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# 1

# DEVELOPMENT OF THE EARLY CHILDHOOD SECTOR

## AREAS COVERED

- ▶ Early Childhood Services
- ▶ Recent Policy Initiatives
- ▶ Working in an Early Childhood Setting
- ▶ Employment Legislation
- ▶ The Role of the Trade Union

## Introduction

Ireland provides a relatively low level of State support for early childhood services in comparison to many of our European neighbours and despite international recognition of the value of these services to children and families. A range of full-time and part-time services has emerged over the past 30 years to meet growing demand, but this has happened largely outside of any legislative framework. This chapter outlines the range of early years services currently available in Ireland and summarises the initiatives which have led to the development of those services. It looks at the work of the early childhood professional, outlines the main employee entitlements under current labour legislation and summarises the role of the trade union.

The term ‘early childhood services’ is used here to denote only those services concerned with early childhood care and education.

## Early Childhood Services

The past three decades have seen a rapid increase in the development of early childhood services in Ireland. There were two key reasons for this:

## 4 Education and Care in the Early Years

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- ▶ Increased participation by women in the paid labour force
- ▶ Recognition of the value of play and socialisation opportunities for children's development.

In recent years, women with young children have formed an increasing proportion of the paid labour force – a high percentage of women with a child under 6 years are now employed or in education – and it is now recognised that lack of childcare can act as a barrier to employment, training and education for women. Unlike several of our EU partners, Ireland has a limited State-supported mainstream early education system and does not provide a service for the children of working parents, with the result that many parents turn to the private sector to meet their childcare needs. Altogether, a high percentage of under-5s attend some form of early childhood service, whether full time or part time, publicly or privately funded.

Early childhood services fall broadly into two categories:

- ▶ Services aiming to meet **children's developmental needs** – playgroups, naíonraí, parent and toddler groups, Montessori pre-schools. These are known as 'sessional' or part-time services and have become the principal childcare option chosen by parents.
- ▶ Services aiming to meet the **needs of parents** who are employed or in full-time education or training – crèches/nurseries, workplace nurseries and family day care (childminding). These services are 'full-time'. During the Celtic Tiger years they catered for substantial numbers of children, but increasing unemployment has affected the demand for this type of service. Services are now supported by the City and County Childcare Committees and the national voluntary organisation.

### City and County Childcare Committees (CCCs)

Thirty-three City and County Childcare Committees representing a wide variety of local childcare and education interests were established in 2001 to encourage and support the development of childcare locally. They offer a wide variety of services, including:

- ▶ Advice on setting up a childcare business
- ▶ Childcare information sessions
- ▶ Training courses
- ▶ Advice and support on participating in any of the schemes being rolled out by the Office of the Minister for Children and Youth Affairs (covered elsewhere in this chapter)
- ▶ Services to parents, such as providing information on local childcare facilities and information on parent networks.

## The National Childcare Organisations

Six national childcare organisations currently receive funding to promote quality early childhood services. They are:

- ▶ Barnardos
- ▶ Childminding Ireland
- ▶ Forbairt Naíonraí Teo
- ▶ Irish Steiner Waldorf Early Childhood Association
- ▶ St Nicholas Montessori Society of Ireland
- ▶ Early Childhood Ireland, formed in 2011 by the amalgamation of the IPPA and the National Children's Nurseries Association (NCNA).

These organisations have played a proactive and supportive role in the development of quality childcare and early education services for many years. Representatives of the national childcare organisations are also members of the National Childcare Coordinating Committee, chaired by the Office of the Minister for Children and Youth Affairs (OMCYA). This allows them to feed into national childcare policy and to co-ordinate the work of their own organisations accordingly.

## Sessional Services

### *Playgroups*

Playgroups usually operate for up to three and a half hours per day and cater for children aged between two and a half years up to school-going age. Playgroups aim to promote the educational and social development of children through play and the involvement of parents/family. Privately operated playgroups are known as **home playgroups**.

Funded places may also be available in **community playgroups**, which are usually managed by local committees. Many operate out of community centres, halls or school premises and receive grant aid from local authorities or Government departments to cover costs of equipment and/or premises in addition to their own fundraising.

Playgroups are supported by Early Childhood Ireland, a voluntary body which offers advice, support and training to its members through its network of regional advisors and tutors.

