the case of adoption, within 2 years of the placement of the child with the family. Each parent is entitled to 5 weeks paid parent's leave for a child born or adopted on or after 1st November 2019. The leave period remains the same in the case of multiple births, for example if you have twins or if you adopt 2 or more children at the same time. Workers may qualify for a payment called Parent's Benefit during parent's leave. Parent's Benefit is paid while a worker is on parent's leave from work if you have enough social insurance (PRSI) contributions. Please note that your employer does not have to pay you while you are on parent's leave, although some employers may 'top-up' your parent's leave. If you qualify for Parent's Benefit, you will get €250 each week.

A worker can take parent's leave during the first 2 years of your child's life (or 2 years from adoption). You can take 5 weeks together or take separate weeks of leave.

From July 2022, the following parent's leave provisions will apply:

5 weeks' parent's leave will increase to 7 weeks for each parent.

5 weeks' Parent's Benefit will increase to 7 weeks for each parent (if you qualify)

What is the difference between parental leave and parent's leave?

Parental leave entitles parents to take unpaid leave from work to spend time looking after their children. Since 1 September 2020, both parents can take up to 26 weeks parental leave.

Parent's leave is specifically for parents during the child's first 2 years.

E-mails, Monitoring, Privacy

All workers have rights in relation to privacy. Legislation such as the Data Protection Acts, offers employees certain protections at work in relation to closed circuit television (CCTV) usage, monitoring of emails etc. However, employers are permitted to monitor employees for certain purposes, such as for protection against theft or to protect the employer's reputation in the case of posts on social media.

Employers must provide workers with a readily accessible, clear and accurate statement of policy with regard to email and internet use, including the use of social media, in the workplace.

Health and Safety

Your employer has other obligations under the Safety, Health and Welfare at Work Act 2005. These include issues such as safe plant and equipment, protection against exposure to physical agents and noise and vibrations as well as improper conduct and behaviour etc.

The employer is responsible for training and for appointing a competent person as the Health and Safety Officer in the employment.

Employees also have obligations, such as reporting potentially dangerous equipment defects in the workplace, not to engage in improper behaviour that will endanger themselves or others, etc.

Equality at Work

There is specific legislation that protects against discrimination in employment.

The Employment Equality Act protects individuals from certain kinds of discrimination, harassment and sexual harassment that can happen in the workplace. This legislation also aims to promote equal work opportunities, for example when applying for work, while in a job, going for a promotion or getting equal pay. The Act prohibits discrimination on specific grounds.

How are employees protected against discrimination in the workplace?

Under the Employment Equality Act employers cannot discriminate against employees in any aspect of the employment relationship on any of the following grounds as laid down in law:

- Gender
- Family status
- Civil status
- Religion
- Age
- Sexual Orientation
- Disability
- Race
- Membership of the Travelling Community

The Irish Human Rights and Equality Commission (IHREC) have a specific role to work to combat discrimination and promote equal opportunities in the areas covered by the Equality Acts and to provide information on them. They produced a booklet that explains employees' rights under the legislation. These are available in nine languages on their website: <https://www.ihrec.ie/www.ihrec.ie/your-rights/>

Am I entitled to speak in my own language at work?

Generally speaking, employees are entitled to speak their own language while at work. However, employment policies that require employees to speak English in the course of their work are also allowed if they are a proportionate way of achieving a legitimate aim.

Can an employee be penalised for making a complaint under the Employment Equality Acts?

Penalising a person for making a complaint of discrimination or for giving evidence in someone else's complaint or lawfully opposing unlawful discrimination is called victimisation and the Act specifically protects a person against such victimisation.

How is Sexual Harassment defined under the Employment Equality Acts?

Sexual Harassment is unlawful under the Employment Equality Acts and is defined as: acts of physical intimacy or requests for sexual favour or words or gestures or the production, display or circulation of written words or pictures which are unwelcome and which have the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

How are employees protected against harassment/sexual harassment under the Equality Acts?

Harassment is unlawful and is defined as any form of unwanted conduct related to any of the nine discriminatory grounds, which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

Such unwanted conduct may consist of: acts or requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

What aspects of the employment relationship are afforded protection?

The Acts outlaw discrimination in work-related areas such as pay, vocational training, access to employment, work experience and promotion. The Acts also outlaw the publication of discriminatory advertisements and discrimination by employment agencies, vocational training bodies and certain other bodies.

