



North Connaught Youth & Community Services



How much
should I get
paid for
my age?

Under 18 ?

How many
breaks am I
entitled to?

Know your Employment Rights

At what
age can I
start
work?

How many
hours
can I
work?

SLIGO YOUTH INFORMATION CENTRE,

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9.00 a.m. – 4.30 p.m. (Friday)

National Employment Rights Authority

In Ireland the working hours for young people are regulated by the [Protection of Young Persons \(Employment\) Act 1996](#). The Act sets maximum working hours, rest intervals and prohibits the employment of young people under 18 in late night work.

From 1 July 2007 the national minimum wage for experienced adult employees and the sub-minimum rates for young people and certain trainees are as follows:

| Employee | Minimum hourly rate of pay | % of minimum wage |
|---|----------------------------|-------------------|
| Experienced adult worker | €8.65 | 100% |
| Aged under 18 | €6.06 | 70% |
| First year from date of first employment aged over 18 | €6.92 | 80% |
| Second year from date of first employment aged over 18 | €7.79 | 90% |
| Employee aged over 18, in structured training during working hours | | |
| 1st one third period | €6.49 | 75% |
| 2nd one third period | €6.92 | 80% |
| 3rd one third period | €7.79 | 90% |

Maximum weekly working hours for children under 16

| Age | 14 years of age | 15 years of age |
|------------------|---------------------------------|--------------------------------|
| School term-time | Nil | 8 hours |
| Holidays | 35 hours (max 7 hours per day) | 35 hours (max 7 hours per day) |
| Work experience | 40 hours (max 8 hours per day) | 40 hours (max 8 hours per day) |

Time off and rest breaks for children under 16

| | |
|----------------------|--|
| Half hour rest break | after 4 hours work |
| Daily rest break | 14 consecutive hours off |
| Weekly rest break | 2 days off, to be consecutive as far as is practicable |

Limits on night and early morning work

Employers may not require children to work before 8am in the morning or after 8pm at night. In general, young people aged 16 and 17 are not allowed to work before 6am in the morning or after 10pm at night. Any exceptions to this rule must be provided by regulation.

Limits to the working hours of young people aged 16 and 17. If a young person under 18 works for more than one employer, the combined daily or weekly hours of work cannot exceed the maximum number of hours allowed.

Working hours, time off and rest breaks for young people aged 16 and 17

| | |
|----------------------|--------------------------|
| Maximum working day | 8 hours |
| Maximum working week | 40 hours |
| Half hour rest break | after 4 1/2 hours work |
| Daily rest break | 12 consecutive hours off |

| | |
|---------------------|--|
| Maximum working day | 8 hours |
| Weekly rest break | 2 days off, to be consecutive as far as is practicable |

*The information in this booklet is based on information found on the Citizen Information website April 2009 which sourced from the **National Employment Rights Authority**. Since then this information may have changed.*

In Ireland the working hours for young people are regulated by the [Protection of Young Persons \(Employment\) Act 1996](#). The Act sets maximum working hours, rest intervals and prohibits the employment of young people under 18 in late night work.

Rules

The Act in general applies to young people under 18 years of age. It defines children as being aged under 16 and young persons refers to those aged 16 and 17. The Act does not apply to children or young people who are employed by a close relative.

Children

Under the Act, employers cannot employ children under 16 in regular full-time jobs. They may employ children aged 14 and 15 years on light work as follows:

- Children aged 14 or over may do light work during the school holidays where the hours do not exceed 7 in any day or 35 in any week.
- Children over 15 but under 16 may do light work up to 8 hours a week during school term time.
- Children under 16 may work up to 8 hours a day and 40 hours a week if they are on an approved work experience or educational programme where the work is not harmful to their health, safety or development. Approved work experience or educational programmes for people under 16 are work experience, training or educational programmes approved by the Minister for Education, the Minister for Enterprise, Trade and Employment or by [FÁS](#)

- Children under 16 must have at least 21 days off work during the summer holidays.
- Children can be employed in film, cultural, advertising work or sport under licences issued by the Minister for Enterprise, Trade and Employment.

Limits on night work and early morning work

In general, young people aged 16 and 17 are not allowed to work before 6am in the morning or after 10pm at night. Any exceptions to this rule must be provided by regulation.

