Chapter 20 ::
Rights and Responsibilities of Employers and Employees

Learning outcomes

When you have completed this chapter you will be able to:

✓ Outline the rights and responsibilities of employees
✓ Outline the rights and responsibilities of employers
✓ Define industrial relations
✓ Explain why employees might join a trade union
✓ Outline the different types of industrial action
✓ List and briefly explain the laws that protect employees.

In Chapter 19 you learned about employment. In this chapter you will learn about the rights and responsibilities of employees and employers.

An employer is a person or business that pays employees for their work.

We all like to know and receive our rights, but we need to remember that with rights come responsibilities.

A right is something you are entitled to receive, e.g. to be treated in a fair, ethical and legal way.

A responsibility is a duty or something you should do, e.g. to treat others with respect.

Rights and responsibilities can be classified as follows:

- **Legal**: As set out by national or EU law, e.g. the right to be treated equally regardless of age, gender, marital status, etc.
- **Social**: The treatment of workers by employers, e.g. payment of a fair wage, prevention of bullying in the workplace, etc.
- **Environmental**: A safe and healthy workplace. In addition, the employer must ensure that they do not damage the local environment.
- **Ethical**: Doing what is right, e.g. fair treatment of employees and suppliers, engaging in fair trade.
In practice, many of the rights and responsibilities are a combination of some or all of the above. For example, discrimination in the workplace is illegal as well as being both socially and ethically wrong.

**Rights of employees**

Employees are safeguarded by law in a number of employment areas, and employees have the right to:

- Receive a fair day’s pay for a fair day’s work
- Receive at least the minimum wage
- Receive a contract of employment
- Adequate rest breaks
- Holiday pay
- Work in a safe and respectful atmosphere, free from danger, bullying or discrimination
- Join a trade union.

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**Discussion**

20.1 Some countries do not have laws ensuring that employees are kept safe and receive an adequate income. Discuss whether you think it is right that consumers support this by buying cheap goods made by people in poor conditions receiving a low wage. Compare the rights of people working in Ireland and people working in these conditions.

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**Responsibilities of employees**

Employees have the responsibility (either by law or morally) to:

- Carry out their duties as stated in their contract of employment
- Arrive at work on time
- Be loyal to their employer and not disclose confidential business information
- Treat customers, co-workers and the employer with respect and ensure they don't bully or discriminate against other employees
- Follow workplace rules and safety instructions
- Wear any protective equipment and uniform provided to them by the employer
- Attend all training provided by the business.
Rights of employers

Employers have the right to:

- Decide on the objectives of the business.
- Hire suitable staff for their business.
- Dismiss dishonest or unsuitable staff.
- Expect loyalty from their staff.

Responsibilities of employers

The responsibilities of the employer are to:

- Ensure the workplace is safe and has healthy working conditions.
- Provide employees with adequate training (and protective clothing/equipment if necessary).
- Provide employees with statutory holidays and leave, e.g. maternity/paternity/parental leave.
- Pay agreed wages. They must pay at least the minimum wage to their employees and equal pay to men and women.
- Deduct Pay As You Earn (PAYE), Pay Related Social Insurance (PRSI) and Universal Social Charge (USC) from their employees' pay and keep employment records including Revenue payments for each employee.
- Ensure all employees are treated equally in the business and that bullying/harassment does not exist. They must not discriminate when advertising, recruiting or promoting staff.
- Comply with all employment law and give employees a written contract of employment.

20.2 In groups, create a poster or infographic showing the responsibilities of employers.

Employee records

Employers are required to keep records on all their employees. Employee records help an employer make decisions about pay rises, promotions and dismissals. The details they keep are usually as follows:

- Personal details, such as the employee's full name, address, date of birth, PPS number and contact names and telephone numbers in case of emergency.
- Job application form or C.V. If an employee completed an application form for the current job, the employer will keep this for their own records.
- Employee's behaviour record. The employer will keep a record of an employee's attendance, punctuality and work performance.
- Timesheets.
- A copy of the employee's employment contract.
- Records of PAYE, PRSI and USC paid.
Industrial relations

**Industrial relations** refers to the relationship that exists between employers and their employees in the workplace.

If there are good industrial relations, staff will be motivated, hard-working and happy in the workplace, and there will be very few disputes. On the other hand, poor industrial relations can lead to disputes in the workplace, high absenteeism, staff turnover and bad publicity for the business.

Trade unions

All employees have the right to join a trade union.

Workers join trade unions and pay subscriptions to them because their trade union will:

- Negotiate with employers for better pay and working conditions for their members
- Represent workers who have disputes with their employers
- Represent employees at discussions about national pay agreements.

The trade union representative in the workplace is known as a **shop steward**. This is an employee elected by the workers to represent them in dealings with the employer.

Examples of trade unions include SIPTU (Services Industrial Professional and Technical Union) and Mandate, which represents retail and bar workers.

