

Many changes have taken place in the supply and demand sides of farm labour in recent years. At the start of the Celtic tiger, many people who had been working on farms opted for the “big money” that was to be made on construction sites all over Ireland.

Farm labour became very scarce and both individual farmers and the Farm Relief Service (FRS) were finding it difficult to recruit local people to work on farms. Over the following five years or so, Ireland experienced a major influx of EU Nationals to work on Irish farms. FRS were at the forefront of this recruitment campaign, but soon farmers began sourcing staff directly through “contacts” made by the first immigrants from Poland, Latvia, Slovenia etc.

Now as we experience a major downturn in the economy with the loss of thousands of jobs, especially in construction, there is once again a surplus of Irish people available to work on our Irish farms. FRS have recruited hundreds of those with good farming experience and a strong work ethic. Many workers are making themselves available to work directly for farmers – again very often suggesting they be paid in cash. Employment legislation and the rights of employees must be clearly understood by farmers engaging staff to work on their farms. A number of issues are extremely important and employers (farmers) can find themselves in serious breach of the legislation if proper procedures are not followed.

(1) Employment Contract

Every employee must be given a written contract within two months of commencing employment. This contract should include for example:

- Full name of the employer and employee
- Date employment commenced
- Rate of pay, and whether paid weekly, fortnightly or monthly.
- Working hours need to be clearly defined and conditions re overtime

(2) Payslip-

Every employee should receive a written statement from the employer showing gross wages and details of deductions made and the net wages due.

(3) Working Hours

Under the Organisation of Working Time Act 1997, details of max weekly hours of work are set out. Provision is made for averaging of working hours where there is a seasonal aspect to the work.

(4) Holidays and Public Holidays

Under recent legislation every employee is entitled to 4 weeks paid Annual Leave per leave year. Part-time employees are entitled to Annual Leave consisting of 8% of the hours worked – subject to a max of 4 working weeks in the leave year.

(5) Dismissal

The Unfair Dismissals Acts 1997 to 2007 set out clearly rights and procedures in the event of dismissal from work.. It is extremely important that the employer follows the correct procedures at all times otherwise he/she will be left exposed to an unfair dismissal claim.

(6) Minimum Notice

When an employee has been in the same employment for at least 13 weeks he or she is entitled to a minimum period of notice before you the employer may dismiss him/her. The period of notice ranges from a minimum of 1 week to a max of 8 weeks if the employee has more than 15 years service with that employer.

(7) Redundancy

In a situation where an employees's position ceases to exist, and he/she is not replaced, the employee is entitled to statutory redundancy if he /she has been employed by the same employer for 2 years or more. The actual redundancy payment is dependent on years of service and is based on 2 weeks pay for each year of service plus one extra week.

(8) Insurance

Every employer must ensure they have adequate public and employers liability insurance in place. Full details of wages paid to employees should be provided to the insurer.

(9) Health and Safety

The Farm can be a very busy workplace with peaks of activity and very often the farmer and his employee (s) working against the clock to get jobs done depending on weather conditions availability of equipment, etc. Every farmer employing staff must have an up to date Safety statement and the onus is on him to provide safety training and a safe working environment for his employees.

There are many factors which a farmer must take into account when making the decision to engage additional labour on his farm. Sometimes the cheapest option may not be the best option. Several farmers have found themselves prosecuted for breach's of the employment legislation and have had substantial fines or penalties imposed. Farm Relief Services (FRS) offer farmers a very attractive alternative to direct employment of farm staff. For more details farmers are advised to contact there local FRS office or discuss the options with your accountant and /or legal advisor.

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6<sup>TH</sup> July 2010