

TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 and 2001



SAMPLE WRITTEN STATEMENT OF TERMS OF EMPLOYMENT

This form may be used by employers for the purpose of providing an employee with a written statement of particulars of the terms of employment as required by the above Act.

IMPORTANT: Please refer to explanatory notes attached before completing the form.

This statement applies to **(NAME OF EMPLOYEE)** _____

(a) **NAME OF EMPLOYER**
(See Note 1) _____

(b) **ADDRESS OF EMPLOYER**
(See Note 2) _____

(c) **PLACE OF WORK**
(See Note 3) _____

(d) **JOB TITLE OR NATURE OF WORK**
(See Note 4) _____

(e) **DATE OF COMMENCEMENT OF EMPLOYMENT** _____

(f) (i) **IF TEMPORARY CONTRACT** (expected duration of _____
that temporary contract)

(ii) **IF FIXED TERM CONTRACT** (date when that _____
contract expires)

(If the space provided under any of the headings is insufficient, employers may include the relevant details in an Appendix to this statement.)

(g) **RATE OF REMUNERATION**
(See Note 5 and Note 6) _____

MINIMUM WAGE PAY REFERENCE PERIOD (period _____
used to calculate hourly rate of pay for the National Minimum
Wage Act 2000. Period cannot exceed one month) (See Note
6)

(g)(a) The employee may, under Section 23 of the National Minimum Wage Act 2000, request from the employer a written statement of the employee's average hourly rate of pay for any pay reference period falling within the previous 12 months as provided in that section.

(h) **PAY INTERVALS**
(weekly, monthly or otherwise) _____

(i) **HOURS OF WORK** (including overtime, rest breaks, and Rest Period Not Received) (See Note 7)

Normal start time _____

Normal finish time _____

Rest Periods

Employees are entitled to:

- A daily rest period of 11 consecutive hours per 24 hours. A weekly rest period of 24 consecutive hours per 7 days, following a daily rest period.
- A 15-minute break if working 4.5 hours
- A 30-minute break if working 6 hours

Payment for breaks is not a statutory entitlement. Some industries are covered by Registered Employment Agreements (REA's) and Employment Regulation Orders (ERO's), which may contain regulations regarding breaks.

Rest Period Not Received

Note for Employer

Outline procedure for employee to notify employer in writing that he/she has not received their entitlement as outlined above. This notification must be made within one week of an employee not availing of their entitlement. (See S.I. 473 of 2001)

(j) **PAID LEAVE** (other than sick leave) (See Note 8)

Annual Leave entitlement _____

Public Holiday entitlement _____

(k) (i). **INCAPACITY FOR WORK/SICKNESS/SICK PAY** (See Note 9) _____

(ii). **PENSION AND PENSION SCHEMES**
(Requirement by law that an employer provides access to a Pension Scheme) (See Note 10) _____

(l) **PERIOD OF NOTICE TO BE GIVEN BEFORE TERMINATING EMPLOYMENT** (See Note 11)

(a) by employer to employee _____

(b) by employee to employer _____

(m) **RELEVANT COLLECTIVE AGREEMENTS**
(Employment Regulation Orders and Registered Employment Agreement) (See Note 12)

(n) **Applicable to Employees under 18 Years of Age** (See Note 14)
Copy of abstract of Protection of Young Persons (Employment) Act 1996 given to employee no later than one month after commencement. (PYP Leaflet)

(o) **GRIEVANCE AND DISCIPLINARY PROCEDURES** (See Note 15)

In relation to any changes in the particulars given above and employment outside the State, please see Note 13

Signed: _____
(Proprietor/Manager/Company Secretary/Personnel Manager)

Date: _____

NOTES FOR EMPLOYERS ON COMPLETING WRITTEN STATEMENT OF TERMS OF EMPLOYMENT OF AN EMPLOYEE

Note 1 – NAME OF EMPLOYER – Employers must state their full and correct name. In the case of a Limited Company, the name of the company as registered with the Companies Registration Office should be given.

Note 2 – ADDRESS OF EMPLOYER – A number of options are available under this heading. The intention is to ensure that the employee is given the full and accurate address of the employer. The options are as follows:

- The full address in the State
- The address of the principal place of the relevant business in the State; this could be appropriate in the case of a business which has a number of locations
- The address of the registered office, i.e. address of the company as registered with the Companies Registration Office.

Note 3 – PLACE OF WORK – Employers must state the place of work of the employee; if there is no fixed or main place of work, the employer must state the main place of business and state that the employee will be required or permitted to work in various locations.

Note 4 – JOB TITLE/NATURE OF WORK – Employers must state either the title of the job, e.g. general operative, accounts clerk, or nature of work, e.g. construction work, accounts work, etc.

Note 5 – IMPORTANT – Where employees are covered by an Employment Regulation Order or a Registered Employment Agreement, it is sufficient to refer the employee to the provisions of the relevant legislation, namely, an Employment Regulation Order, an employment agreement registered with the Labour Court, a collective agreement or a company handbook for the areas detailed in (g) to (l). However, copies of these documents must be made available.

Note 6 – RATE OF REMUNERATION/MEANS OF CALCULATING REMUNERATION – In addition to basic pay, this heading covers any other aspects of remuneration such as bonus, commission, productivity incentives, etc. (If the employer does not give details of the rate of remuneration, he/she must give details of the method of calculating the remuneration.) If appropriate, it could be stated that the rate is as set out in a specified Employment Regulation Order or Registered Employment Agreement.