### *Naíonraí*

These are playgroups which operate through the medium of Irish. Naíonraí are supported by Forbairt Naíonraí Teo, which offers a similar service to that operated by Early Childhood Ireland.

### *Parent and Toddler Groups*

These are aimed at providing play and socialisation opportunities to babies and toddlers within the safe and secure environment of their parent's presence. They are mostly informal, often meeting in the houses of the parents involved or in local community facilities. These are also supported by Early Childhood Ireland.

### *Montessori Pre-schools*

These pre-schools are run according to the principles and methods devised by Dr Maria Montessori. Most operate on an academic year basis, and while the Montessori method is designed to offer a complete educational programme for the child up to 12 years, in practice in Ireland Montessori schools mainly cater for the 3–6-year age group.

### *The Early Start Pre-school Programme*

This is defined as a compensatory/intervention programme designed to alleviate educational disadvantage and to provide more widespread access to early childhood services in economically and socially deprived areas. The programmes are based within the primary schools and avail of special grants to cover start-up and running costs as well as to develop parental involvement, thus making it 100% funded by the Department of Education and Skills. This continues to run as a pilot scheme and has never been evaluated with a view to mainstreaming.

### *Pre-schools for Traveller Children*

Traveller pre-schools are run independently of primary schools and are mainly funded by the Department of Education and Skills. Funding is also available from the Office of the Minister for Children and Youth Affairs (OMCYA) and from the Department of Health and Children. Current policy is to phase out segregated Traveller pre-schools – fewer than 30 remain at present.

### *Pre-schools for Disabled Children*

These services are mainly provided by voluntary organisations as part of their special school provision and are funded by the Departments of Health and Children and the Department of Education and Skills under the National Development Plan. They are linked to special education primary schools.

There is no specific funding structure in place to cover the cost of integrating children with disabilities into mainstream services. These are either met by the parents or assisted by the voluntary organisations through the provision of back-up services such as visiting teachers.

## Full-time Services

### *Crèches, Nurseries, Day Care Centres*

Since these terms are often used synonymously and in fact there is no actual difference between them, it is convenient to deal with them all under one heading. These offer full-time care for children from about 12 weeks old to school-going age. Most nurseries offer a play-based or Montessori-based curriculum for part of the day to the 3–5-year-olds, and an increasing number are responding to the demand for after-school collection and care. This means in effect that a nursery can accommodate age groups as diverse as 12 weeks old up to 10 or 12 years. Many nurseries provide hot meals and snacks throughout the day for the children; in a minority of cases this is provided by the parents.

Nurseries may be privately or publicly financed, either through fees paid by parents, subsidies paid by employers or funding from Government departments such as the Office of the Minister for Children and Youth Affairs (OMCYA). They are usually open for a minimum of 8 hours per day and aim to meet the needs of parents who are in paid employment or in education. Early Childhood Ireland supports these services.

### *Family Day Care*

This is where children are looked after in someone else's home. Full- and part-time care is offered to a range of age groups and hours are usually by negotiation. It is by far the most commonly used form of childcare; it is equally accessible to both rural and urban families and is considered to offer the nearest thing to a home environment for a child, where she can develop a one-to-one relationship with a single adult.

The National Childminding Initiative provides supports for childminders and for people interested in becoming childminders. It is administered in local areas by the City and County Childcare Committees (CCCs), which offer initial training and support in accessing a start-up grant (Childminder Development Grant Scheme) that can be used to establish the service, buy safety equipment and toys or to make minor adjustments to the physical environment.

The *National Guidelines for Childminders* provide guidance for good practice. They contain information on:

- ▶ Nationally agreed guidelines for good childminding practice
- ▶ Notification to the Health Service Executive (HSE)
- ▶ Support services provided to childminders by the City/County Childcare Committees, the Childminder Advisory Officers and Childminding Ireland.



### TASK

Research what early childhood provision there is in the area where you live. Group these under sessional services and full-time services. This research could be used as part of a project for Social Studies or Working in Childcare Modules.