The [Protection of Young Persons Act 1996 \(Employment in Licensed Premises\) Regulations 2001 \(SI 350 of 2001\)](#) permits young people employed on general duties in a licensed premises to be required to work up to 11 pm on a day that does not immediately precede a school day during a school term where the young person is attending school.

Generally, the amount of pay you receive for working in Ireland is a matter for agreement between you and your employer. These negotiations normally occur when you receive an offer of a job. However under the [National Minimum Wage Act 2000](#) most employees are entitled to a minimum wage. There are sub-minimum rates for some people such as [those aged under 18](#) - see "Rates" section below.

There are other minimum rates of pay for employees in certain sectors. In some sectors they are set out in Employment Regulation Orders (EROs) made by [Joint Labour Committees](#). In other sectors they are set out in Registered Employment Agreements (REAs) made by collective agreements. [You can find out details of Employment Regulation Orders and Registered Employment Agreements.](#)

National minimum wage

The National Minimum Wage Act 2000 provides that the minimum wage rate for an experienced adult employee from 1 July 2007 is ~~€8.30~~ **€8.65** an hour, (was €8.30). An experienced adult employee for the purposes of the National Minimum Wage Act is an employee who has an employment of any kind in any 2 years over the age of 18. (See also "Rates" section below).

Of course the national minimum wage (NMW) does not stop an employer from offering a higher wage.

Rules

Calculating the hourly rate

Under [Section 20](#) of the National Minimum Wage Act 2000 the basic method of calculation is to divide the gross pay by the total number of hours worked. To begin with, however, it is necessary to note what pay is taken into account, what hours are included as working hours and what is the pay reference period (over what period the calculation is made).

What does not count as pay?

There are a number of items that are not to be included in the minimum wage calculation, these are:

- Overtime premium
- Call-out premium
- Service pay
- Unsocial hours premium
- Tips which are placed in a central fund managed by the employer and paid as part of your wages
- Premiums for working public holidays, Saturdays or Sundays
- Allowances for special or additional duties
- On-call or standby allowances
- Certain payments in relation to absences from work, for example, sick pay, holiday pay or pay during health and safety leave
- Payment connected with leaving the employment including retirement

- Contributions paid by the employer into any occupational pension scheme available to you
- [Redundancy payments](#)
- An advance payment of, for example, salary: the amount involved will be taken into account for the period in which it would normally have been paid
- Payment in kind or benefit in kind, other than board and/or lodgings
- Payment not connected with the person's employment
- Compensation for injury or loss of tools
- Award as part of a staff suggestion scheme
- Loan by the employer to you

What counts as pay?

For the purposes of the national minimum wage your gross wage includes, for example, the basic salary and any shift premium, bonus or service charge.

If you receive food (known as board) and/or accommodation (known as lodgings) from your employer, the following amounts are included in the minimum wage calculation:

- €54.13 for full board and lodgings per week, or €7.73 per day
- €32.14 for full board only per week, or €4.60 per day
- €21.85 for lodgings only per week, or €3.14 per day

Working hours

Your working hours are whichever is the greater:

- the hours set out in any document such as a [contract of employment](#), collective agreement or statement of terms of employment provided under the [Terms of Employment \(Information\) Act 1994](#),

or

- the actual hours worked or available for work and paid

"Working hours" include:

- overtime
- travel time where this is part of the job
- time spent on training authorised by the employer and during normal working hours

"Working hours" does not include:

- time spent on standby other than at the workplace
- time on leave, lay-off, strike or after payment in lieu of notice
- time spent travelling to or from work

Pay reference period

The employer selects the period, known as the pay reference period, from which the average hourly pay will be calculated. This might be, for example, on a weekly or fortnightly basis, but cannot be for a period longer than a month.

The employer must include details of the pay reference period in the statement of employment conditions to be given to an employee under the Terms of Employment (Information) Act 1994.

You may request a written statement from your employer of your average rate of pay for any pay reference period within the last 12 months. The employer has 4 weeks to supply the statement.

Exceptions to those entitled to receive the national minimum wage

There are some exceptions to those entitled to receive the national minimum wage. The legislation does not apply to a person employed by a close relative (for example, a spouse or parent) nor does it apply to those in statutory apprenticeships. Also some employees such as young people

under 18 and trainees are only guaranteed a reduced or sub-minimum rate of the national minimum wage.