The following payments are regarded as wages:

- Normal basic pay, as well as any overtime
- Shift allowances or other similar payments
- Any fee, bonus or commission
- Any holiday, sick or maternity pay
- Any other return of payment for work (whether made under the contract of employment or otherwise), and
- Any sum payable to an employee in lieu of notice of termination or employment.

The employer must indicate the pay reference period for the purposes of the National Minimum Wage Act, 2000. Also the employer must state that the employee may request from the employer a written statement of the employee's average hourly rate of pay for any reference period falling within the previous 12 months as provided in Section 23 of the Organisation of Working Time Act, 2000.

Note 7 – HOURS OF WORK – Employers must give details about the terms and conditions relating to hours of work including overtime; this should include arrangements in relation to length of normal working hours, Saturday/Sunday work, evening work, shift rotas or other such arrangements, as appropriate, and details of rest breaks and rest periods under the Organisation of Working Time Act, 1997.

Note 8 – PAID LEAVE – Employers must give details of any terms or conditions relating to paid leave (other than paid sick leave which is covered in Note 9 below); this should include any paid leave schemes that the employer operates, for example holidays, maternity, special leave, etc. and any arrangements that apply to such leave.

Note 9 – SICK LEAVE – Employers must state any terms and conditions that apply to an employee relating to incapacity for work or sickness/injury and paid sick leave, e.g. terms and conditions of sick pay schemes, reporting of

absences, production of medical certificates, rules relating to payment, etc. If this employment is covered by an ERO or REA then this should be stated.

Note 10 – PENSIONS – Employers must state the terms and conditions of any pension schemes and any arrangements relevant to pensions. Further information in relation to pensions can be obtained at www.pensionsboard.ie, telephone no. 01 613 1900, LoCall 1890 656565.

Note 11 – NOTICE – Employers must give details of the period of notice to be given by the employer and by the employee prior to the termination of the contract of employment. If it is not possible to indicate the period of notice when the written statement is given to an employee, the statement should clearly indicate the method for determining the period of notice. Where an employee has a statutory entitlement to notice under the terms of the Minimum Notice and Terms of Employment Act, 1973, this should be indicated.

Note 12 – COLLECTIVE AGREEMENTS – Employers must refer to any collective agreements which affect the employee's terms and conditions of employment. In the case of collective agreements to which the employer was not a party but which apply to the employment concerned, organisations which made the agreement should be indicated. An example would be a registered agreement concluded by certain employers and unions within a sector of activity but binding on all. EROs and REAs must be specified if they apply to the employment. This is in addition to the requirements to circulate or display copies of the agreements.

Note 13 – ADDITIONAL NOTES

CHANGES IN THE TERMS OF EMPLOYMENT

Employers should note that, where there are any changes to the particulars contained in the written statement, the nature and date of the change must be notified by the employer to the employee within one month of the change taking effect. In the case of changes as a result of an employee being assigned to employment outside the State for a period of not less than one month, the nature of the change must be notified before the employee's departure from the State. Changes to terms of employment must be agreed by both parties prior to those changes being implemented.

EMPLOYMENT OUTSIDE THE STATE

Employers should also note that, where an employee is assigned to employment outside the State for a period of not less than 1 month, an employer is required under section 4 of the Act to provide additional information relevant to the employment outside the State (see explanatory leaflet on the Act for further details). The additional information may be provided in an Appendix to this statement.

Note 14 – REST PERIOD NOT RECEIVED – Rests and intervals for work are provided for by section 12 of the Organisation of Working Time Act, 1997. Section 12(2) provides as follows: 'An employer shall not require an employee to work for a period of not more than 6 hours without allowing him or her a break of at least 30 minutes; such a break may include the break referred to in subsection (1)'.

A strict application of the foregoing would permit an employer to require an employee to work for six hours before giving him or her a break of at least 30 minutes. However, one also has to consider the nature of the work being done and the possible health and safety implications of allowing somebody to work for a relatively long time without a break. The example that is proposed by the correspondent in the attached query would certainly be deemed unacceptable from a health and safety point of view – regardless of the nature of the work being done.

The 15/30 minute break (as the case may be) which an employee is entitled to as a consequence of Section 12 cannot be postponed until the end of the working day; it must be given to the employee during the course of the working day. (See Section 12(4)) Furthermore, there is secondary legislation governing the provision of rest breaks in particular employments and which is often more prescriptive than the general provision contained in Section 12 of the Organisation of Working Time Act, 1997 (e.g. Organisation of Working Time (Breaks at Work for Shop Employees) Regulations (SI 1998 No.57); see also various Employment Regulation Orders.

Breaks are compulsory and employees may not waive their rights to them.

Note 15 – For General Information on Disciplinary Procedures please use the following link:

[http://www.workplacerelations.ie/en/Good Workplace Relations/Grievance and Disciplinary Procedures/](http://www.workplacerelations.ie/en/Good_Workplace_Relations/Grievance_and_Disciplinary_Procedures/)

For General Information on Procedures for Addressing Bullying in the Workplace please use the following link:

[http://www.workplacerelations.ie/en/Publications Forms/Procedures for Addresssing Bullying in the Workplace.pdf](http://www.workplacerelations.ie/en/Publications_Forms/Procedures_for_Addresssing_Bullying_in_the_Workplace.pdf)