### ACTIVITY

*Aim: To summarise information on early years services in Ireland in an easily accessible format.*

Compile a chart which summarises the range of provision of early years services in Ireland. Use the following headings:

- ▶ Type of service
- ▶ Who it is funded by
- ▶ Age range catered for
- ▶ Whether it is full time or sessional
- ▶ Support organisation, if any.

## Development of the Early Childhood Sector

### *Policy Developments*

The principal policy initiatives since 1998 are follows.

- 1998** — *Strengthening Families for Life – Report of the Commission on the Family* (Department of Social and Family Affairs)
  - *The National Forum for Early Childhood Education* (Department of Education and Science)
- 1999** — *The National Childcare Strategy – Report of the Partnership 2000 Expert Working Group on Childcare* (Department of Justice, Equality and Law Reform)
  - *Ready to Learn*, White Paper on Early Childhood Education (Department of Education and Science)
- 2000** — *The National Children’s Strategy* (Department of Justice, Equality and Law Reform)



### *Strengthening Families for Life – Report of the Commission on the Family*

This report focused on the needs of families in a fast-changing social and economic environment. Its recommendations on supporting families in carrying out their functions are based on an approach which:

- ▶ Prioritises investment in the care of young children
- ▶ Supports parents' choices in the care and education of their children
- ▶ Provides practical support and recognition for those who undertake the main caring responsibilities for children
- ▶ Facilitates families in balancing work commitments and family life.

### *The National Forum for Early Childhood Education*

This was set up by the Department of Education and Science with the aim of bringing together all interested groups to engage in an exchange of views on early childhood education. It also provided these groups with the opportunity to submit their own concerns and proposals for the development of a national framework for the sector. The report of the forum was published in 1998 and informed the subsequent publication of *Ready to Learn*, the White Paper on Early Childhood Education.

### *The National Childcare Strategy – Report of the Partnership 2000 Expert Working Group on Childcare*

The Expert Working Group on Childcare was convened by the Department of Justice, Equality and Law Reform (DJELR) in response to the crisis in childcare provision. Its membership included Government departments, social partners, statutory bodies, non-governmental organisations including the National Voluntary Childcare Organisations (NVCOs) and parents. The brief of the Expert Working Group was to develop a national strategy for the future development and delivery of childcare and early education services which would be underpinned by the guiding principles of:

- ▶ The needs and rights of children
- ▶ Equality of access and participation
- ▶ Diversity
- ▶ Partnership
- ▶ Quality.

*The National Childcare Strategy* was published in 1999 and made recommendations in relation to supports for parents, supports for providers, regulations, training, qualifications, employment, planning and co-ordination. *The National Childcare Strategy* was linked to employment policy rather than being driven by a commitment to universal provision of Early Childhood Care and Education (ECCE) as a right of all children.

The strategy was initially implemented through the Equal Opportunities Childcare Programme (EOCP) 2000–2006. The aims of the EOCP were:

- ▶ To provide capital grants for private childcare services
- ▶ To provide capital and staffing grants for community ‘not for profit’ providers.

This programme was facilitated by the following structures under the direction of DJELR:

- ▶ The National Childcare Co-ordinating Committee: This co-ordinated existing developments in the childcare field and informed national policy development.
- ▶ Thirty-three City and County Childcare Committees (CCCs): These co-ordinate new and existing services at local level and develop, implement and monitor county childcare plans. The County Childcare Committees offer a forum for all those involved in early childhood education and care – workers, providers and trainers – to become involved at local level in influencing policy developments which affect them.

By the end of 2006 the EOCP had delivered an estimated 37,000 new childcare places, but not necessarily for the most disadvantaged children.

*The National Childcare Strategy 2006–2010* aimed to further develop and support the childcare infrastructure through the National Childcare Investment Programme (NCIP). This was a major programme of investment in childcare infrastructure, which aimed to create up to 50,000 new childcare places in both the private and community sectors. The NCIP objective was to assist parents to access affordable, quality childcare. Delivery of the programme was through the City and County Childcare Committees under the coordination of Pobal.

The NCIP aimed to:

- ▶ Provide 5,000 new after-school and 10,000 new pre-school education places
- ▶ Support quality measures for childminders and parent and toddler groups
- ▶ Provide support to children and families experiencing disadvantage
- ▶ Support training for childcare workers as a further quality measure.

The NCIP capital programme was closed to new applicants in 2010.