Sub-minimum rates from 1 July 2007

The National Minimum Wage Act provides the following sub-minimum rates:

- An employee who is under 18 is entitled to €6.06 per hour (this is 70% of the minimum wage)
- An employee who is in the first year of employment since the age of 18 is entitled to €6.92 per hour (80% of minimum wage)
- An employee who is in the second year of employment since the date of first employment over the age of 18 is entitled to €7.79 per hour (90% of the minimum wage)

This phasing in of the National Minimum Wage also applies to employees who are over 18 and enter employment for the first time.

Trainees

The National Minimum Wage Act also provides sub-minimum rates which apply to employees who are over 18 and undergoing a course of structured training or directed study that is authorised or approved of by the employer.

The trainee rates provided by the Act are as follows:

- First one-third of training course €6.49 per hour (75% of national minimum wage rate)
- Second one-third of training course €6.92 per hour (80% of national minimum wage rate)
- Final one third of the training course €7.79 per hour (90% of national minimum wage rate)

Note: each one third period must be at least 1 month and no more than 1 year.

The Act provides certain criteria which the training course must meet if the trainee rates are to apply. For example, the training or study must be for the purposes of improving the work performance of the employee; the employee's participation on the training or study must be directed or approved by the employer; at least 10% of the training must occur away from the employee's ordinary operational duties; there must be an assessment and certification procedure or written confirmation on the completion of the training course.

Exemption for employer

If an employer cannot afford to pay the national minimum wage due to financial difficulty the Labour Court may exempt an employer from paying the minimum wage rate for between 3 months and 1 year. Only 1 such exemption can be allowed.

The employer must apply to the Labour Court for the exemption with the consent of a majority of the employees, who must also agree to be bound by the Labour Court decision.

The employer must demonstrate that he/she is unable to pay the national minimum wage and that, if compelled to do so, would have to lay-off employees or terminate their employment.

An exemption may only be sought from paying the full rate of the national minimum wage, not for cases covered by the reduced rate, for example, employees who are under 18 years of age.

Victimisation

If you seek your entitlement to the national minimum wage you are protected from victimisation or dismissal. [Victimisation](#) is prohibited by the legislation. In addition if you are dismissed for seeking the national minimum wage, you

may bring a claim for [unfair dismissal](#) regardless of length of service or number of hours worked per week.

If you are due an increase under the National Minimum Wage Act your employer cannot reduce your working hours without a corresponding reduction in duties or the amount of work.

Duties of employer

Employers must see a copy of the young person's birth certificate or other evidence of his or her age before employing that person. If the young person is under 16, the employer must get the written permission of the person's parent or guardian.

Employers must keep records for every employee aged under 18 including details of the employee's starting and finishing times for work.

You can read more information about the [employment rights of young people](#).

How to apply

Complaints in relation to infringements of the Protection of Young Persons (Employment) Act 1996 may be referred to the [Inspection Services of the National Employment Rights Authority](#).

If a child or a young person thinks they have been penalised for refusing to co-operate with an employer in breaching the Act (for example, by refusing to work prohibited hours) then a parent or guardian may make a complaint to a [Rights Commissioner](#) within 6 months of such penalisation. Complaints should be made using the [Rights Commissioner application form \(pdf\)](#). This period may be extended by a further 6 months if the Rights Commissioner is satisfied that exceptional circumstances prevented the presentation of the complaint within the first 6 months.

For further information on the Protection of Young Persons (Employment) Act 1996 contact the Information Services of the National Employment Rights Authority.

Where to apply

National Employment Rights Authority

Information Services , Government Buildings , O'Brien Road, Carlow

Opening Hours: Mon. to Fri. 9.30am to 5pm

Tel: (059) 917 8990 Locall: 1890 80 80 90

<http://www.employmentrights.ie> Email: info@employmentrights.ie

Employment Rights

If you are not being paid the minimum wage, holidays, sick pay etc – for advice contact:

1. **Department of Enterprise, Trade and Employment**, Sligo Tel:071 9146793, www.entemp.ie
2. **SIPTU** Office, Hanson's Retail Park, Cleveragh, Sligo. Tel: 071 9161841/9160363, Email:Sligo@siptu.ie
3. **Citizen Information Centre**, 8 Lower Johns Street, Sligo . Tel: 0719151133 or 9141737. www.sligocics.ie or www.citizensinformation
Opening times 9.30 – 1pm & 1.30pm – 5pm.