

# Your Rights as a Worker in Ireland

Guide to Irish Employment  
Rights for People Fleeing  
the War in Ukraine

March 2022

The solidarity of the Irish people and government with the people of Ukraine has been clearly demonstrated since the start of the Russian war and throughout the ensuing humanitarian crisis in your country.

The Irish people support you and welcome you to our country.

Now that you are here in Ireland, you will want to settle into your new home.

We hope that you will receive a very warm welcome from the community into which you settle. In the Irish language we call our welcome, 'Cead Mile Failte.'

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 of working and living with us here.

People arriving from Ukraine under the International Protection Programme have automatic permission to work in the Republic of Ireland and have the exact same employment rights and entitlements in law as all other workers.

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 Ukrainians are treated well in Ireland. We want to do all that we can to make sure that you feel welcome here.

We want you to have a good life and a decent standard of living in Ireland for as long as you wish to stay here. We pledge that we will work with the Red Cross, the Irish government, the Ukrainian Embassy, the authorities here and the employer trade unions 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 with 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 and your community to ensure that you and every other Ukrainian working in Ireland is 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.

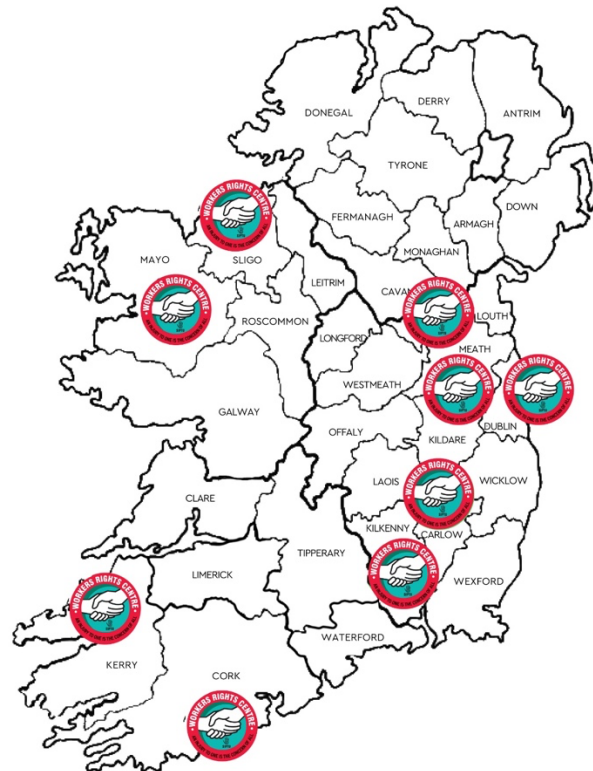
This guide is just a short introduction to those rights. It is about your rights in the Republic of Ireland and is accurate at the time of publication in March 2022. The guide also tells you where you can go to get advice if you think you are not receiving what you are entitled to or if you are being treated badly at work.

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

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. Again, welcome to Ireland and welcome to our workplaces.

## 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

## Right to Live and Work in Ireland for People Fleeing the War in Ukraine

People fleeing the war in Ukraine and arriving in Ireland are allowed to work and access services and benefits without making an application for international protection (refugee status).

Ireland is applying the EU Temporary Protective Directive. This means that people over the age of 16 arriving from the Ukraine since February 24, 2022 are allowed to work and access services and benefits. This applies to Ukrainian citizens and their families. It applies also to people who live in Ukraine and cannot return to their country of origin.

The Irish Refugee Council is a reliable source of information and advice on temporary protection. They have information in Ukrainian on their website. People will get permission to live in Ireland for one year under the Temporary Protection Directive. Permission may be extended after that. On arrival, people will get a letter confirming that they have residence in Ireland under the Directive from an immigration officer.

The following organisations have reliable information in English, Ukrainian and Russian:

Immigration Service Delivery (01)6167700 [www.irishimmigration.ie](http://www.irishimmigration.ie)

The Irish Refugee Council (01) 7645854 [www.irishrefugeecouncil.ie](http://www.irishrefugeecouncil.ie)

## 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
<b>Experienced adult worker (20 years old+)</b>	€10.50	100%
<b>19 years old</b>	€9.45	90%
<b>18 years old</b>	€8.40	80%
<b>Under 18 years old</b>	€7.35	70%

Nothing in the national minimum wage law stops unions from negotiating higher rates of pay for their members. You cannot be paid less than the minimum wage unless your employer is a close family relative of yours or you are working in a recognised statutory 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. These rates of pay are set out in the relevant Sector Employment Orders (SEO's) for that industry.

