

Are you compliant with employment law?

The ITBA asked Aoife Hanratty of PA Solutions to put together some advice for the equine industry on employment law

WHERE SHOULD I START?

Write down a list of all your employees. Include their name, address, PPS number, employment start date and, where relevant, dates of termination. Keep this list up to date. This list will form your employee register.

WHAT SHOULD I ADD TO MY EMPLOYEE REGISTER?

1. Calculate each employee's weekly hours.

- If they work on a weekend on, weekend off basis add up the hours for both weeks deducting tea and lunch breaks and then average the two weeks' total hours.
- The maximum number of working hours within a week is 48 hours, averaged over four months. > This does not mean that the working week can never exceed 48 hours. It just means on average it can't be more than 48 hours per week. The maximum working week for a young person (16 and 17-year-olds) is 40 hours per week with a maximum of eight hours in a day.

2. Calculate each employee's hourly rate.

- Based on the employee's gross pay per week, calculate their hourly rate. Divide the gross pay by the weekly hours. (See note about Sunday work below)

3. Determine each employee's job title and the duties expected of them.

- This forms the basis of the employment contract.

HOW DO I ENSURE THAT I AM MEETING THE MINIMUM WAGE?

The national minimum wage is €9.25 per hour for an experienced adult and €6.48 for employees who are under the age of 18. The rate of pay differs for those within the Irish Stable Staff Association and Irish Racehorse Trainers Association agreement.

HOW DO I ENSURE THAT I AM PROVIDING THE REQUIRED REST BREAKS?

- For every 4.5 hours an employee works they are entitled to a 15-minute break. For example if the employee starts work at 7am they must have a

Weatherbys ITBA NH Fillies Bonus winners in April

THE Weatherbys ITBA National Hunt Bonus scheme was very successful during April with five winners and €25,000 paid out in bonuses.

Burgage Stud bred Our Valentina, who started the proceedings on April 1st for trainer Stuart Crawford and the Horseplay Syndicate when she won her maiden hurdle in Navan Racecourse. The Turfman's Daughter secured her first bonus for connections and trainer Noel Meade when she comfortably won her maiden hurdle during students' day at Limerick Racecourse.

Minutestomidnight proved the fairytale purchase for owner Laurence Murphy and trainer Jonathan Sweeney. A graduate of the Land Rover Sale in Goffs, she won her point-to-point first time out in Lingstown and three weeks later she won her bumper in Wexford and a Weatherbys ITBA Bonus. She battled hard under Jamie Codd to hold on and win the Weatherbys GSB EBF Grade 3 Flat Race during the Punchestown Festival and was sold for a whopping €200,000 during the Goffs Punchestown Point-to-Point Sale the following evening.



Don't Kick Nor bite secured her second bonus for connections when she won her maiden hurdle for handler Robert Tyner

SECOND BONUS

Don't Kick Nor bite secured her second bonus when she won her maiden hurdle for expert filly-handler Robert Tyner in the colours of J.P. McManus. Our last winner

in April is another who has used the point-to-point circuit as a shop window.

Breeder Michael Ryan sold his point-to-point winner Lackaneen Leader at the Tattersalls Ireland Point-to-

Point Cheltenham Festival to Bobby O'Ryan for owner Mrs Caren Walsh. This canny purchase paid dividends when she won her bumper in Cork Racecourse for trainer Gordon Elliott

and secured the first Weatherbys ITBA Bonus for her new owners. There are 12 bonus races scheduled for May and we hope to highlight more successful fillies in early June.

'sign in sheet' can be left in the yard for the employees to sign in and out.

Employer recording: The employer records the hours worked by the employee.

As an alternative, if the employer states in writing the break periods the employee must take every day, which is read, understood and signed by the employee, the employee does not need to sign in and out of every break period.

The records of working hours must be kept on file for a period of three years.

HOW DO I DETERMINE THE EMPLOYEE'S COMPENSATION FOR ADDITIONAL HOURS WORKED AND SUNDAY WORK?

Any additional hours worked by an employee (hours worked above the hours agreed in the contract of employment), must be compensated through overtime or time in lieu. If you intend on paying overtime the rates must be stated in the contract of employment – hours worked outside normal working hours must be paid at a rate of time and one third (1.33), and Sunday work must be paid at a rate of time and two thirds (1.66) and bank holidays must be

paid at double rate (x 2).

You can provide time in lieu rather than overtime, meaning any additional hours worked can be returned to the employee through time off. If the employee works on a bank holiday they must receive an additional day off.

WHAT DO I DO NEXT?

Each employee must receive a copy of their payslip every time they are paid. Copies of every payslip must be kept on file and available for an inspector from the Workplace Relations Commission for six years.

WHAT ABOUT PENSION AND SICK LEAVE ARRANGEMENTS?

You are not obliged to pay sick leave or contribute to a pension. You are however obliged to provide a pension scheme. Whether or not you choose to pay sick leave, your sick leave terms need to be included within the contract of employment.

WHAT IS A HEALTH AND SAFETY STATEMENT?

Every employer is required to carry out a risk assessment for the farm/yard and provide a Health and

Safety Statement determining the risks and hazards. The statement should be explained to each employee and on display in an easily accessible location on the farm. Employers can use a template Health and Safety Statement and assess their own risks, or employ a Health and Safety Consultant to risk assess the workplace who can then represent the employer should there be an accident on the farm. The Health and Safety Authority can inspect any workplace and ask to review the Health and Safety policies in place.

As an employer, you are required to provide first aid provisions at all places of work, so if you have a number of different yards there should be a first aid in every yard. The first aid kits should be easily accessible for employees and every employee should know of their whereabouts.

There must also be at least one member of staff qualified in first aid (depending on the size of the company); it is up to the employer to ensure that that member of staff remains qualified.

ARE THERE SPECIAL CONDITIONS FOR YOUNG PEOPLE?

To employ a young person

aged 16 and 17 the employer must see a copy of the young person's identification stating their age. If the person is under the age of 16 the employer must have written consent from the parent/guardian, and they can only be employed for light work during school holidays with 21 days off during this time or as part of an approved work experience or educational programme.

Every employer who has employees aged under 18 must display the official summary (abstract) of the Act at the work place where it can easily be read.

PA Solutions is a company providing a variety of services to the equine industry including assisting with Employee administration. PA Solutions offer ITBA members a discount on the administrative services provided. For further information please contact Regina Byrne.

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NOTE: This article is not an exhaustive list of an employer's legal responsibilities. More information is available accompanying this article online.