

# KNOW YOUR RIGHTS IN THE WORKPLACE





# WHY JOIN A UNION?

**There is no better protection in the workplace than being a member of a trade union and knowing your rights!**

*The following booklet sets out some minimum basic rights and entitlements for all workers; however, guidance from your trade union should be sought if you believe any of these basic rights are being breached by your employer*

Your terms and conditions, which are usually set out in your contract of employment, are based on the rights afforded to workers under various pieces of legislation, such as the Organisation of Working Time Act, the Payment of Wages Act, etc. Your union will protect your terms and conditions of employment, and work to negotiate improved terms and conditions of employment on your behalf, above these minimum legal rights.

Every worker is entitled to the following basic rights:

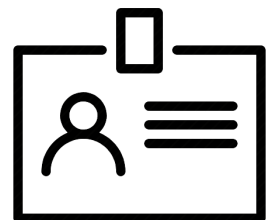
- ◆ Joining a union
- ◆ Statement of terms & conditions of employment
- ◆ Not to have any deductions made from salary without permission
- ◆ Maximum allowable working hours including rest breaks
- ◆ Annual leave and holidays
- ◆ Health & Safety protections
- ◆ Protection from harassment, discrimination and victimisation
- ◆ Various family leave arrangements with no threat to your job
- ◆ Union representation at a grievance or disciplinary hearing
- ◆ Protection from unfair dismissal

Employers must treat workers in accordance with the standards set out in labour law; failure to do so is breaking the law. If you believe that your employer is in breach of any of your rights, you should approach your union representative for assistance. Your union will provide support and advice to you, and if necessary, make representations on your behalf with your employer to ensure your rights are not compromised.

# CONTRACT OF EMPLOYMENT

**All workers are entitled to a written statement of their terms and conditions of employment**

Although the full contract does not have to be in writing, certain things must be stated in writing within 2 months of starting employment including the rate, method and frequency of pay. For those on a fixed-term contract, it should also include in what circumstances your employment will come to an end.



**A contract of employment is comprised of “expressed terms” and “implied terms”. Expressed terms are those expressly agreed and incorporated into the agreement by both parties at the time the contract is agreed.**

**An *implied term* refers to those terms that are incorporated into the agreement by an external source, i.e. by law, collective agreement or by “custom and practice”.**

# PAY & DEDUCTIONS

## Trade unions strive to improve pay for their members



The minimum wage is currently:

<b>€9.80</b>	Experienced Adult Worker (age 20yrs and over)
<b>€8.82</b>	Second year after the date of first employment over age 18yrs
<b>€7.84</b>	First year after the date of first employment over age 18yrs
<b>€6.86</b>	Under age 18yrs

*There are some exceptions to the minimum wage, including those employed by close relatives, trainees or apprentices.*

**NOTE: Minimum wage set to increase to €10.10 in February 2020**

***Deductions:*** Legal deductions from wages are tax or social insurance (PAYE, PRSI and USC). Any other deductions from your wages (i.e. union subscription, pension, etc) must be agreed by you with your employer or be authorised by your contract of employment.

***No deductions can be made without your consent, even in circumstances of overpayment.***

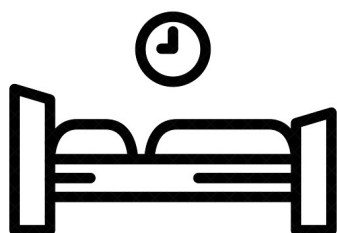
# WORKING TIME

**You are entitled to breaks during your work and rest periods between work**

Your terms and conditions (contract) should specify the dates and times that you are to work. Otherwise, your employer is obliged to provide you with details of the times that you have to work, at least 24 hours beforehand.

Time Worked	Break Entitlement
4.5 hours	15 minutes
6 hours	30 minutes

*You are entitled to 11 hours continuous rest in every 24 hour period, and one 24 hour rest day in every 7 days*



**Maximum Working Time:** A maximum working week average of 48 hours a week. The maximum 48 hour week is based on an average calculated over a four, six or twelve month period, depending on the industry. Your employer must keep a record of how many hours you work.

# ANNUAL LEAVE

**In most jobs where a union represents the workers, better annual leave for members is secured than the minimum outlined below**



Under the Organisation of Working Time Act, workers are entitled to paid leave. Each worker builds up an entitlement to leave according to how many hours work they do within specific periods.

