

**STOP! As a Non-EU national worker, you are entitled to the SAME employment rights and protections as Irish & EU workers!**



**AUGUST 2023**

### **About the MRCI**

Migrant Rights Centre Ireland (MRCI) is a National organisation working to promote justice, empowerment, and equality for migrants and their families. **Our mission is to tackle labour exploitation, abuse, racism, and discrimination in the workplace.**

#### **Our Services**

We provide information, support, and advocacy on a wide variety of issues, including employment rights, to migrant workers. We support **migrant workers** face-to-face in our free and confidential Drop-In-Centre clinics and also by telephone, email and ongoing public awareness campaigns. This employment rights information guide provides information about your BASIC employment rights, which are **by no means different** from the entitlements of Irish or EU nationals! **You have same rights, and you are equal!**



### You are entitled to the same employment rights!

Irrespective of where you come from and what industry you work in; be it in a **mushroom farm, meat factory, or warehouse**; or if you are a **carer, a domestic worker, or an au pair**; you are entitled to the **same basic employment rights!** This guide will give general guidance. For more detailed information on your rights please refer to the following resources:

- Citizenship Information Service (CIS) provides comprehensive resources and information on their website on employment and other rights. [Home \(citizensinformation.ie\)](https://www.citizensinformation.ie)
- Workplace Relations Commission (WRC) provides information to employees, including in relation to your rights. The WRC also provides a forum for employees to bring employment related claims and carries out inspections of employment premises. <https://www.workplacelrelations.ie/en/>

## Contract of Employment

Irrespective of the industry, **every employee is entitled to receive written core terms of employment** signed by their employer within the first **5 days** of starting a job **AND** the **remaining terms** must be provided in writing **within 1 month**.

**The core terms** that need to be provided to you within 5 days of starting a job should be issued in a language understandable to you and must include:

- The full names of the employer and an employee
- The address of the employer
- The expected duration of the contract (is it temporary, fixed-term or a permanent position)
- The rate of pay (e.g. hourly rate or annual remuneration), as well as how often payment will be made and how it will be made (e.g. by cheque, electronic funds transfer, etc.)
- The daily and weekly hours expected to be worked (e.g. 39 hours per week or 8 hours per day 5 days a week)
- In certain cases, the employer's policy on how tips / gratuities will be treated.
- Place of work
- Title, grade, nature or category of work or a brief description of the work
- Start date.
- Terms and conditions relating to hours of work (including overtime)
- Where a probationary period applies, its duration any conditions attaching to it

The **remaining terms of employment** that need to be provided to you within 1 month of starting a job include:

- Pay intervals (for example weekly or monthly)
- Any special terms or conditions relating to paid leave (other than paid sick leave)
- Terms and conditions relating to what happens if you are unable to work due to illness / injury, and to paid sick leave.
- Pension and pension schemes if any
- Period of notice to be given by employer or employee
- Details of any collective agreements that may affect employee terms of employment.
- Training entitlements, if any, provided by the employer

- For agency workers, the identity of the end-user entity
- If the pattern of work is unpredictable, that the schedule of work is variable, the number of guaranteed paid hours and remuneration for any additional work, hours and days that the employee may be required to work, and that at least 24 hours advance notice of work will be given.
- Identification of social security institutions receiving contributions and protection relating to that social security

**If your employer did not issue you with an employment contract, contact the MRCI or make a free e-complaint seeking adjudication to the Workplace Relations Commission (WRC), within 6 months of the employment start date.**

## Minimum Wage

Most employees **over the age of 20 are entitled to the national minimum wage (NMW) rate.** The national minimum wage rate is subject to change and depends on the State's annual Budget Plan. **It is an offence for employers to pay employees who are entitled to the NMW rate below this rate.**

**The current NMW rate for 2023 is set out below:**

<b>NMW Hourly Rates from 1<sup>st</sup> January 2023</b>
<b>€11.30</b>

Exceptions apply to:

- individuals who are employed by a close relative (for example, a spouse, civil partner, or parent)
- people who are in a statutory apprenticeship, internship, or volunteering program
- employees under the age of 20

Employees who are aged under 20 are entitled to a lesser rate, currently as follows:

Age	Minimum hourly rate of pay
20 and over	€11.30
19	€10.17
18	€9.04
Under 18	€7.91

Also, if you are a **live-in au pair or domestic worker** the cost of certain benefits (board and lodging, i.e., food and accommodation) **may be deducted from your national minimum wage rate**:

The following rates apply:

