

# Work Experience

## W20008

### Current Legislation Assignment 01

*This is intended to be an essay assignment.*

*Some aspects of this assignment may be re-examined in more detail later in the year.*

#### Assignment

- You are required to familiarise yourself with the rights of part time employees – and employees in general – in Ireland. You are then to write a brief assignment on the working situation, past, present and future in Ireland.

To assist you in understanding this, below is the 9<sup>th</sup> Article of the original 1922 Constitution of The Irish Free State (Saorstát Éireann), as well as the 40<sup>th</sup> Article enacted in the 1937 Constitution for the newly formed Republic known as Éire; both of which make it clear that Union membership is a right except where the broader public interest is at issue.

There are rights of part-time workers governed by law. A new law to this end has been enacted called the Protection of Employees (Part-Time Work) Act, 2001. The purpose of this law is to ensure that a part-time employee in Ireland cannot be treated less favourably than a comparable full-time employee regarding conditions of employment.

This law is at: <http://www.irishstatutebook.ie/ZZA45Y2001.html> and is summarised at: [http://www.citizensinformation.ie/categories/employment/types-of-employment/part-time-employment/employment\\_rights\\_of\\_part\\_time\\_workers/?searchterm=part-time](http://www.citizensinformation.ie/categories/employment/types-of-employment/part-time-employment/employment_rights_of_part_time_workers/?searchterm=part-time)

Your submission should have a very clear structure, where the beginning, middle, end and conclusions are easily discernable. At least 30% of your submission should deal with the Constitution.

- Choose an opening viewpoint such as that the work situation is good or bad, improving or dis-improving etc. and make arguments to support your points. Discuss whether Union Membership is a beneficial method of improving your work status.

#### Guidelines

- The completed assignment should not exceed 2 A4 pages, plus references & cover pages.
- The assignment should be standard formatted (see sheet on standard formatting).
- The assignment should be submitted using the submission box in Room 15
- The deadline for this assignment is: **15:15, Wednesday, 06-12-2006**

## **1922 Constitution:**

### **Article 9.**

The right of free expression of opinion as well as the right to assemble peaceably and without arms, and to form associations or unions is guaranteed for purposes not opposed to public morality. Laws regulating the manner in which the right of forming associations and the right of free assembly may be exercised shall contain no political, religious or class distinction.

## **1937 Constitution:**

### **Personal Rights**

#### **Article 40**

1. All citizens shall, as human persons, be held equal before the law.

This shall not be held to mean that the State shall not in its enactments have due regard to differences of capacity, physical and moral, and of social function.

2. 1° Titles of nobility shall not be conferred by the State.

2° No title of nobility or of honour may be accepted by any citizen except with the prior approval of the Government.

3. 1° The State guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen.

2° The State shall, in particular, by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the life, person, good name, and property rights of every citizen.

3° The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.

This subsection shall not limit freedom to travel between the State and another state.

This subsection shall not limit freedom to obtain or make available, in the State, subject to such conditions as may be laid down by law, information relating to services lawfully available in another state.

4. 1° No citizen shall be deprived of his personal liberty save in accordance with law.

2° Upon complaint being made by or on behalf of any person to the High Court or any judge thereof alleging that such person is being unlawfully detained, the High Court and any and every judge thereof to whom such complaint is made shall forthwith enquire into the said complaint and may order the person in whose custody such person is detained to produce the body of such person before the High Court on a named day and to certify in writing the grounds of his detention, and the High Court shall, upon the body of such person being produced before that Court and after giving the person in whose custody he is detained an opportunity of justifying the detention, order the release of such person from such detention unless satisfied that he is being detained in accordance with the law.

3° Where the body of a person alleged to be unlawfully detained is produced before the High Court in pursuance of an order in that behalf made under this section and that Court is satisfied

that such person is being detained in accordance with a law but that such law is invalid having regard to the provisions of this Constitution, the High Court shall refer the question of the validity of such law to the Supreme Court by way of case stated and may, at the time of such reference or at any time thereafter, allow the said person to be at liberty on such bail and subject to such conditions as the High Court shall fix until the Supreme Court has determined the question so referred to it.

4° The High Court before which the body of a person alleged to be unlawfully detained is to be produced in pursuance of an order in that behalf made under this section shall, if the President of the High Court or, if he is not available, the senior judge of that Court who is available so directs in respect of any particular case, consist of three judges and shall, in every other case, consist of one judge only.

5° Nothing in this section, however, shall be invoked to prohibit, control, or interfere with any act of the Defence Forces during the existence of a state of war or armed rebellion.

6° Provision may be made by law for the refusal of bail by a court to a person charged with a serious offence where it is reasonably considered necessary to prevent the commission of a serious offence by that person.

5. The dwelling of every citizen is inviolable and shall not be forcibly entered save in accordance with law.

6. 1° The State guarantees liberty for the exercise of the following rights, subject to public order and morality:

i. The right of the citizens to express freely their convictions and opinions.

The education of public opinion being, however, a matter of such grave import to the common good, the State shall endeavour to ensure that organs of public opinion, such as the radio, the press, the cinema, while preserving their rightful liberty of expression, including criticism of Government policy, shall not be used to undermine public order or morality or the authority of the State.

The publication or utterance of blasphemous, seditious, or indecent matter is an offence which shall be punishable in accordance with law.

ii. ***The right of the citizens to assemble peaceably and without arms.***

Provision may be made by law to prevent or control meetings which are determined in accordance with law to be calculated to cause a breach of the peace or to be a danger or nuisance to the general public and to prevent or control meetings in the vicinity of either House of the Oireachtas.

iii. ***The right of the citizens to form associations and unions.***

***Laws, however, may be enacted for the regulation and control in the public interest of the exercise of the foregoing right.***

***2° Laws regulating the manner in which the right of forming associations and unions and the right of free assembly may be exercised shall contain no political, religious or class discrimination.***