### ***Ready to Learn – The White Paper on Early Childhood Education***

The White Paper set out a national policy framework for early childhood education in Ireland which would build on existing provision and improve the extent and quality of service provided. The document acknowledged the value of early education both in terms of its impact on children’s lives and its value to the community and to society in general. It highlighted the crucial importance of quality of provision. Particular emphasis was placed on meeting the needs of children experiencing disadvantage and children with special needs.

Among its recommendations were to:

- ▶ Address the area of quality and establish a Quality in Education mark
- ▶ Expand research
- ▶ Create a specialist Early Years Development Unit
- ▶ Establish an Early Education Agency.

An important step in fulfilling the recommendation of the White Paper and in preparing the ground for an Early Education Agency was the establishment of the Centre for Early Childhood Development and Education (CECDE) in 2002. Its aims are to:

- ▶ Develop a quality framework and encourage compliance with quality standards
- ▶ Focus on areas of disadvantage and additional need
- ▶ Promote research and development.

The CECDE delivered on the first of these in 2006 by launching *Síolta: The National Quality Framework for Early Childhood Education (NQF)*. The CECDE was disbanded in 2010.

### Core Developments in Relation to Children 1989–2011

<b>1989</b>	UN Convention on the Rights of the Child
<b>1991</b>	Child Care Act
<b>1992</b>	UN Convention ratified in Ireland
<b>1996</b>	Pre-school Regulations
<b>1998</b>	<i>Strengthening Families for Life</i>
<b>1998</b>	Report of the National Forum on Early Childhood Education
<b>1999</b>	<i>Ready to Learn – The White Paper on Early Childhood Education</i>
<b>1999</b>	National Childcare Strategy
<b>2000</b>	National Children’s Strategy
<b>2000</b>	National Children’s Office
<b>2002</b>	The Centre for Early Childhood Development and Education (CECDE)
<b>2003</b>	Children’s Ombudsman
<b>2003</b>	<i>Towards a Framework for Early Learning (NCCA)</i>
<b>2005</b>	Establishment of the Office of the Minister for Children (OMC), now the Office of the Minister for Children and Youth Affairs (OMCYA)
<b>2006</b>	<i>Síolta: The National Quality Framework for Early Childhood Education</i>
	Pre-school Regulations updated
	<i>National Childcare Strategy 2006–2010</i>
	National Childcare Investment Programme 2006–2010
	<i>Diversity and Equality Guidelines</i> launched

- 2009** Free Pre-school Year in Early Childhood Care and Education (ECCE) Scheme Workforce Development Plan
- 2010** Launch of *Aistear: The Early Childhood Curriculum Framework*  
Introduction of the Community Childcare Subvention (CCS)  
Childcare Employment and Training Support Scheme
- 2011** Launch of Early Childhood Ireland, a merger of the IPPA and NCNA to create a new national support organisation for childcare and children in Ireland

### Síolta: The National Quality Framework

Síolta is the national quality framework for the early childhood sector. It establishes the quality standards to which all services should aspire. Síolta means ‘seeds’. It is designed to support practitioners in the development and delivery of high-quality care and education services for children aged from birth to 6 years.

Síolta can be used no matter what kind of curriculum is followed – a play-based curriculum, Montessori, HighScope or primary school. The Síolta programme is managed by the Early Years Education Policy Unit (EYEPU) within the OMCYA.

Síolta is underpinned by 12 guiding **principles** of best practice. The 12 principles underpin 16 stated **standards**, which childcare and education services work towards achieving. Services describe their own practice in each standard, make plans for improving their practice and collect a portfolio of evidence to demonstrate the progress they have made. The model then offers **signposts for reflection**, affording practitioners the opportunity to examine how they are meeting these standards (see Chapter 3 for more detail).

Figure 1.1: The Síolta Quality Improvement Spiral



Source: Adapted from Síolta (2006).

## ACTIVITY

Discuss and describe some of the ways in which early childhood care and education services can demonstrate their commitment to the principles of Síolta.