- For board (food) only: €1.01 per hour worked (calculation at hourly rate)
- For lodging (accommodation) only: €26.70 per week or €3.81 per day

**If your employer pays you below the national minimum wage rate, contact the MRCI immediately** for support and advocacy on this matter! We can assist you in making a free e-complaint seeking adjudication to the Workplace Relations Commission (WRC), **within 6 months (which may be extended in limited circumstances to 12 months) of the date of the infringement, for a contract issue 6 months (which may be extended in limited circumstances to 12 months) from termination date.**

**KNOW  
YOUR  
RIGHTS**

---

### **Deduction from Wages and Payslips**

**Employers are obliged to give you payslips itemising each deduction. It is an offence not to do so.**

- The payslips should be given to you on a regular basis without unreasonable delays.
- An employer must keep all records about payments made to you and any deductions from those payments for at least 6 years.

**Employers may make deductions from wages only if:**

- **required by law**, such as tax deductions (PRSI/PAYE);
- **provided for in the contract of employment**, (e.g., for certain occupational pension contributions; bike to work scheme; commuter travel scheme); or
- **made with the prior written consent** of the employee, for example a private health insurance payment or trade union subscriptions.

**It is illegal for an employer to make any deductions (other than those required by law) from your salary if they were not agreed to in writing in advance (either because the deduction is provided for in your contract of employment, or you separately gave written consent to the deduction). In order for the deduction to be legal, you must explicitly agree to it or it must be legally required!**

In addition, an **employer should not deduct money** for: (i) any act or omission by you, for example damaged equipment or tools; or (ii) any goods or services supplied to you that are necessary for you to do your job (e.g. uniform or safety equipment), **unless** a deduction from your wages of this kind was **agreed** with you by virtue of a term in the contract of employment which you signed. **IN ADDITION**, the **value of the deduction** in such a situation **must be fair and reasonable**, taking into consideration all circumstances, including the salary of the employee.

**If your employer makes illegal deductions to your salary and/or does not provide payslips, contact the MRCI immediately!**

---

### **Maximum Working Week – Hours of Work**

---

The Organisation of Working Time Act, 1997 sets out the **Maximum Weekly Hours of Work for most employees:**

- **the maximum average working week for many employees cannot exceed 48 hours.** The average is usually based on the past 4 months (but can be based on the last 6 months or 12 months for certain employees)
- these 48 hours of work do not include annual leave, sick leave, maternity, adoptive, or parental leave.
- this maximum of 48 hours does not apply to all employees, for example it does not apply to Gardai, or employees in the defence forces, employees on farms or private homes.

This does not mean that a working week can never exceed 48 hours; it is the average that is important.

**If you are forced to work more than 48 hours per week on long-term basis, please contact the MRCI immediately!** If your employer is taking advantage of you and exploits you and other employees, it is important to **lodge a WRC complaint**

**within 6 months of the date of the last breach.** In this case you might be entitled to compensation of up to 2 years' remuneration (i.e., basic wage / salary plus any bonus / benefits).

---

## Overtime

---

Overtime is work done outside normal working hours. Employers have no legal obligation to pay you for work completed in overtime (unless you work in a specific sector that is covered by special agreements like construction). However, your contract of employment should state whether you are required to work overtime, and rate you will be paid for it.

---

## Minimum Breaks and Rest Periods

---

In general employees are entitled to a minimum of:

- 15 minute unpaid break after 4 ½ hours of work
- 30 minute unpaid break after 6 hours of work, which can include the first 15-minute break.

NOTE: There is no entitlement to be paid for these breaks and they are not considered working time.

- retail/shop employees who work more than 6 hours and whose hours of work include the period 11.30am–2.30pm are entitled to a one-hour consecutive break which must occur between 11.30am–2.30pm.
  - 11 consecutive hours rest should be provided in between periods of work (e.g. if you finished work at 22:00 you should not be required to come back to work earlier than 9:00 next morning).
  - employees should get 24 consecutive hours rest in any period of 7 days' work (e.g., if you worked non-stop for full week for seven days, on day 8 you should get a full day off, followed by 11 consecutive hours' rest)
- 

## Holidays/Annual Leave

---

If you worked full time (or at least 1,365 hours) in a year you are entitled to a minimum of 4 weeks' paid holidays, or 8% of the hours worked in the leave year, whichever is the greater.

If you worked for at least 8 months, you are entitled to an unbroken period of 2 weeks' annual leave.

If you work part-time, you also have annual leave entitlements. Your annual leave entitlement if you work part time is usually calculated as 8% of your hours worked.

