



STATUTORY INSTRUMENTS

S.I. No. 175 of 2009



STATISTICS (NATIONAL EMPLOYMENT SURVEY) ORDER 2009

(Prn. A9/0629)

STATISTICS (NATIONAL EMPLOYMENT SURVEY) ORDER 2009

I, PAT CAREY, Minister of State at the Department of the Taoiseach, in exercise of the powers conferred on me by section 25(1) of the Statistics Act 1993 (No. 21 of 1993) and the Statistics (Delegation of Ministerial Functions) Order 2008 (S.I. No. 173 of 2008), hereby order as follows:

1. This Order may be cited as the Statistics (National Employment Survey) Order 2009.

2. In this Order—

“Act” means Statistics Act 1993 (No. 21 of 1993);

“enterprise” has the meaning given to it by Regulation (EC) No. 1738/2005 of the European Parliament and of the Council of 21 October 2005¹;

“forms and questionnaires” means the forms and questionnaires referred to in Article 5(a);

“survey” means National Employment Survey 2008 to be carried out by the Office during the year 2009.

3. (1) This Order applies to—

(a) an enterprise which is classified for statistical purposes under section B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R or S of NACE Rev. 2, set out in Annex I to Regulation (EC) No. 1893/2006 of the European Parliament and of the Council of 20 December 2006², which has 3 or more employees and which is required by the Office to participate in the survey, and

(b) an employee employed by an enterprise to which paragraph (a) applies who is selected by that undertaking, in compliance with a direction under section 26 of the Act, to participate in the survey.

(2) An enterprise to which paragraph (a) applies shall, on receipt of forms and questionnaires, distribute to each of its employees selected in accordance with paragraph (1)(b), the forms and questionnaires addressed to or applicable to that employee.

4. Each enterprise to which this Order applies and each employee to whom this Order applies is required to provide information to the Office for the purpose of the survey, the general nature of which is specified in Schedules 1 and 2 respectively.

¹ OJ No. L279, 22.10.2005, p.32.

² OJ No. L393, 30.12.2006, p.1.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 8th May, 2009.*

5. An enterprise or employee required by this Order to provide information to the Office shall provide such information—

- (a) by the completion of forms and questionnaires prepared by the Director General in accordance with section 23 of the Act, and
- (b) where directions under section 26 of the Act have been given to the enterprise or employee, in accordance with those directions.

SCHEDULE 1

Information in relation to the year 2008, or a reference period in October 2008, as the case may, regarding—

- (a) the total number of persons engaged in the enterprise and a breakdown by occupation and gender of those persons on 31 December 2008,
- (b) the total number of employment agency staff engaged in the enterprise on 31 December 2008,
- (c) the provision of information to employees during 2008,
- (d) the existence of a collective agreement with trade unions, of a consultation processes with employees or employees and their representatives, and an employee suggestion scheme,
- (e) the number of employees whose primary duties involve human resources or personnel,
- (f) the existence of specified policies to deal with the resolution of disputes, health and safety issues, diversity and equality, and bullying in the workplace,
- (g) the performance management and development of employees under competency development, team-based and individual performance,
- (h) the number of employees that participated in various remuneration schemes in 2008,
- (i) the enterprise's training activities and the effects of same,
- (j) the costs and funding of the enterprise's training activities,
- (k) the changes experienced by the enterprise over the previous 12 months,
- (l) the factors that are generating pressure for change within the enterprise,
- (m) the time taken to complete the questionnaire,
- (n) individual employee data for each employee to whom this Order applies who is employed by the enterprise concerned, including name, occupation, PPS number, earnings, number of weeks to which his or her gross annual earnings relate, number of hours worked by each such employee, number of days absent and type of employment contract under which he or she is working.

SCHEDULE 2

Article 4

1. Information in relation to the year 2008, or a reference period in October 2008, as the case may, regarding the employee concerned, as to his or her—

- (a) gender, age, nationality, and place of residence,
- (b) county where employment is located,
- (c) days of unpaid absence from the job,
- (d) education, occupation and employment history, and
- (e) job characteristics and attendance patterns.

2. Information in relation to how work changes would be received by the employee, the existence of defined work practices and performance reviews of the employee, and facilities provided for the employee by his or her employer which relate to the employee's current job.

GIVEN under my hand,
5 May 2009

PAT CAREY,
Minister of State at the Department of the Taoiseach.

EXPLANATORY NOTE

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

The National Employment Survey (NES) was first conducted in 2003 and became an annual survey in 2005. This is an important survey of employers and employees in both the public and private sectors, covering all sectors of the economy.

The NES will provide much-needed information on the distribution of individual employee earnings and on the factors which influence earnings levels. It will provide results that will be broken down by sector, occupation, age, gender, educational attainment, full-time and part-time employment, and many other important individual employee circumstances.

Each year the NES also carries a module on a workplace topic. The module for this NES relates to the following workplace issues — work practices and changes in the workplace.

The purpose of the Order is to provide a statutory basis for collecting statistics in relations to Earnings and Employment. This Order will allow for the possibility of legal action against non-respondents. This should greatly increase response rates and improve the overall quality of statistical output both at National and European level.

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