### Free Pre-school Year/Early Childhood Care and Education Scheme (ECCE)

The Free Pre-school Year in Early Childhood Care and Education (ECCE) scheme is implemented by the Childcare Directorate of the OMCYA. Under the scheme, parents can avail of a free pre-school year for their children when they are aged between 3 years 3 months and 4 years 6 months in September of the relevant year. Each child can avail of the free pre-school year within one academic year only. The place may be taken within a full-time or sessional service, providing the guidelines on hours of service are adhered to.

The ECCE scheme is intended to provide children in their pre-school year with age-appropriate activities, and participating centres must adopt the Síolta principles. The age range for eligibility for the ECCE scheme spans a period of almost 17 months, which is a significant period in the developmental stage of pre-school children. Pre-school services participating in the free pre-school (ECCE) year must agree to provide an appropriate educational programme for children that adheres to the principles of Síolta. Services are supported in meeting this requirement through the assistance of Síolta Co-ordinators and by their local City and County Childcare Committee (CCC). The Early Years Education Policy Unit provides a leadership and support role.

This is the first time that direct universal funding of early education has been implemented.

### Aistear: The Early Childhood Curriculum Framework

In 2010, the Department of Education and Skills, through the National Council for Curriculum and Assessment (NCCA), introduced a curriculum framework for children from birth to 6 years. The curriculum, known as Aistear (a journey), is relevant to all settings where children experience care and education, whether that is at home or in the home of a childminder, or in day care or pre-school settings.

Aistear is not a fixed or formal curriculum; it is a set of shared principles and themes that guide whatever curriculum the early childhood practitioner chooses to use, such as play-based, Montessori, HighScope, etc. Aistear recognises that there are many roads

that can lead to the same destination and helps to support children's learning in a safe but challenging, stimulating and caring environment.

In Aistear, education and care in the early years are not separate. Whatever curriculum is offered, Aistear believes that early childhood care and education must support children in their:

- ▶ Well-being
- ▶ Identity and belonging
- ▶ Communicating
- ▶ Exploring and thinking.

These goals are achieved through the provision of play and take place where there are caring, supportive relationships with adults and other children. (See Chapter 4 for further information.)

### **The Community Childcare Subvention (CCS) 2010**

The CCS is a support scheme for community-based, not-for-profit childcare services to enable them to provide quality childcare services at reduced rates to disadvantaged parents. Under the CCS, services are subvented to charge reduced childcare fees to parents who are disadvantaged or on lower incomes. Approximately 75% of parents attending these services benefit from below-cost fees as a result of the scheme. All fees are reduced pro rata for shorter hour services.

All community childcare services participating in the CCS are required to have approved fee policies in place that outline the various fee rates for parents for each of the services they provide. There are four bands of fee rates, comprised of:

- (a) Parents in receipt of social welfare payments
- (b) Working families in receipt of Family Income Supplement (FIS)
- (c) Lower-income parents above the FIS threshold, e.g. holders of a GP Visit Card
- (d) Middle- and higher-income parents.

### **Childcare Employment and Training Support Scheme (CETS)**

In 2010, the OMCYA introduced a support scheme to meet the childcare needs of participants in training and educational courses. Under CETS, around 3,000 childcare places are funded by this office, with funding paid directly to the providers of full-time and after-school services that offer places to the children of FÁS and VEC trainees.

Participating services are paid a weekly capitation fee for each place reserved for an agreed number of weeks per year. Services must be fully compliant with all aspects of the Childcare (Pre-school) Regulations 2006. (See Chapter 2.)

## Working in an Early Childhood Setting

Early childhood professional workers are qualified to work with young children in a variety of settings, including crèches, nurseries, playgroups, primary schools and pre-school programmes. The key tasks and responsibilities of the early childhood worker are as follows.

### The Childcare Worker

- ▶ Day-to-day responsibility under supervision for children attending the centre.
- ▶ Implementing and reviewing activities appropriate to individual and group needs so as to provide for children's physical, emotional, social and cognitive development.
- ▶ Observing all procedures as required in terms of care and control, safety and good childcare practice.
- ▶ Choosing, organising and maintaining equipment and materials.
- ▶ Contributing to compiling and updating children's records.
- ▶ Delegating tasks to childcare assistants.
- ▶ Working as part of a team.
- ▶ Liaising with parents.