Minimum Notice

What notice do I have to be given that my employment is coming to end?

The Minimum Notice and Terms of Employment Acts 1973 to 2005 provide that employees in continuous service with the same employer for at least 13 weeks are entitled to a minimum period of notice before their employer may dismiss them.

The notice periods are based on your service with your employer and are as follows:

13 weeks to less than 2 years	1 week
2 years to less than 5 years	2 weeks
5 years to less than 10 years	4 weeks
10 years to less than 15 years	6 weeks
More than 15 years	8 weeks

Are there any circumstances where no notice is required to be given?

The Act does not affect the right of an employer or employee to terminate a contract of employment without notice due to the misconduct of the other party.

I am a part-time worker, am I entitled to notice that my employment is coming to an end?

Yes. Part-time workers, regardless of the number of hours worked, are also covered by the Minimum Notice and Terms of Employment Acts 1973 to 2005.



Part-Time Workers

What employment rights protections do part-time workers have?

All employee protection legislation applies to part-time employees in the same manner as it applies to full-time employees.

What is part-time work and what piece of legislation covers part-time employees?

The Protection of Employees (Part-Time Work) Act, 2001 covers all part-time employees where a part-time employee is an employee whose normal working hours are less than those of a comparable full-time employee (e.g. the part-time employee works 15 hours per week whereas the full working week is 39 hours).

In general, the Act applies to any part-time employee:

- working under a contract of employment or apprenticeship
- employed through an employment agency
- holding office under, or in the service of, the State
- In the case of agency workers, the party who is liable to pay the wages (employment agency or client company) will, normally, be deemed to be the employer for the purposes of the Act.

Are casual employees, the same as part-time employees?

Casual employees can be treated less favourably. The following circumstances may define an employee as being casual:

- The employee has been working for less than 13 weeks; and
 - The period of service and any previous period of service could not be reasonably considered to constitute regular or seasonal employment;
- The employee fulfils conditions for casual employment specified in a collective agreement that has been approved by the Labour Court.

Terms of Employment

Is a statement of my terms and conditions of employment the same thing as a contract of employment?

No, it is not. A contract of employment and the terms of the contract that you have agreed with your employer can be made orally, in writing, implied through custom and practice, implied through statute or a combination of all or any of these.

How will I know if my employer makes changes to the statement of my terms and conditions of employment.

An employer is required to notify an employee of any changes to the particulars contained in the written statement within 1 month after the change takes effect.

I am under 18 and I have received a statement of my terms and conditions from my employer. Is there any other information my employer should give to me?

Regulations made under the Acts require employers to give their employees who are under 18 years of age a copy of the official summary of the Protection of Young Persons (Employment) Act 1996 within one month of taking up a job.

Where do I get a statement of my terms and conditions if I am an agency worker?

In the case of agency workers, the party who is liable to pay the wages (employment agency or client company) is the employer for the purposes of the Acts and is responsible for providing the written statements.

Who is entitled to a statement of terms and conditions from their employer?

In general, the laws apply to any person:

- Working under a contract of employment or apprenticeship.
- Employed through an employment agency.
- In the service of the State (including members of the Garda Síochána and the Defence Forces, Civil Servants and employees of any local authority, health board, harbour authority, the Health Service Executive or education and training board).
The Acts do not apply to a person who has been in the continuous service of the employer for less than 1 month.

I have just started working and my employer has not yet given me my terms and conditions of employment in writing. What is my entitlement?

Under the Terms of Employment (Information) Acts 1994 (as amended) your employer must provide you with the following:

Within 5 days of commencing employment;

1. a written statement setting out the full names of the employer and the employee,
2. the address of the employer,
3. the start and end date or duration of the contract,
4. the rate and method of pay,
5. the number of hours which the employer reasonably expects the employee to work each normal working day and normal working week.

Within 2 months of commencing employment;

1. a written statement setting out the place of work,
2. the title of the job or nature of the work,
3. the date of commencement of the contract of employment,
4. when the employee will be paid,
5. a reference to any REA or ERO that applies,
6. the employee may request a written statement of their average hourly rate of pay, any terms or conditions relating to hours of work (including overtime), any terms or conditions relating to paid leave (other than paid sick leave), any terms or conditions relating to incapacity for work due to sickness or injury and paid sick leave, and pensions and pension schemes,
7. the period of notice which the employee is required to give and entitled to receive
8. a reference to any collective agreements which directly affect the employee's employment.

