

Rights at Work

Workers Rights Series

Who is covered by employment law?

All workers are covered by employment law, subject to certain exemptions for the Gardai, the defence forces and persons employed by their own relatives. Some legal entitlements are related to service, for example if you want to take a claim in dismissal you need to have one years continuous service (see dismissals leaflet). For more specific information please access our website www.unionconnect.ie or call the UnionConnect service at 0818 300 900 to obtain information leaflets.

What are my rights at work?

Every worker has an entitlement to a specific set of rights as prescribed by the relevant **employment legislation**. However, these entitlements are only a **minimum**, and it is possible to contract or agree over and above those rights. Unionised workplaces provide terms and conditions of employment above the minimum legal standards as set out in law.

Rights are usually set out in your contract of employment and the terms and conditions of employment are the basic criteria needed for employment. You may also be entitled to additional rights which will be set out in your **contract of employment**.

Your union will protect your terms and conditions of employment and may also negotiate **improved** terms and conditions of employment on your behalf, above your legal rights.

The rights every worker is entitled to, include:

- Joining a union
- Minimum wage
- Pay-slip
- Not to have deductions made from salary without permission
- Maximum allowable working hours including rest breaks

- Annual leave and holidays
- Health & Safety protection
- Protection from harassment, discrimination and victimisation
- Maternity Leave and protection from dismissal whilst pregnant
- Notice periods when due
- Protection from unfair dismissal
- Terms & conditions of employment
- Having a union representative or work colleague with you at a disciplinary or grievance hearing

What are statutory rights?

Statutory employment rights are prescribed by law and are a minimum set of rights to which all workers are entitled. These terms & conditions of employment are set out in law but more favourable conditions have and will continue to be negotiated by **unions** for their members.

What type of rights are covered by employment law?

Employment law includes provisions such as an entitlement to the minimum wage, maximum weekly hours to be worked, annual holidays and redundancy. Please go to our website **www.unionconnect.ie** to see our full index of frequently asked questions or call UnionConnect @ 0818 300 900 to obtain a copy of our factsheets.

How do I access my rights and entitlements?

Your employer must treat you in accordance with the standards set out in labour law. If they fail to do this they are breaking the law. If you believe that these entitlements are not being provided by your employer you have a number of options open to you for redress.

You can...

- seek redress through the Rights Commissioner Service.
- take a case to the Employment Appeals Tribunal or Equality Tribunal.

A better alternative if you are a member of a union, is to approach your union representative who will ensure that your rights and conditions of employment are always protected. Your union will support and advise you and where necessary will approach your employer on your behalf.

Where can I find additional information on my rights & entitlements?

National Employment Rights Authority (NERA)

The National Employment Rights Authority (NERA) was established under the rubric of the Social Partnership Agreement "Towards 2016". The aim of the authority is to encourage common standards across the board in the understanding and applicability of a culture of employment rights within the workplace.

NERA provide basic information on your legislative rights and entitlements but cannot provide any support to you within your workplace to guarantee these rights.

A union

Your union has confirmed that in the case of breaches of employment rights legislation, its role is to seek compliance and rectification of those breached rights and allow a remedy for the individuals concerned as well as any payment of arrears where applicable.

As a **union** member, you will be informed of your basic rights and entitlements and the union will ensure that any terms and conditions, are not eroded or breached by your employer. Your union is also responsible for improving and advancing the rights and conditions of working members.

What should I do if I am not getting what I am entitled to?

If you are not getting your statutory rights you can contact either

- **Rights Commissioner Service**
 - Employment Appeals Tribunal
 - Equality Tribunal
 - Your union

Contacting your union will provide you with advice and support to ensure you receive your full entitlements. In the case of an absence of statutory rights by your employer, your union representative will be able to provide you with advice and support to progress the case further on your behalf.

Who can I go to for assistance to enforce my rights?

All workers are entitled to the protections given to them specifically by law. Unfortunately, in many instances some employers break the law and workers do not receive their minimum legal entitlements.

Where you feel your rights have been breached, you can use the mechanisms provided by the State such as the Rights Commissioner Service, the Employment Appeals Tribunal or the Equality Tribunal to seek redress. Alternatively you can seek assistance from a union.

Unions not only negotiate better than the minimum working standards and conditions, but they also monitor and enforce employer compliance with the law. Collective agreements can also be negotiated which will guarantee even more rights over and above what was originally agreed.

If you are a member of a union, your union representative will provide you with advice and support to deal with your issue. Your union will also be able to represent you in any discussions with your employer to ensure you receive what you are entitled to and improve on the current terms and conditions provided.

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