### The Childcare Assistant

- ▶ Undertaking routine tasks as delegated under the supervision of childcare worker/supervisor.
- ▶ Maintaining equipment and materials.
- ▶ Contributing to the updating of children's records.
- ▶ Working as part of a team.
- ▶ Liaising with parents.

### Qualities of the Early Childhood Worker

As in all occupations, there are particular qualities which professional early childhood workers should strive to develop. First and foremost she needs to like children and enjoy being with them. Other qualities include the following:

- ▶ **Communication** – this involves being a good communicator, both verbal and non-verbal. This also means being a good listener.
- ▶ **Empathy** – having empathy toward others means being able to identify oneself mentally with them, to enter into their feelings in order to fully understand them. It is not the same as sympathy.

- ▶ **Sensitivity** – this requires being able to anticipate the feelings of others in order to be responsive to their feelings and needs.
- ▶ **Patience** – this means giving time to the child, parents and other team members, even when you are tempted to take over and complete a task yourself. It requires tolerance and awareness that your way of doing things is not always best.
- ▶ **Respect** – this comes from an awareness of the rights and personal dignity of each individual child and adult whom you come in contact with in your work. In practice, it means a non-judgemental approach to dealing with people and an appreciation of the value of their contributions.
- ▶ **Self-awareness** – this means being able to perceive the effect your behaviour has on other people and learning how to modify it when necessary. An early childhood worker who has a positive self-image is more likely to encourage and develop this in children.
- ▶ **Ability to cope with stress** – the work of the early childhood professional can be stressful. Awareness of this and finding positive ways to deal with it can ensure that it does not impact on one's work.

### Working as a Professional

*The National Childcare Strategy 2006–2010* identified the need to develop the skills and qualifications profile of the workforce in the Early Childcare and Education (ECE) sector. In June 2009, a background discussion paper, *Developing the Workforce in the Early Childcare and Education Sector*, was published, followed by a consultative process, which has culminated in the development of a Workforce Development Plan for the ECE sector. A number of County Childcare Committees are working together to develop a National Association of Childcare Professionals, which would offer support and advocacy to this sector as well as establishing a professional identity for this important work.

### Employment Legislation

Early childhood workers who feel valued in their work are more likely to create a warm, supportive climate for the children and team members with whom they work. This is explored further in Chapter 3. Good working conditions and appropriate salaries are factors which help to support the work of the early childhood professional. Membership of a professional early childhood organisation also provides support through access to local and national networks, as well as to information and the opportunity to have an input into the development of early childhood policy and services.



## Employee Protection

The early childhood worker has a responsibility to inform herself of her own rights and responsibilities under current labour legislation.

Ireland's EU membership has resulted in the introduction of legislation to protect the rights of employers and employees at work. State agencies to assist in resolving employer/employee disputes have also been established – these include the Labour Court, the Labour Relations Commission and the Director of Equality Investigations. Where disputes cannot be resolved through these agencies, cases may be taken to the civil courts. The main areas of protection in employment for workers are outlined below.

### *Contract of Employment*

All full-time and regular part-time employees are entitled to receive a written statement of their terms of employment within 2 months of its commencement. A regular part-time employee is defined as one who has 13 consecutive weeks' employment and works more than 8 hours per week. Existing employees are entitled to a written statement within 2 months of requesting one. The written contract of employment must include the following.

- 1.** Name and address of employer and employee
- 2.** Job title
- 3.** Job description
- 4.** Date of commencement
- 5.** Nature of contract, e.g. full time/part time
- 6.** Duration of contract
- 7.** Place of employment
- 8.** Rate of pay
- 9.** Method of payment
- 10.** Hours of work
- 11.** Holiday leave
- 12.** Sick leave
- 13.** Period of notice required by both parties

Local information such as pension contributions and entitlements, grievance procedures, probationary period and specific company rules may also be included. There should be two copies of the contract, each signed and dated by both the employer and employee, and a copy should be retained by both. An employer must advise an

employee within 1 month of any changes in the terms and conditions of employment, apart from changes in legislation or national collective agreements.

### *Minimum Notice*

Full-time and regular part-time employees working at least 13 weeks for an employer are entitled to receive notice if their employment is to cease. Minimum notice will depend on how long someone has been employed, varying from 1 week for those working less than 2 years up to 8 weeks for those working more than 15 years.

