

LEGAL COMPLIANCE – EMPLOYER BEWARE!

There are over 40 pieces of employment legislation protecting employee rights in the workplace. The onus is always on the Employer to abide by the obligations set down. Should a case be taken the Employer will have to show a paper trail on the Company complying with employment legislation.

The HR Suite have set out some of the basics below as a checklist for you to compare your Company against. The following are some of the requirements Employers need to have in place to be legally complaint:

1. Provide employees with a contract of employment [compliant with legal requirements] within 3 months of commencing employment.
2. Provide employees with relevant policies and procedures and record a signed acceptance of same on the employees file e.g. disciplinary and grievance procedure within 28 days of commencing employment.
3. Pay employees the appropriate rate of pay. The current minimum wage is €9.25.
4. Ensure any under 18 employees comply with the necessary legislation in relation to additional rest breaks, working hours and providing the Under 18's legislation for signing.
5. Ensure employees get a payslip showing all deductions on a continuous basis.
6. Record rest breaks provided to employees on a daily basis and maintain for 3 years.
7. Provide statutory leave in accordance with the legislation e.g. force majeure, maternity, paternity, parental and carers leave etc.
8. Ensure that employees who are from outside of the EU have the relevant permits on their employee file.
9. Ensure that employees take their minimum annual leave and public holiday entitlements and that this is recorded.

Should your Company not meet the above it is important to resolve as soon as possible before it becomes an issue. Employees have rights to do the following if they are of the opinion their rights have not been met: raise an internal grievance, take a Workplace Adjudication case on the issue while still in employment, inform NERA/ WRC Inspections anonymously which may result in an audit. It is important that all Companies abide by their obligations set out in employment legislation. This ensures not only legal compliance but the employer/employee well-being and relationship also.

For advice on HR related issues for employers contact any of the team at The HR Suite on 066 7102887 to discuss your requirements.

Kelly O'Connor, HR Consultant

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