### 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 have not been required to pay sick pay to employees.

However, this is changing in 2022. Under a 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 euros per day. To be entitled to sick pay under the 2022 scheme, a worker must be worker for their employer for at least 13 weeks and be certified by a General Practitioner doctor as unfit for work. While this sick pay scheme has not been implemented yet, it is expected to commence shortly.

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 except under certain conditions such as: it being 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, to pay for till shortages, to pay for their uniform or an overpayment of wages); or
- the deduction is made with the written consent of the employee (e.g. private health insurance payments, trade union membership).

### **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.

### **How much annual leave is an employee entitled to?**

The Organisation of Working Time Act 1997 states the amount of annual leave that an employee is entitled to. 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, a paid day off on that day or within a month of that day or an additional day of annual leave. 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 statute which outlaws bullying but employers are obliged to provide a safe place of work for their employees under the Safety, Health and Welfare at Work Act 2005. As a result, an employer may therefore be found to be in breach of this obligation if they have tolerated such inappropriate behaviour within the workplace.

### **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. Bullying is a disciplinary offence in most workplaces and any employee who is thought to have bullied another employee in the course of their employment will be subject to an independent and impartial investigation into the complaint which could lead to a disciplinary hearing and possibly their dismissal.

### **Is there any definition of bullying?**

The Health and Safety Authority and the Workplace Relations Commission have produced an updated Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying At Work in 2021.

In line with this new Code, the definition of workplace bullying is as follows:

*“Workplace Bullying is 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. An isolated incident of the behaviour described in this definition may be an affront to dignity at work but, as a once off incident, is not considered to be bullying.”*

## 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.

### **PARENTS LEAVE**

There is an entitlement to parents’ 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 1 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.

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)

Parents leave must be taken in one continuous period or in separate periods of not less than one week each time.

### **PARENTAL LEAVE**

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

The leave must be taken before the child reaches the age of 12 and can be taken in either one continuous period per year or two separate periods per year of at least 6 weeks each time. If the parent is a part – time worker the leave can only be taken on a pro – rata basis. If parents have more than one child, only a maximum of 26 weeks can be taken each year, unless the children are twins / triplets.

In order to avail of this leave, an employee must have been working for their employer for at least a year however, if their child is very near the age limit of 12 years of age and the employee has been working for their employer for more than 3 months, they are entitled to take the leave on a pro-rata basis.

### **EMAILS, 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 certain 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 Acts 1998 - 2015 protects individuals from certain kinds of discrimination, harassment, sexual harassment and victimisation 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 Acts employers cannot discriminate against employees in any aspect of the employment relationship on any of the following grounds:

- 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 employee's 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.

### **What can I do if I want to make a complaint under this Act?**

The Act provides a right of complaint to the Workplace Relations Commission, where a person may seek redress. SIPTU takes more cases for workers to the Workplace Relations Commission than any other trade union or body.

### **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.

## **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:

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

### **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 employments 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

### **What about casual employees, are they 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.

### **What if my employer makes changes to the statement of my terms and conditions of employment, how will I know?**

An employer is also 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 gotten 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 per normal working day and per 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. that 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. 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 ante-natal 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 ante-natal classes or to time off from work or a reduction of working hours for breast feeding in accordance
- 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.

## **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](mailto:info@siptu.ie) or call into 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.

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.



**Ireland's  
Strongest  
Union**

**Join SIPTU**

It takes just 3 minutes to join online



## Other sources of reliable information

Department of Foreign Affairs	(01) 4082000	<a href="http://www.dfa.ie">www.dfa.ie</a>
Embassy of Ukraine in Ireland	(01) 6685189	<a href="http://www.ireland.mfa.gov.ua/en">www.ireland.mfa.gov.ua/en</a>
Immigrant Council of Ireland	(01) 6740200	<a href="http://www.immigrantcouncil.ie">www.immigrantcouncil.ie</a>
Immigration Service Delivery	(01) 6167700	<a href="http://www.irishimmigration.ie">www.irishimmigration.ie</a>
Irish Congress of Trade Unions	(01) 8897777	<a href="http://www.ictu.ie">www.ictu.ie</a>
Irish Human Rights and Equality Commission	(01) 8589601	<a href="http://www.ihrec.ie">www.ihrec.ie</a>
Irish Red Cross	(01) 6424600	<a href="http://www.redcross.ie">www.redcross.ie</a>
Irish Refugee Council	(01) 7645854	<a href="http://www.irishrefugeecouncil.ie">www.irishrefugeecouncil.ie</a>
Migrant Rights Centre Ireland	0830755387	<a href="http://www.mrci.ie">www.mrci.ie</a>
Workplace Relations Commission	(01) 6136700	<a href="http://www.workplacerelations.ie">www.workplacerelations.ie</a>