Employers are entitled to receive at least 1 week's notice from an employee, and both parties may receive payment in lieu of notice. The minimum notice requirement does not apply in cases of misconduct.

### *Holidays*

Employees are entitled to 20 days paid holiday plus all public holidays for every year worked.

### *Maximum Working Time*

Over a 4-month period, an employee should not work in excess of 48 hours per week on average.

### *Rest Periods*

An employee is entitled to one 15-minute rest period for every 4.5 hours worked and to one 15-minute and one 30-minute break for every 6 hours worked.

### *Redundancy Payments*

After 2 years of continuous service an employee is entitled to receive a lump sum redundancy payment, which is calculated as follows:

- ▶ 1 half week's pay per year of service between the ages of 16 and 41 years
- ▶ 1 week's pay per year of service over 41 years of age
- ▶ 1 additional week's pay regardless of length of service.

Employees are entitled to 2 weeks' notice of redundancy, with time off during that period to seek other employment.

### *Unfair Dismissals*

An employee may be dismissed if:

- ▶ She was not qualified or competent to do the job she was employed to do
- ▶ Her conduct contravenes company rules or constitutes a danger to others at work
- ▶ She is being made redundant.

Dismissal is considered to be unfair if it is due to:

- ▶ Religious beliefs
- ▶ Political beliefs
- ▶ Gender bias
- ▶ Racism
- ▶ Trade union membership or activity
- ▶ Pregnancy or any matter related to pregnancy or birth
- ▶ Sexual orientation
- ▶ Age.

An employee may take an unfair dismissal case through the courts, the Rights Commissioners or the Employment Appeals Tribunal. If it is found that an employee has been unfairly dismissed, the employer must reinstate the employee either to the original job or to an alternative job of similar standing, or pay financial compensation. Constructive dismissal arises when the employee has to terminate their contract, with or without notice, because of the behaviour of the employer.

### *Minimum Wage*

All employees (except apprentices, family members and members of the defence forces) are entitled to be paid at least the national minimum wage. From January 2011 the minimum wage is €7.65 per hour worked. Employees under 18 years are entitled to 70% of the minimum rate.

## ACTIVITY

- ▶ Read the section on children's rights in Chapter 3 and the section on discrimination in Chapter 13.
- ▶ Discuss in your group whether there is any justification for paying 70% of the minimum wage to people who are under 18 years. Could this constitute discrimination on the grounds of age? Why or why not?
- ▶ List the reasons why people under 18 years should be paid the minimum wage.

### *Maternity Leave*

The present basic maternity leave entitlement is 26 weeks, of which at least 2 weeks must be taken before the birth and at least 4 weeks afterwards. There is an option to take an additional 16 weeks of unpaid leave. This entitlement extends to all female employees, including casual workers, regardless of how long they have been working for the organisation or the number of hours worked per week. Payment during maternity leave is normally provided through Maternity Benefit, which is a Department of Social Protection payment.

Time spent on maternity leave can be used to accumulate annual leave entitlements in the same way as if the person was in employment and the person is also entitled to leave for any public holidays that occur.

A person planning to take maternity leave must give their employer at least 4 weeks' written notice of their intention to take leave and also provide the employer with a medical certificate confirming the pregnancy. Time off work for ante-natal and post-natal care is also covered by law, as is the right to return to her original job without loss of original status or rights.

### *Parental Leave*

This means that a parent who has been in continuous employment with one employer for 12 months can take leave without pay for up to 14 weeks in order to take care of a child up to 8 years of age. The entitlement is separate in respect of each individual child and may be taken consecutively or in blocks at any time over a 5-year period, with the consent of the employer.

Both parents have an equal, separate entitlement to parental leave and employment rights are not affected. Parental leave must be applied for in advance.

### *Force Majeure Leave*

This is a special emergency leave which may be taken in the case of illness or accident affecting an immediate family member. It consists of 3 days in a 12-month period or 5 days in a 36-month period.

### *Adoptive Leave*

The entitlement to Adoptive Leave at present is 24 weeks together with an option to take an additional 16 weeks unpaid. Only the adoptive mother is entitled to this leave, except in the case where a male is the sole adopter. Adoptive Benefit is paid by the Department of Social Protection and employment rights are not affected. Adopting parents are also entitled to paid time off work to attend preparation classes and pre-adoption meetings with social workers/HSE officials. As with maternity leave, 4 weeks' notice in writing must be given to the employer for both domestic and foreign adoptions.