If you got sick during your holidays, these sick days should not count towards your holiday period and annual leave days must be given back to you (subject to providing a medical certificate).

Your annual leave is not affected by any other type of leave provided for by law (e.g. parental leave), this is a separate legal entitlement.

If you are leaving your job you are entitled to receive payment for any outstanding annual leave and public holidays due to you.

---

### Sunday Work and Bank Holidays

---

**Sunday Work:** If you work on Sundays you are entitled to a benefit for this. You are entitled to a premium payment or paid time off in lieu for your Sunday work. If there is no agreement between you and employer with regards to Sunday work and pay, the employer must give you **one or more** of the following:

- A reasonable allowance
- A reasonable pay increase
- Reasonable paid time off work

**Bank Holidays and Public Holidays:** If you are a full-time employee, you are entitled to ten public holidays during the year, in respect of which your employer must give you one of the following four options:

- A paid day off on the public holiday
- An additional day of annual leave
- An additional day's pay
- A paid day off within a month of the public holiday



If you work as a part-time employee, to qualify for a benefit for a public holiday you must have worked at least 40 hours for the past 5-weeks prior the public holiday.

**The following are the ten public holidays in Ireland:**

1. New Year's Day
2. First Monday in February, or 1 February if the date falls on a Friday
3. Saint Patrick's Day
4. Easter Monday
5. The first Monday in May
6. The First Monday in June
7. The first Monday in August
8. The last Monday in October
9. Christmas Day (25 December)
10. Saint Stephen's Day (26 December)

**For more information, please come and talk to us!**

<https://www.mrci.ie/contact-us/>



---

## **Dismissal**

---

Dismissal is the loss of a job which can be:

- Fair (i.e. lawful / legal), for example due to gross misconduct or poor performance (if a proper procedure is followed)
- **or** unfair (i.e. unlawful / illegal), for example if it is based on gender/race, discriminatory dismissal

If you have been dismissed, your employer must show substantial grounds to justify it and explain to you the reason for dismissal.

Certain dismissals are automatically considered to be unfair (i.e. unlawful / illegal), for example if you are dismissed because of:

- membership (or proposed membership) of a trade union;
- your religious or political opinions;
- Legal proceedings against an employer where you are a party or a witness;
- your race, colour, sexual orientation, age, or membership of the Traveller community (or any matters connected with this);
- you enforcing or trying to enforce your right to protected leave, such as maternity leave, adoptive leave, paternity leave, carer's leave, parent's leave, parental leave or force majeure leave; or
- you making a 'protected disclosure', i.e. where you report concerns about a potential wrongdoing at work.

If you believe that you have been unfairly / unlawfully dismissed, you can bring a claim for unfair dismissal under the Unfair Dismissals Acts, 1977 to 2015 to the Workplace Relations Commission (WRC). You must bring the claim within 6 months of the date of the dismissal (this timeline can be extended to 12 months but only in certain circumstances).

Generally, you need to have one years' continuous service with your employer before you can bring a claim for unfair dismissal, however this does not apply in certain circumstances (e.g. if you were dismissed for trade union membership or activity or making a protected disclosure).

**For more information, please come and talk to us!**

<https://www.mrci.ie/contact-us/>



## Constructive Dismissal

---

Occurs when you terminate the contract of employment (i.e. you quit your job), with or without prior notice, but this was due to the serious conduct of your employer and inability to continue work in an unsafe, intimidating, or discriminatory environment, i.e. your employer's actions meant that you had no option but to resign from your job.

As noted above, under The Unfair Dismissals Acts, 1977 to 2015 if **you believe you have been unfairly dismissed or constructively dismissed you can bring a complaint to WRC within 6 months of the date of dismissal.**

---

## Minimum Notice

---

Every employee who has worked for at least 13 weeks is entitled to a minimum period of notice if their employer wants to end their employment (with exception to dismissal because of gross misconduct e.g theft). This period varies depending on your length of service as follows:

13 weeks, but less than 2 years' service = one week's notice  
Two years, but less than 5 years service = two weeks' notice  
Five years, but less than 10 years service = four weeks' notice  
Ten years, but less than 15 years service = six weeks' notice  
More than fifteen years service = eight weeks' notice

An employer has the option to offer payment for the amount of the notice period instead of asking you to work that time if this is provided for in your contract of employment.

If you had been dismissed without prior notice or with less notice than you are entitled to please come in to our Drop-In centre for assessment!



COME AND VISIT US

## Discrimination and Equality

---

You are protected from discrimination in employment on the grounds of your age, gender, marital status, family status, race, religion, sexual orientation, disability, or membership of the Traveller community.