**Formula 1:** If you have worked 1,365 hours or more in any year, you are entitled 20 days paid annual leave.

**Formula 2:** If in any month you have worked 117 hours, then for that month you are entitled to receive one-third of the working week in paid annual leave.

**Formula 3:** If neither of the above formulae are applicable, in general you are entitled to receive 8% of the hours worked in any year as paid leave.

**These days do not include the 9 public holidays, which workers are normally entitled to in addition to the annual entitlement. All full-time workers are entitled to public holidays without any specific qualification. If you are a part-time worker you must have worked at least 40 hours in the five weeks preceding the particular public holiday in order to be entitled to that holiday.**



# HEALTH & SAFETY

## All workers have the right to work in a safe and healthy environment

By law, your employer must provide:

- ◆ A safe place of work
- ◆ Safe systems of work
- ◆ Safe plant and equipment
- ◆ Risk assessments & safety statements
- ◆ Consultation on risk protection & prevention measures



**Work-Related Stress and the “always on” culture is an area of major concern for trade unions. The demands on workers to be available outside of their agreed hours (checking messages, replying to emails, etc) is having a serious, detrimental impact on mental health and unions are working hard at winning the *Right to Disconnect***



# EQUALITY IN THE WORKPLACE

**All workers are entitled to be treated with dignity and respect**

## ***Discrimination***

It is against the law to treat a person less favourably than another person because of their gender, sexual orientation, disability, marital status, religion, race, family status, age, or membership of the Traveller Community.

## ***Harassment***

Harassment is defined as any act or conduct which is unwanted and unwelcome, and which could reasonably be regarded as offensive, humiliating or intimidating.

## ***Sexual Harassment***

Sexual harassment is defined as unwanted or unwelcome conduct which could reasonably be regarded as sexually (or otherwise on the gender ground) offensive, intimidating or humiliating.

## ***Bullying***

Bullying is defined as behaviour of a physical, psychological or verbal nature which is unwanted and unwarranted. Examples of such are: open aggression, threats, constant humiliation, sneering, taking credit for another person's work, spreading malicious rumours. A single instance of the above would not be considered bullying.

**If you work part-time you cannot be treated differently to someone who works full-time simply on the basis of the hours that you work. This applies to pay and opportunities, but not to pensions.**

# FAMILY & WORK

**Your job is protected if you take any paid and/or unpaid family leave**

## ***Maternity Leave***

26 weeks paid (Social Welfare) maternity leave and the option to take an additional 16 weeks unpaid leave. There is no minimum service requirement under the Act. You are protected under the legislation once you notify your employer of your pregnancy.

## ***Paternity Leave***

The “relevant parent” is entitled to 2 weeks paternity leave. This extends to all workers, regardless of how long you have been employed or the number of hours worked per week.

## ***Parental Leave***

Parental leave (unpaid) of 22 weeks is available to both parents of a child born or adopted up to the age of 12 years of age, or 16 years of age in the case of children with disabilities or a long-term illness.

## ***Parent's Leave***

Each parent is entitled to 2 weeks paid (Social Welfare) parent's leave for a child born or adopted on or after 1 November 2019.

## ***Carer's Leave***

If you need to care full-time for a sick relative, you may be entitled to up to 104 weeks (unpaid) carer's leave under very precise conditions. Usually 6 weeks' notice is required and a minimum of 13 weeks' leave must be taken.

***Force Majeure:*** This is emergency leave with pay if your presence is absolutely necessary to assist particular relatives in case of accident or emergency. The maximum is 3 days in 12 months or 5 days in 36 months.

# GRIEVANCE & DISCIPLINARY

**You have the right to Union Representation whether or not your employer recognises a trade union**



A grievance is when you raise an issue about an incident or conditions at work.

- ◆ You have a right to a copy of your company's Grievance & Disciplinary Procedures, which must be adhered to.
- ◆ All procedures are based on the concept of natural justice, which allows you fair procedures, details of any allegation made against you, the right to respond and the right to have a trade union representative or work colleague of your choosing present.
- ◆ Your employer must take into account any representations made and any other circumstances which are relevant to the situation before making a decision.
- ◆ You have the right to appeal a decision to a higher level of management.

**Disciplinary procedures can occur when your employer is dissatisfied with your work performance or you are accused of unacceptable behaviour at work and this is raised with you formally. Disciplinary action should follow a pattern of verbal and written warnings with possible suspension and dismissal as a final option. Steps may be skipped in the event of serious misconduct.**

# UNFAIR DISMISSAL

**You must be continuously employed for 12 months before you are covered by the Unfair Dismissals Acts**



You are entitled to a minimum amount of notice if your employment ceases. The minimum amount of notice depends on the length of service.

