

Template request letter

Re: Request to be placed in a Band of Weekly Working Hours

Date: _____

To: _____

Dear _____,

I am writing to request that I be placed in a band of weekly working hours as per Section 16 of the Employment (Miscellaneous Provisions) Act, 2018. I look forward to the prompt processing of my request as per the specific timeframe stipulated in the Act.

Kind regards

Signed: _____

Name (print): _____

Address: _____



UniteELT

The Union for English Language Teachers in Ireland
A branch of Unite the union, Ireland



Employment (Miscellaneous Provisions) Act 2018 'Banded Hours' legislation

FREQUENTLY ASKED QUESTIONS

'What does the legislation do for me as an English Language Teacher?'

The aim of the legislation is to ensure that the hours in a teacher's contract accurately reflect the hours normally worked per week, averaged out over the previous 12 months. If your teaching hours are not always the same, under this legislation you can now ask your employer for a contract with the average hours you worked.

Case study 1

Ger works for a language school in Dublin. She teaches a core of 15 hours per week, but currently has no hours stipulated on her contract. She has worked in the school for 2 years. She needs a contract because she's moving apartment and needs proof of employment

Solution:

Ger is now entitled to a contract of 15 hours per week.* She can use the form letter on the back of this leaflet to write to her employer requesting this change. *See when an employer can refuse below.

'My school insists I do extra work or forces me to accept whatever hours they dictate or I will be considered to be in breach of contract. Can they terminate my contract?'

No. The legislation contains strong anti-victimisation provisions. You should contact Unite the Union directly if your school suggests this, and you can also write to the Workplace Relations Commission.

'Can my school change my contract or add extra work/workdays/duties as a result of the legislation?'

No. Your contract cannot be changed without your consent. Any change relating to your banded hours will only relate to the hours – no other clauses in your contract will be affected.

Case study 2

Ciaran works in a language school in Galway. He was told that due to the legislation, he would have to perform other duties in the school and that he may have to do work such as meeting groups at weekends or office administration. This is not currently in his contract.

Solution:

Ciaran writes an email to his employer stating that the legislation only relates to his hours of work and he requests a written statement of the core terms of his employment, which must state his normal working hours/days.

'What is the best way for me to ensure that I am allocated to the appropriate band and what happens if the school reduces my hours after I get my banded contract?'

There are 8 different bands as follows:

Band	From	To
A	3 hours	6 hours
B	6 hours	11 hours
C	11 hours	16 hours
D	16 hours	21 hours
E	21 hours	26 hours
F	26 hours	31 hours
G	31 hours	36 hours
H	36 hours and over	

It is best for you to make a written request for the appropriate band of secure working hours – this leaflet includes a template letter. After receiving your request, the school must provide you with a new secure-hours contract within four weeks or justify why they cannot offer secure hours. *See exceptions below. Once you have been placed on banded hours, you are entitled to work an average of those hours for the next 12 months. The employer must place you on a band of weekly hours no later than 4 weeks from the date you made the request.

Case study 3

Kasia works in a university language centre. She normally works 5 mornings and 3-4 afternoons a week. Last year her average weekly hours (based on her pay slip) were 24 hours per week. She is currently on a fixed-term contract with no hours stipulated. At the moment she doesn't know from week to week if she is guaranteed the afternoon class and sometimes she is paid less when the classes are cancelled/don't run.

Solution:

Kasia writes to the school manager using the Unite template from this leaflet. Her school gives her a contract with band E. When there are no classes, she must be paid for the hours stipulated in her secure-hours contract.

***'Under what circumstances can my school refuse the request?'**

Your employer can refuse the request if there is:

- No evidence to support the claim
- Significant adverse changes to the business during or after the reference period
- Average hours worked by an employee were affected by a temporary situation that no longer exists
- Exceptional, unusual or unforeseeable circumstances, an emergency situation beyond the employer's control

If your employer refuses your request, you can appeal to the Workplace Relations Commission. You should do this as soon as your employer confirms refusal.

Workplace Relations Commission – Information and Customer Service
O'Brien Road, Carlow R93W7W2

Opening Hours:
Mon. to Fri. 9.30am to 5pm

Tel: (059) 917 8990
Local: 1890 80 80 90

Homepage:
<https://www.workplacerelations.ie/en/>

So why should I join Unite the Union ELT branch now that I have this legislation to protect me?

Legislation like the banded hours legislation is passed because of the collaborative efforts of trade unions and activists in Ireland fighting for better working conditions for all workers.

Unite the Union ELT branch fights for better working conditions for all English Language Teachers. The branch members and activists are fighting for an end to bogus self-employment, for a minimum of 5 days sick pay for every ELT, for a Fair Employment Mark to be introduced to the new QQA legislation, for union recognition in every English Language School in Ireland, and for a Sectoral Employment

Order (SEO). An SEO is made following a recommendation from the Labour Court on matters of pay, pension or sick pay scheme for workers in an economic sector. The Unite ELT branch is also engaging with ELT mediator Patrick King and will continue to work for all English Language Teachers.

We are the representative voice for the working conditions of ELTs and every new member makes our voice even louder. With the strength of our collective voice, we can continue to achieve real change and demand the dignity and respect teachers deserve. Inside schools around Ireland, teachers are organising and demanding collective bargaining rights from their employers. Unite the union is an organising union, and it is through our collective strength, both through the branch and in individual schools, that we can win for ELTs. Join the branch and make us stronger.

Not a member of Unite?

Join today at

www.unitetheunionireland.org
#UniteELT

Instagram @eltunite

Website: www.eltunite.com

FB [unitetheunionROI](https://www.facebook.com/unitetheunionROI)

Twitter @unite_union_IRE