### *Employment Equality Act*

See Chapter 12.

### *Complaints/Breach of Rights*

Employment law in Ireland provides protection for employees who feel their rights have been breached. Complaints, disputes and grievances regarding alleged breaches of employment rights are heard before a Rights Commissioner, who will listen to both sides before completing an investigation and issuing a recommendation. Claims under equality legislation are brought to the Equality Tribunal.

Disputes between employers and employees can also be resolved using mediation. This means that the Labour Relations Commission is contacted and appoints an independent person to meet and hear both sides. This free service is available to employees and employers, and all discussions are confidential.

## **The Role of the Trade Union**

While workers are protected and can have their rights upheld in law, trade unions work to ensure that this continues to be the case. Unions aim to improve conditions for workers within their workplaces, to ensure that members get their entitlements and their rights and to act as representatives for their members in national negotiations such as pay deals and social partnership agreements. A trade union represents its membership on issues such as:

- ▶ Better pay and conditions
- ▶ Improved employment laws
- ▶ Health and safety at work
- ▶ Access to education for all
- ▶ Improving industrial relations by negotiation, conciliation and resolving disputes
- ▶ Supporting people who are likely to suffer discrimination at work
- ▶ Improving conditions for part-time workers
- ▶ Lobbying for fairer tax laws
- ▶ Campaigning for childcare services
- ▶ Ensuring that labour laws are properly enforced
- ▶ Negotiating with Governments and employers on pay deals and agreements
- ▶ Showing solidarity with fellow workers around the world who may experience exploitation, repression or infringement of their human rights.

### **The Union Representative**

Workers in an organisation who are members of the same trade union usually elect a representative who negotiates with management on their behalf. A full-time official from the union is available to give support and guidance to the local representative. Issues which arise at local level are usually dealt with according to agreed grievance procedures. This means that wherever possible the representative and the employer try to sort out the difficulties. If this is not possible, the issue will be taken up at a higher level in the union, usually through the local branch. All members have the option to become involved in their local branch, which meets regularly to discuss the issues that are relevant at both local and national level.

The trade union belongs to its members. Members pay an annual subscription fee, which can be either a fixed amount or a percentage of their wage – this is usually deducted at source. Members decide (through attending or being represented at annual congress) what matters the union will deal with in the forthcoming year.

Trade unions in Ireland are usually affiliated to the larger parent body, the Irish Congress of Trade Unions (ICTU).

### **Benefits of Trade Union Membership**

Trade unions provide the following:

- ▶ A national support network
- ▶ Solidarity with other workers
- ▶ A more powerful voice in national negotiations
- ▶ Legal representation and protection
- ▶ Protection of employment rights
- ▶ Collective efforts to improve working conditions
- ▶ Protection of members through the enforcement of safe work practices, pensions and entitlement issues
- ▶ Support of fellow members
- ▶ Representation at grievance and disciplinary hearings and on bullying and sexual harassment issues
- ▶ Group insurance schemes.



## TASK

### ▶ Find out:

- Which trade union represents early childhood workers in Ireland?
- Who is the local contact?
- Are meetings held locally?
- What is the cost of membership?
- What would the benefits of membership be for yourself?

### ▶ Discuss in your group

In what ways could unionisation help to improve the general working conditions of early childhood workers in Ireland?

## SUMMARY

- ▶ A wide range of early childhood services is available to children and families; the majority of these are operated privately.
- ▶ A number of policy initiatives have emerged in recent years aimed at developing and supporting the early childhood sector.
- ▶ Good working conditions and appropriate salaries are factors which help to support the work of the early childhood professional. Membership of a professional early childhood organisation can provide support through access to local and national networks.
- ▶ Trade unions work to improve conditions for workers within their workplaces and to ensure that members get their entitlements and their rights.

## References

- NCCA, 2006, *Aistear: The Early Childhood Curriculum Framework*, Dublin: NCCA.
- Siolta, 2006, *The National Quality Framework for Early Childhood Education*, Dublin: CECDE.