Unfair Dismissal from Work

Protection Against Unfair Dismissal

It is unlawful for your employer to dismiss you from your job due to your race, ethnicity, sexual orientation or for any other reason listed in the Unfair Dismissal Acts or any of the “9 grounds” listed in the Employment Equality Acts (see pages 16-17). It is also unlawful for you to be dismissed due to trade union membership.

If you have at least one year’s service with your employer you are also protected in other ways. For example, if you are accused of misconduct you have the right to a fair and impartial hearing and determination of the issues, the right to an appeal, the right to be presented with the full details of what you are accused of etc. This is a complex area so if you are in this situation you should seek professional advice e.g. from your trade union.

What type of redress is available if I am found to be unfairly dismissed?

The redress for unfair dismissal is: re-instatement in your job or re-engagement in your job or in a suitable alternative job on conditions which the adjudicating bodies consider reasonable or where financial loss has occurred, financial compensation (not exceeding 104 weeks’ pay or, in the case of protected disclosure dismissals, 260 weeks’ pay) or where no financial loss has occurred, financial compensation of up to 4 weeks’ pay.

What types of dismissals are set down under the Unfair Dismissals Acts as being unfair?

Dismissals are unfair under the Acts where it is shown that they have resulted wholly or mainly from one or more of the following:

- the employee’s trade union membership or activities, either outside working hours or at those times during working hours when permitted by the employer
- the religious or political opinions of the employee
- the employee having made a protected disclosure
- civil or criminal proceedings against the employer in which the employee is, or is likely to be, involved (as party, complainant or witness)
- the exercise or proposed exercise by the employee of the right to parental leave or force majeure leave under the Parental Leave Act 1998 or carer’s leave under and in accordance with the Carer’s Leave Act 2001
- the race or colour or sexual orientation of the employee
- the age of the employee

- the employee's membership of the travelling community
- the employee's pregnancy, attendance at antenatal classes, giving birth or breastfeeding or any matters connected therewith
- the exercise or proposed exercise by the employee of the right under the Maternity Protection Acts 1994 and 2004 to any form of protective leave or natal care absence or to time off from work to attend antenatal classes or to time off from work or a reduction of working hours for breast feeding.
- the exercise or proposed exercise by an employee of the right to adoptive leave, additional adoptive leave or time off to attend certain pre-adoption classes or meetings under the Adoptive Leave Acts 1995 and 2005
- the unfair selection of the employee for redundancy
- the employee's exercising of rights or proposed exercise of rights under the National Minimum Wage Act 2000 or under the Safety, Health and Welfare at Work Act 2005

Does my employer have to give me a reason for dismissing me?

An employer who has dismissed an employee must, if asked, furnish in writing within 14 days the reason for the dismissal.

I am an agency worker. What can I do if I believe I have been unfairly dismissed?

Agency workers have the protection of the Unfair Dismissals Acts. The person hiring the agency worker (i.e. the end user) is deemed to be the agency workers' employer for the purposes of the Acts.

Can a dismissal be deemed fair?

A dismissal may be deemed fair if the principal reason for the dismissal is gross misconduct, lack of competence, capability or by reason of redundancy. The employer has to prove also that he/she acted reasonably in coming to the decision to dismiss and that fair investigative and disciplinary methods were used.

What can an employee do if he/she believes they have been unfairly dismissed from work?

An employee has the protection of the Unfair Dismissals Acts if he/she has at least one year's continuous service in employment. If the dismissal is for trade union activity, pregnancy or for taking a claim under other designated pieces of employment legislation, then there is protection from day one of employment. An employee who believes that they may have a case for unfair dismissal should seek professional advice e.g. from SIPTU.

What can I do if my employment rights are being breached?

- You can raise the matter informally with your employer under the workplace grievance scheme.
- You can seek advice from SIPTU. To be represented by SIPTU you must be a member. SIPTU members pay a membership fee, according to how much they are paid. SIPTU does not charge its members for taking a case on their behalf. You can call SIPTU on 1800 747 881 or email info@siptu.ie or call in to a SIPTU Office.
- You can refer the matter to the Workplace Relations Commission.

It is strongly recommended that you seek SIPTU advice and to try and resolve the matter locally first before going to the Workplace Relations Commission.

