

1. Introduction

This leaflet sets out guidelines on the entitlements of part-time employees. It is based on the provisions of the Protection of Employees (Part-Time Work) Act, 2001. It is not a legal interpretation of the Act.

2. What are my rights under the Act

The Protection of Employees (Part-Time Work) Act, 2001 provides that an employer cannot treat a part-time employee less favourably than a comparable full-time employee in respect of her/his conditions of employment including, pay, holidays, sick pay, pensions, access to jobs, promotion, training, etc.

However, the Act does allow for an employer to treat a part-time employee less favourably than a full-time employee if the reason for the different treatment is for the purpose of achieving a legitimate objective of the employer, and is not based solely on the part-time status of the employee.

3. Who is Covered by the Act

Any part-time employee working under a contract of employment or employed through an agency is covered by the Act. It should be noted, however, that a part-time agency worker can only compare her/himself to a full-time agency worker. Similarly, a part-time employee can only compare her/himself to a full-time employee.

A part-time employee is an employee who works less than the normal full-time hours for the grade.

4. When can a part-time employee be compared to a full-time employee?

A part-time employee can be compared to a full-time employee in the following circumstances:

- Where both the part-time employee and the full-time employee are employed by the same or associated employer, or
- Where both are employed in the same industry or sector of employment; and

- Where the part-time employee performs work which is equal or greater in value to the work performed by the 'comparable' full-time employee.

5. Am I entitled to the same pay and conditions as my full-time colleagues?

Yes, you are entitled to exactly the same pay and conditions of employment, but on a pro-rata basis, i.e. pay and entitlements such as annual leave, sick leave etc., are based on the number of hours worked.

6. What Holidays am I entitled to?

The Organisation of Working Time Act, 1997 provides statutory minimum entitlements for all employees (except members of An Garda Síochána and Defence Forces) to holidays and public holidays.

Employees who work at least 1,365 hours in a leave year are entitled to:

- 4 working weeks (unless it is a leave year in which the employee changes employment).

Employees who work less than 1,365 hours in a leave year are entitled to the more favourable of:

- one third of a working week for each calendar month in which you work at least 117 hours; or
- 8% of the hours you work in a leave year (subject to a maximum of four working weeks).

These are the minimum entitlements under the Act. Your employer may provide you with holiday entitlements in excess of the statutory minimum.

7. What is included when calculating Annual Leave Entitlements

All hours worked including, time spent on maternity leave, parental leave, force majeure leave, adoptive leave, the first 13 weeks of carer's leave, and annual leave and public holidays taken during the calculation period qualifies for paid holiday time.

Job-sharing, and part-time nurses should keep a record of all hours worked to ensure that they are granted the correct annual leave allowance.

8. What are my public holiday entitlements?

In order to qualify for public holiday entitlement you must have worked at least 40 hours in the five weeks ending on the day before the public holiday. (Please refer to the INMO's Public Holiday Entitlements leaflet for nurses working in the private sector.)

Job-sharing nurses who work Monday to Friday and who do not normally work on the day on which the public holiday falls are entitled to one-fifth of their normal weekly pay for the public holiday.

Part-time nurses/midwives who work Monday to Friday and who do not normally work on the day on which the public holidays falls are entitled to one-fifth of their normal weekly pay for the public holiday.

To calculate your public holiday entitlement divide your weekly hours by 5. For example, if you work 24 hours each week you are entitled to 4.8 hours for each of the 10 public holidays.

9. Disputes and Appeals

Any complaints relating to the provisions of the Act can be made to the Adjudication Service of the WRC with the right of appeal to the Labour Court. If you believe your employer has failed to provide you with an entitlement to which you are due under the Act, you should contact your Industrial Relations Officer/Executive.

10. Further Information

Should you have any queries in relation to your entitlements as a part-time nurse, please contact the Information Office. E-mail catherine.hopkins@inmo.ie or catherine.oconnor@inmo.ie

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Irish Nurses and Midwives Organisation
Working Together

Part-Time Nurses Entitlements

(Nurses/Midwives Working in the Private Sector)

This leaflet is not a legal interpretation of the Protection of Employees (Part-Time Work) Act, 2001. It aims to provide guidelines on part-time nurses entitlements based on the provisions of the Act (errors and omissions accepted).

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