The Acts set out to ensure that workers are not unfairly or unreasonably dismissed. In general, the law provides that each dismissal will be deemed unfair unless an employer can show substantial grounds to justify the dismissal.








In order to make a claim under the Acts, workers would normally have to be over the age of 16 and have worked for the same employer for more than one year. However, in some circumstances these restrictions do not apply, for instance if you are dismissed for being a member of a trade union you are covered by the terms of the legislation regardless of your period of service.

**In order to bring an action under the Acts you must establish: that the Act actually applies to you or your employment and that you were actually dismissed.**











# TULF Workers' Rights Campaign



***The 1990 Industrial Relations Act outlaws:***

-  Political Strikes
-  Support Strikes
-  Sit-ins/Occupations
-  Secondary Pickets
-  Walkouts/Immediate Action
-  Union Solidarity
-  Internal Union Decisions

***The 1990 Industrial Relations Act:***

-  restricts picket locations
-  imposes 7-day strike notice
-  isolates individual workers
-  encourages employer injunctions
-  reduces workers' action
-  has led to a collapse in union membership
-  slashed workers' rights
-  increased inequality
-  strengthens employers
-  weakens workers





# Workers' Rights Campaign

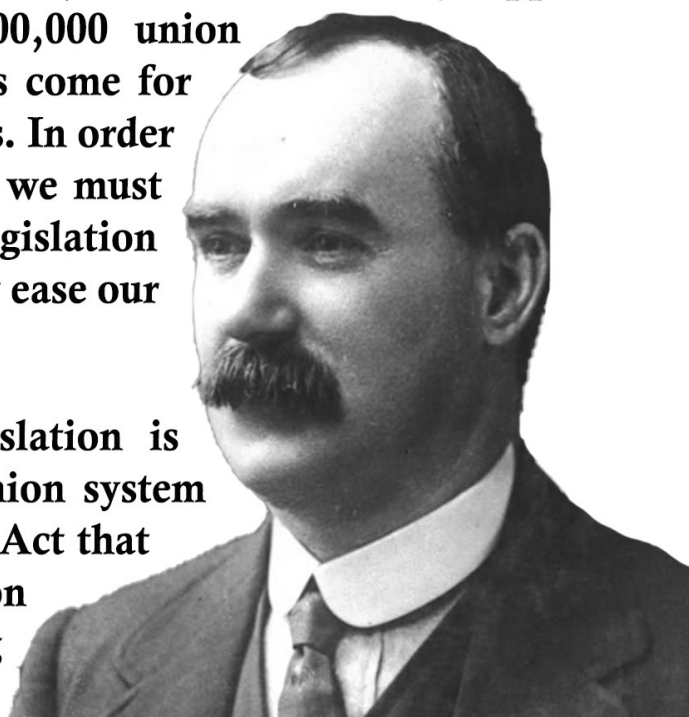
When trade unions originated back in the mid-1800s they were considered and referred to in law as criminal conspiracies. Employers at the time were openly hostile to workers and their demand for a bigger share of the profits that they produced. Over decades of struggle, trade unions became established and improved pay & conditions for workers. Union density reached an all-time high of over 60% in the 1970s, as did wage share. Since then, employers have been fighting back and waging war on workers.

They have used their influence to get legislation passed to restrict workers' and union power. The jewel in the crown of this was the 1990 Industrial Relations Act, which has totally disarmed unions and restricted workers' ability to go on strike and take industrial action.

Union density, at 24%, is now at an all-time low and consequently, pay & conditions have plummeted. Low pay, minimum hour contracts, the gig economy, bogus self-employment, and precarious employment are the order of the day. Ireland now has the worst levels of low pay in the EU and the second worst in the OECD.

As it stands, employers have all the power; the balance is firmly tipped in their favour. There are still over 700,000 union members in this country; the time has come for workers to fight back against employers. In order for us to be in a position of strength, we must have the 1990 Act and all anti-union legislation abolished. A pay rise of €1 an hour may ease our burden, but it does not give us power.

We demand that all anti-union legislation is abolished and the voluntarist trade union system ends, and is replaced with a fair Work Act that guarantees union recognition, union access and full collective bargaining rights to all workers!









**Produced by the Trade Union Left Forum**



**tuleft@gmail.com**



**Trade Union Left Forum**



**@TUnionLeftForum**