Making a complaint to your employer

A Shop Steward is the elected Union representative in the workplace. The Shop Steward is the first 'port of call' if a worker has any kind of difficulty or concern in their workplace. If you encounter a problem you should talk to the Shop Steward for advice and guidance.

If you have a problem at work, sometimes it is best to speak to your manager/supervisor informally.

You should seek advice from your trade union before making a formal grievance.

However, you can also raise a formal grievance. Most companies have formal grievance procedures, sometimes described in the employee handbook or employment contracts.

Once you raise a formal grievance your employer should investigate the grievance and give you the outcome in writing. If you are not satisfied then you may appeal.

After that you have the right to refer the matter to the Workplace Relations Commission.

Joining SIPTU

SIPTU is Ireland's strongest trade union. We have more members than any other union and we represent workers in many different industries. About 1 in 6 of all of our members were born in another country and came to Ireland to work. Lots of our representatives are from other countries. We are proud to welcome workers from every country in the world to become members of our union. We celebrate our diversity.

Whether you work full-time or part-time, in a temporary or a permanent job, in any industry or type of work, it makes sense for you to join the trade union, SIPTU.

5 reasons to join SIPTU



Workers Rights
Expert advice
and
representation



Better Pay & Conditions
Skilled negotiators
working with
members



Workers Voice
Helping members
to build a
strong union



SIPTU College
Education and training
for members



Benefits
Discounts on
insurance
and shopping

It's very easy to join. There are 3 ways to choose from.

1. **Join online by visiting <https://www.siptu.ie/join/>. If you have a bank account and know your account details, it will take only a few minutes to join.**
2. **Join by telephoning us and speaking with a SIPTU employee. Our telephone number is 1800 747 881. Calls to our number are charged at a low rate.**
3. **You can drop into one of our Welcome Centres around the country and speak with a SIPTU employee. See the location of our Welcome Centres and offices.**

Other sources of reliable information

SIPTU does not give advice on work permits or immigration matters. If you have questions in this regard you can use the following:

If an employer has questions on employing international protection applicants they should use the booklet produced by the IHREC which gives employers clear and accessible information on employing international protection applicants - people seeking asylum.

<https://www.ihrec.ie/documents/employing-international-protection-applicants-employer-guide/>

We would draw your attention to the comprehensive directory of organisations provided in the IHREC booklet which can address any queries you may have on immigration matters.

The following are additional sources of information and support:

Immigrant Council of Ireland

7 Red Cow Lane

Dublin 7

D07 XN29

Telephone: 01 674 0200

Email: admin@immigrantcouncil.ie

Website: www.immigrantcouncil.ie

Immigration Service Delivery

Department of Justice

13-14 Burgh Quay

Dublin 2, D02 XK70

Website: www.irishimmigration.ie

Irish Congress of Trade Unions

31/32 Parnell Square

Dublin 1

Telephone: 01 8897777/01 8872012

Email: congress@ictu.ie

Website: www.ictu.ie

Irish Human Rights and Equality Commission

16-22 Green St,

Rotunda,

Dublin 7,

D07 CR20

Telephone: LoCall: 1890 245545 or 01 8583000

Email: YourRights@ihrec.ie

Website: www.ihrec.ie/your-rights/

Irish Refugee Council

37 Killarney Street

Dublin 1

D01 NX74

Telephone: 01 764 5854

Email: info@irishrefugeecouncil.ie

Website: www.irishrefugeecouncil.ie

Migrant Rights Centre Ireland

13 Lower Dorset Street

Dublin 1

D01 Y893

Telephone: 083 0755387

Email: info@mrci.ie

Website: www.mrci.ie

Movement of Asylum Seekers in Ireland (MASI)

Telephone : 083 1713 166

Email: info@masi.ie

Website: www.masi.ie

Workplace Relations Commission

Information and Customer Service

Workplace Relations Commission,

O'Brien Road,

Carlow,

R93 E920.

Tel: 059 9178990

National Number: 0818 80 80 90

Opening Hrs: 09:30 - 13:00, 14:00 - 17:00,

Monday to Friday

Website: www.workplacelrelations.ie/





Ireland's Strongest Union

**WE'RE
ON YOUR SIDE**

Join SIPTU

It takes just 3 minutes to join online

www.siptu.ie/join