

Posting of Temporary Agency Workers in Europe Country Fact Sheet

Country: Ireland
 Contact person(s): Geraldine King
 Email: director@nrf.ie
 Postal address: Unit 5A Santry Business Park, Santry, Dublin 9.
 Telephone number(s): Office 0035318161754- Mobile 00353868582085
 Organisation name: The National Recruitment Federation

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National Regulation and provisions applicable to posted temporary agency workers

I. Employment and Working Conditions for posted temporary agency workers coming into your country

If any of this information is not available or unclear in current legislation please indicate in the box. If you know of practical examples please give details below.

Element of national regulation	Qualitative information on your country
<p>Definition of a posted temporary agency worker according to national legislation and collective labour agreements in the TAW sector.</p> <p>Does a temporary agency worker posted into your country have the same legal status as a temporary agency worker employed directly? If not please explain.</p>	<p><i>There is no definition of a posted worker</i></p> <p><i>Yes, there is no difference between an agency worker and a posted worker</i></p>
<p>Relevant and applicable provisions on equal treatment & equal pay for temporary agency workers. Do these apply to posted temporary agency workers?</p>	<p><i>Yes, a posted worker is covered by legislation as is the agency worker</i></p>
<p>Maximum work periods per day and per week for posted temporary agency workers. Is night work permitted for posted temporary agency workers? If so how many hours are allowed?</p>	<p><i>Yes – subject to provisions of the “Organisation of Working time act” this act governs night work. It applies to an employee and an agency worker. Employment agency regulation 1971 applies to anyone providing services in Ireland it does. It does not differentiate between a posted worker.</i></p>
<p>Minimum rest periods per day and per week for posted temporary agency workers.</p>	<p><i>There is no difference</i></p>
<p>Applicable minimum rates of pay hourly, weekly or monthly. Is this decided by a collective agreement or by law? How is it enforced?</p>	<p><i>It is decided by Law- “Minimum wage act” unless covered by a collective agreement</i></p>



Applicable wage supplements, sick pay, social security, overtime and night work rates & allowances for temporary agency workers.	No provision for sick pay. Entitled to equal treatment and pay for overtime, night-work and social security.
Applicable provisions and legislations on health & safety at work. Whose responsibility is it to ensure these provisions/laws are enforced (user company or temporary agency)? Which organisation is responsible for the health and safety of the workers?	The user company is responsible for the health and Safety of the agency worker and the posted worker.
Minimum paid annual holiday (no. of days, rates) posted temporary agency workers are entitled to.	Equal treatment which equates to 20 days minimum holiday and 9 public Holidays. This may be overridden by equal treatment.
Main, general provisions of collective labour agreements concluded in the TAW sector that are relevant to posted temporary agency workers	None
Specific provisions on posted temporary agency workers in the collective labour agreements in the TAW sector	None

II. Conditions for temporary work agencies to post a temporary agency worker in your country

Element of national regulation	Qualitative information on your country
Requirement to obtain a license	Yes – Employment agency regulation 1971
Requirement to establish in the receiving country	Yes – Employment agency regulation 1971
Mandatory Declarations	Annual statistical returns and renewal of license
Sectoral bans for temporary agency work activities	None
Applicable reasons for use of temporary agency work services	None
Applicable minimum and maximum length of temporary agency work assignments	None
Restrictions on labour contracts to be offered to posted temporary agency workers	None – equal treatment
Which services (if any) do you provide for the posted temporary agency workers? Are these workers charged any fees for these services?	None

Additional Information – Useful public sources

Do you know the country of origin of the posted temporary agency workers in your country/organization? If so please give details.	No information available
Useful websites (Labour inspectorate, Ministry of	National employment rights authority



Labour, Trade Union information etc...)	www.nera.ie Department of Enterprise jobs and innovation www.deji.ie Citizens information www.citizensinformation.ie
Contact people from the national social partner associations in the TAW sector	See beginning of document
Relevant publications	None

If you have any questions on this factsheet, please contact the European Sectoral Social Partners:

UNI Europa Secretariat Giedre Lelyte Giedre.Lelyte@uniglobalunion.org Tel. +41 22 365 21 49	Secretariat of the World Employment Confederation – Europe Michael Freytag michael.freytag@weceurope.org Tel. +32 2 421 1586
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