



HIQA Safer Better Healthcare Standards Guidance eResource

COMPLIANCE WITH LEGISLATION

This tool outlines some of the key pieces of employment legislation. It provides a brief summary of each Act. Please note information contained in this list is subject to change

Employment Legislation that an employer needs to comply with:

1. Industrial Relations Act
2. Terms Of Employment Act
3. Minimum Notice Act
4. Payment Of Wages Act
5. National Minimum Wage Act
6. Organisation Of Working Time Act (Breaks)
7. Worker Protection Act
8. Protection Of Young Persons
9. Protection Of Employment Act
10. Unfair Dismissal Act
11. Redundancy Payment Act
12. Employment Agency Act
13. Employment Equality Act
14. FOI
15. Data Protection
16. Maternity Protection
17. Adoptive
18. Carer
19. Parental Leave
20. Health And Safety

Note that fines (between €1200 – 3 Million) and legal proceedings could apply should an employer be in breach of the Act. Failure to apply or abide by the legislation.

Organisation of Working Time Act: Lays down the minimum health and safety requirements around the organisation of working time, provides for minimum daily rest periods, maximum length of working week and minimum holiday entitlements.

Protection of Young Persons Act: Provides protection to all employees up to age 18. 1 year, as offences must be brought within 12 months of the date of the offence.

National Minimum Wage Act: Provides legislative framework for national minimum hourly rate of pay for all employees.

Minimum Notice & Terms of Employment Act: Sets out required minimum periods of notice for terminating a contract of employment. 1 year as offences must be brought within 12 months of the date of the offence. Varies ranging from 1-6 weeks remuneration.

Terms of Employment (Information) Act: Lays down the minimum information requirements that an employer must provide to an employee in a written statement. A copy of the written statement must be held for the duration of the employee's employment and for 1 year thereafter.

Payment of Wages Act: Regulates the payment of wages. 1 year as complaints may be presented within 6 months from the date of an unlawful deduction of payment, this may be extended by up to a further 6 months in exceptional circumstances

Data Protection Act: Lay down minimum standards for the collection, processing, storage, use and disclosure of personal information on computer.

Electronic Commerce Act: Provides that electronic information, contracts and signatures have the same legal recognition as paper based transactions.

Employment Equality Act: Promotes equality in the workplace and makes provision in relation to harassment and discrimination in the workplace. Equality Officer authorised under the Act to inspect an



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employer's records during an investigation. Discrimination claims may involve arrears of up to 6 years pay so records should be kept for at least 6 years.

Equal Status Act: Introduced to complement the Employment Equality Act 1998 by prohibiting any discriminatory conduct where the public are involved in buying goods, using services, obtaining accommodation and dealing with educational establishments. It places the burden of vicarious liability on employers in respect of the actions of employees in the course of employment, regardless of whether the employee acted with the employer's knowledge or approval. Complaints may be made within 6 months from the date of the incident which may be extended so records should be held for 1 year.

Safety Health and Welfare at Work Act: Provides for the management of health and safety within a workplace. Records containing full details of all accidents or dangerous occurrences must be kept for 10 years and notified to the Health & Safety Authority at the time of the incident.

Maternity Protection Act: Covers all female employees who are pregnant, have recently given birth or who are breastfeeding. Complaint can be made within 6 months from date employer was notified of dispute which can be extended to 12 months in exceptional circumstances so records should be held for a minimum of 1 year.

Adoptive Leave Act: Provides leave from employment for adopting mothers, sole male adopters and in some circumstances for adopting fathers. Complaint can be made within 6 months of the first notification of employee's intention to take leave, may be extended to 12 months in exceptional circumstances so records should be held for a minimum of 1 year.

Parental Leave Act: Allows for employees who are natural or adoptive parents to leave from employment to take care of the child. Parental leave and force majeure leave records must be kept for 8 years.

Unfair Dismissals Act: Gives redress for dismissals which are deemed unfair by means of compensation, re-instatement or re-engagement. All dismissals are deemed unfair unless proven otherwise by the employer. Claims must be made within 6 months from the date of dismissal which can be extended to 12 months in exceptional circumstances so records should be kept for a minimum of 1 year. Compensation may be up to 104 weeks of the employee's gross remuneration.

Redundancy Payment Act: Requires employers to make payments to employees in respect of redundancy and provides for employer rebates on redundancy lump sum payments.

Protection of Employment Act: Provides protection for collective redundancies (20 or more employees). Must be retained for at least 3 years.

EC (Safeguarding of Employees' Rights on Transfer of Undertakings) Regulations: Protects employees in the event of a transfer of undertaking. Must be retained for at least 1 year.

Useful links

[imc code of conduct link](#)

[data protection link](#)

<http://www.employmentrights.ie/>

<http://www.dataprotection.ie/>

[children first legislation](#)