



STATUTORY INSTRUMENTS.

S.I. No. 457 of 2022



EMPLOYMENT REGULATION ORDER (EARLY YEARS' SERVICE
JOINT LABOUR COMMITTEE) ORDER NO. 1 2022

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JOINT LABOUR COMMITTEE) ORDER NO. 1 2022

WHEREAS I, DAMIEN ENGLISH, Minister of State at the Department of Enterprise, Trade and Employment, being in receipt of proposals of the Early Years' Service Joint Labour Committee that have been adopted by the Labour Court and forwarded to me under subsection (1) of section 42C (inserted by section 12 of the Industrial Relations (Amendment) Act 2012 (No.32 of 2012)) of the Industrial Relations Act 1946 (No. 26 of 1946) and being satisfied that sections 42A and 42B of that Act have been complied with and considering it appropriate to do so:

NOW, I, DAMIEN ENGLISH, in exercise of the powers conferred on me by subsection (2) of section 42C (inserted by section 12 of the Industrial Relations (Amendment) Act 2012 (No. 32 of 2012)) of the Industrial Relations Act 1946 (No. 26 of 1946) (as adapted by the Business, Enterprise and Innovation (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 519 of 2020) and the Enterprise, Trade and Employment (Delegation of Ministerial Functions) Order 2020 (S.I. No. 579 of 2020) hereby make the following order:

1. This Order may be cited as the Employment Regulation Order (Early Years' Service Joint Labour Committee) Order No. 1 2022
2. This Order shall come into effect from the 15th September 2022.
4. This Order gives effect to the proposals set out in the Schedule.

Proposed Employment Regulation Order as formulated by the Early Years' Service Joint Labour Committee on the 26 April 2022

PART I

Interpretation In this Order: - "Act of 2000" means the National Minimum Wage Act 2000 (Number 5 of 2000)

"Establishment Order" means the S.I. No. 292/2021 – **Early Years' Service Joint Labour Committee** Establishment, Order 2021.

"Minister" means the Minister for Enterprise, Trade and Employment.

A word or expression that is used in this Order, which is also used in the Establishment Order has, unless the contrary intention appears, the meaning in this Order that it has in the Establishment Order.

Workers to Whom this Order Applies

This Order applies to Early Years Educators and School Age Childcare (SAC) Practitioners.

Early Years Educators and SAC Practitioners are workers who are wholly or mainly in direct contact with children and who are involved in the education and/or care of children.

PART II

STATUTORY MINIMUM REMUNERATION AND CONDITIONS OF EMPLOYMENT

SECTION I – RATE OF REMUNERATION

(1) Subject to paragraph (2) of this Section a worker to whom this Order applies shall be remunerated by his or her employer at the following rate in respect of all working hours to include contact and non-contact hours;

Early Years Educators and School Age Childcare (SAC) Practitioners - €13.00 per hour from the date of this Order.

- (2) (a) A worker who has not attained the age of 18 years shall be remunerated at an hourly rate of pay that is not less than 70 per cent of the rate specified in paragraph (1)
- (b) A worker who has attained the age of 18 years but has not attained the age of 19 years shall be remunerated at an hourly rate of pay that is not less than 80 per cent of the rate specified in paragraph (1)
- (c) A worker who has attained the age of 19 but has not attained the age of 20 years shall be remunerated at an hourly rate of pay that is not less than 90 per cent of the rate specified in paragraph (1)

PART III

Other Terms and Conditions of Employment

The following enactments set out the minimum statutory terms and conditions applicable.

TERMS OF EMPLOYMENT

The Terms of Employment (Information) Act, 1994.

The Organisation of Working Time Act, 1997.

The Maternity Protection Acts, 1994 and 2004.

The Protection of Workers (Fixed Term Work) Act, 2003.

The Payment of Wages Act, 1991.

The Protection of Employment Act 1977 (Notification of Proposed Collective Redundancies) Regulation 1977.

The Redundancy Payments Acts 1967 to 2014.

The Minimum Notice and Terms of Employment Acts 1973 to 2005.

Bullying / Harassment / Grievance / Disciplinary Procedures

In this regard, the following Codes of Practice are to be observed:

S.I. No. 17 of 2002 — Industrial Relations Act 1990 (Code of Practice Detailing Procedures for Addressing Bullying in the Workplace) (Declaration) Order 2002.

S.I. No. 146 of 2000 — Industrial Relations Act 1990 (Code of Practice on Grievance and Disciplinary Procedures) (Declaration) Order 2000.

S.I. No. 208 of 2012 — Employment Equality Act 1998 (Code of Practice) (Harassment) Order 2012.

S.I. No. 159/2021 - Workplace Relations Act 2015 (Workplace Relations Commission Code of Practice on the Right to Disconnect) Order 2021.

S.I. No. 169/1993 - Industrial Relations Act, 1990, Code of Practice on Employee Representatives (Declaration) Order, 1993.

S.I. No. 463/2015 - Industrial Relations Act 1990 (Code of Practice on Victimisation) (Declaration) Order 2015.

S.I. No. 674/2020 - Industrial Relations Act 1990 (Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work) Order 2020.

Existing Contracts and Agreements

Existing employment contracts remain valid except in circumstances where the remuneration or terms and conditions are below what is set out in this Employment Regulation Order (ERO). This ERO sets out the **minimum** remuneration and terms and conditions which are applicable to Early Years Educators and School Age Childcare Practitioners in the early years sector. It is at the discretion of employers and employees to negotiate and enter into

contracts providing for Terms and Conditions which are higher than those set out in this ERO.

This ERO does not affect in any way already existing contracts and agreements (if equal or better) be they local, national, official, or in-company.

Sick Pay

Sick pay arrangements should be in line with statutory provisions.

GIVEN under my hand,
14 September 2022

DAMIEN ENGLISH,
Minister of State at the Department of Enterprise, Trade and
Employment.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This Order fixes the statutory minimum rates of remuneration and other conditions of employment for the category of workers entitled Early Years Educator and SAC Practitioner – entry grade level.

BAILE ÁTHA CLIATH
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