Discrimination can occur at any stage of the employment process: during recruitment, training, in relation to promotion and equal pay etc.

Discrimination is the treatment of one person in a less favourable way than another person based on any of the above described 9 grounds.

Discrimination can be of 2 types: direct and indirect.

- Direct discrimination –example: staff within the same department have received a pay rise except a team member who is the only black person, or only woman, or only member of the Traveller community, in a team.
- Indirect discrimination is when there is a practice, policy, or rule which on the surface applies to everyone in the same way, but it has a more negative effect on some people than others. For example: if your workplace has a dress code or rules on appearance which applies to everyone, it may indirectly discriminate against you if you follow a particular religion and the dress code interferes with how you need to dress according to that religion.

If you feel you have been discriminated against at your workplace, please contact the MRCI immediately or speak to the Irish Human Rights and Equality Commission's confidential advice service at 1 890 245545.

---

## Redress/Complaints Procedures

---

If you suspect that any of the above outlined employment rights have been breached by your employer come to our Drop-In centre for free and confidential assessments! Our caseworkers will assess your situation and will provide you with relevant information and support.

You may also lodge a free electronic complaint individually at Workplace Relations Commission (WRC) website, following this link: [https://www.workplacerelations.ie/en/e-complaint\\_form/](https://www.workplacerelations.ie/en/e-complaint_form/)

Please make sure that you select the **Adjudication** option in your complaint form and provide accurate employer details, employment start and termination dates, and the other required information. Please keep a copy of this complaint for your records.

### **Workplace Relations Commission Information and Customer Service**

Workplace Relations Commission, O'Brien Road, Carlow, R93 E920. DX Number: 271001

Tel: 059 9178990 Lo Call: 0818 80 80 90

Opening Hrs: 09:30 - 13:00, 14:00 - 17:00, Monday to Friday

---

### **Other Useful Contacts**

---

#### **Health and Safety**

---

Information in relation to health and safety in the workplace may be obtained from the Health and Safety Authority at The Metropolitan Building, James Joyce Street, Dublin 1. Telephone: (01) 614 7000 or Lo-Call: 1890 289 389 Log onto [www.hsa.ie](http://www.hsa.ie)

---

#### **Tax Issues**

---

Matters referring to taxation generally should be addressed to The Revenue Commissioners, Taxes Central Registration Office, 9/15 Upper O'Connell Street, Dublin 1. Lo-Call: 1890 60 50 90 (PAYE enquiries) or Lo-Call: 1890 30 67 06 Log on to [www.revenue.ie](http://www.revenue.ie)

---

#### **PPS and Social and Family Affairs**

---

Matters relating to PPS numbers should generally be addressed to your local Intreo office. Log onto [www.welfare.ie](http://www.welfare.ie) E-mail: [info@welfare.ie](mailto:info@welfare.ie)

## Citizens Information Service

---

**By Phone:** 0761 07 4000.

**In Person:** By visiting your nearest Citizens Information Service. You can find your nearest Citizens Information Centre by using the directory on

<https://centres.citizensinformation.ie/>

---

## Irish Human Rights & Equality Commission

---

Irish Human Rights & Equality Commission

16-22 Green Street

Dublin 7

D07 CR20

Lo-call: 1 890 245545

Tel: + 353 (0) 1 8583000

Email: [YourRights@ihrec.ie](mailto:YourRights@ihrec.ie)

---

## Relevant Legislation

---

Terms of Employment (Information) Act, 1994

Employment (Miscellaneous Provisions) Act 2018.

Payment of Wages Act, 1991

National Minimum Wage Act, 2000

Organisation of Working Time Act, 1997

Unfair Dismissals Acts, 1977 – 2015

Minimum Notice and Terms of Employment Acts 1973 – 2005

Employment Equality Acts 1998–2015

---



COME AND VISIT US

*If you have any further questions or concerns with regard to your employment rights, please visit our Drop-in Centre!*

**Our address is: 13 Lower Dorset Street, Dublin 1**

**We are open Monday, Tues and Wednesday 10 - 1 or 2- 4pm  
(By Appointment Only)**

**Tel: 01 889 7570 or 083 075 5387**

Recording your hours, breaks and pay gives you evidence to stand up for your right

DATE	START TIME	END TIME	BREAK TIME	BREAK TIME	TOTAL HOURS WORKED	WORK-PLACE ADDRESS
Example	10am	11pm	2-3pm	6-7pm	11	10 Worker Ave, Dublin 1

**KNOW  
YOUR  
RIGHTS**