**Groupwork**

In small groups research one of the following trade unions, or another of your choice, and create a poster or infographic giving the full name, which type of employees it represents and an outline of how it protects the rights of its members.

- Mandate
- IBOA
- INMO
- CPSU
- SIPTU
- IMO
- TEEU
- CWU
20.4 In pairs, discuss what you think are the causes of poor industrial relations between employers and employees. Share your thoughts with other pairs of students.

Types of industrial action
Industrial disputes can result in a range of actions, such as:

An official strike: Employees refuse to work for the employer. The trade union must give the employer one week’s notice of the strike action.

Work to rule: Workers do only what is in their job description.

Go-slow: Workers do their work but at a slower pace.

Overtime bans: Workers refuse to do overtime.

Token stoppage: Workers stop working for a short period of time, e.g. for three hours. This can disrupt the flow of work on the day it happens.

20.5 Research recent industrial relations disputes using newspapers or the internet. Find answers to these questions:

(a) In which sector (e.g. retail, medicine) did the dispute take place?
(b) What trade union was involved?
(c) Who was the employer?
(d) Where in Ireland did this dispute take place?
(e) What was the dispute about?
(f) How would you suggest the dispute could have been resolved?

Legislation protecting employees
Some of the main laws that protect employees in Ireland are:

- Protection of Young Persons (Employment) Act 1996
- Unfair Dismissals Act 1977–2007
- Industrial Relations Act 1990
- Workplace Relations Act 2015.
Protection of Young Persons (Employment) Act 1996

This law protects young workers under the age of 18 and prevents young workers engaging in late-night work.

Children aged 14 may do light work outside school term. Children aged 15–16 may also do light work and this may be during school term. In both circumstances there are restrictions on the number of hours that may be worked and when the work may be done, with a complete ban on work between 8 p.m. and 8 a.m.

Young people (those between 16 and 18 years of age) may become employees but there are restrictions on the maximum hours that can be worked and generally the work cannot be between 10 p.m. and 6 a.m.

An employer of a child or young person must:

› See a copy of the employee’s birth certificate.
› Obtain a letter of consent from the child’s parent / guardian, if the employee is under 16.
› Keep records of the employee’s details, such as date of birth, and of the hours worked.

20.6 Create a poster or infographic that could be given to young people from the age of 14, explaining the Protection of Young Persons (Employment) Act 1996. Set out simply the main points of the Act so that a young worker could refer to it to check their work conditions.


These laws define discrimination as ‘the treatment of one person in a less favourable way than another person is, has or would be treated’. Discrimination is outlawed under nine grounds:

› Age
› Gender
› Race
› Sexual orientation
› Religion
› Family status
› Marital status
› Disability
› Membership of the travelling community.
All aspects of employment are covered, including:

- Hiring and training employees
- Equal pay
- Opportunity for promotion
- Dismissal
- Conditions of work
- Advertising for employees.

**Unfair Dismissals Act 1977-2007**

This law states that **employees cannot be dismissed for the following reasons:**

- Age
- Becoming pregnant
- Religious beliefs
- Political beliefs
- Race
- Sexual orientation
- Being a member of the travelling community
- Being a member of a trade union
- Taking part in an official strike
- Taking legal proceedings against an employer.

**Valid reasons for dismissal** include:

- Incompetence
- Misconduct
- Redundancy
- Not having the necessary qualifications needed to do the job.

**20.7** Using the Venn diagram provided in the Student Activity Book, compare and contrast the reasons for unfair dismissal under the Unfair Dismissals Acts and the reasons for which discrimination is outlawed under the Equality Acts.

**Industrial Relations Act 1990**

This law states that employees engaging in industrial action cannot be stopped or sued by the employer for losses suffered as a result of industrial action, provided the employees held a secret ballot and gave the employer one week's notice of the industrial action.

**20.8** Debate as a class why you think it is necessary to have all the laws we do regarding employment. Do you think we have too many laws, or do you think we need to have them to protect employees?
Workplace Relations Act 2015

The Workplace Relations Act set up the Workplace Relations Commission, which is an independent statutory body. Its role is to improve workplace relations between employers and employees. It ensures that employers obey all employment law and helps resolve disputes by assisting in talks between employers and employees. This process is known as conciliation.

Labour Court (LC)

The Labour Court can help resolve disputes that were not resolved by the Workplace Relations Commission. It investigates disputes and recommends a solution in a process known as arbitration. It is the court of last resort in industrial relations matters.

20.9 Research the functions of the Workplace Relations Commission and the Labour Court.

Key Terms

You should be able to define, spell, give examples and apply to real life each of the following key terms associated with this topic.

**Exercise:** Write a sentence using each of the following terms. You may use more than one of the terms in your sentence if appropriate.

- arbitration
- conciliation
- employee
- employer
- industrial action
- industrial relations
- Labour Court
- responsibility
- right
- trade union
- workplace relations
- Workplace Relations Commission