



STATUTORY INSTRUMENTS.

S.I. No. 368 of 2019



STATISTICS (STRUCTURE OF EARNINGS SURVEY) ORDER 2019

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I, LEO VARADKAR, Taoiseach, in exercise of the powers conferred on me by section 25(1) of the Statistics Act 1993 (No. 21 of 1993) and, in relation to Article 3(2)(a) of and Schedule 1 to the following order, for the purpose of giving full effect to Council Regulation (EC) No. 530/1999 of 9 March 1999¹, as amended by Regulation (EC) No. 1882/2003 of the European Parliament and of the Council of 29 September 2003², Regulation (EC) No. 1893/2006 of the European Parliament and of the Council of 20 December 2006³ and Regulation (EC) No. 596/2009 of the European Parliament and of the Council of 18 June 2009⁴, hereby order as follows:

1. This Order may be cited as the Statistics (Structure of Earnings Survey) Order 2019.

2. (1) In this Order -

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

“Commission Regulation (EC) No. 1916/2000” means Commission Regulation (EC) No. 1916/2000 of 8 September 2000⁵, as amended by Commission Regulation (EC) No. 1738/2005 of 21 October 2005⁶ and Commission Regulation (EC) No. 973/2007 of 20 August 2007⁷;

“employer”, in relation to a relevant employee, means the person by whom or the undertaking by which the relevant employee is employed;

“professional body” means a body which represents a significant proportion of a particular profession’s practitioners and whose functions include functions in respect of the qualifications and standards of that profession;

“Regulation” means Council Regulation (EC) No. 530/1999 of 9 March 1999¹, as amended by Regulation (EC) No. 1882/2003 of the European Parliament and of the Council of 29 September 2003², Regulation (EC) No. 1893/2006 and Regulation (EC) No. 596/2009 of the European Parliament and of the Council of 18 June 2009⁴;

“Regulation (EC) 1893/2006” means Regulation (EC) No. 1893/2006 of the European Parliament and of the Council of 20 December 2006³;

¹ O Notice of the making of this Statutory Instrument was published in
² O “Iris Oifigiúil” of 26th July, 2019.

³ O

⁴ OJ L 188, 18.7.2009, p. 14.

⁵ OJ L 229, 9.9.2000, p. 3.

⁶ OJ L 279, 22.10.2005, p. 32.

⁷ OJ L 216, 21.8.2007, p. 10.

“relevant employee” means a person on whom a requirement is prescribed by Article 3 or 4 to provide the information specified in the Article concerned;

“shift work” has the same meaning it has in Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003⁸;

“survey” means the Structure of Earnings Survey conducted by the Central Statistics Office for the purposes of obtaining from a relevant employee referred to in Articles 3 and 4, including for the purposes of compliance with the Regulation, information specified in the Schedules.

- (2) (a) Subject to paragraph (b), a word or expression that is used in this Order and also used in the Regulation has the same meaning in this Order as in the Regulation, except where the context otherwise requires.
- (b) For the purposes of Schedule 1 and paragraphs 1(a), 2 and 3 of Schedule 2, a word or expression that is used in those provisions and also used in Commission Regulation (EC) No. 1916/2000 has the same meaning in those provisions as in that Regulation, except where the context otherwise requires.

3. (1) This Article applies to a person who is employed by a person who or an undertaking that is classified for statistical purposes under any section, other than sections A, T, O and U, of NACE Rev. 2, as set out in Annex I to Regulation (EC) No. 1893/2006.

(2) A requirement on a person to whom this Article applies to provide, for the purposes of the survey -

- (a) once, and in relation to 2018 information, the general nature of which is set out in Schedule 1,
- (b) once, and in relation to 2018 information, the general nature of which is set out in Schedule 2, and
- (c) once annually in the period from 2020 to 2023 in relation to the preceding year information, the general nature of which is set out in Schedules 1 and 2,

is prescribed for the purposes of section 25 of the Act of 1993.

4. (1) This Article applies to a person who is employed by a person who or an undertaking that is classified for statistical purposes under section O of NACE Rev. 2, as set out in Annex I to Regulation (EC) No. 1893/2006.

(2) A requirement on a person to whom this Article applies to provide, for the purposes of the survey –

- (a) once, and in relation to 2018 information, the general nature of which is set out in Schedule 1,

⁸ O.J. No. L307, 13.12.93, p.18.

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- (b) once, and in relation to 2018 information, the general nature of which is set out in Schedule 2, and
- (c) once annually in the period from 2020 to 2023 in relation to the preceding year information, the general nature of which is set out in Schedules 1 and 2,

is prescribed for the purposes of section 25 of the Act of 1993.

SCHEDULE 1

Articles 3 and 4

1. Information required to be returned by the relevant employee:
 - (a) Information regarding the following as it relates to the relevant employee:
 - (i) sex;
 - (ii) year of birth;
 - (iii) occupation in the reference month;
 - (iv) the highest level of education he or she has successfully completed;
 - (v) the number of years of service he or she has completed in the employment of the employer since he or she was first employed by the employer;
 - (vi) whether he or she is a full-time or part-time employee of the employer;
 - (vii) the type of employment contract under which he or she is employed;
 - (b) the number of days of unpaid absence taken by the relevant employee in the reference month in a reference year;
 - (c) information on the working periods of the relevant employee in the reference year:
 - (i) the number of hours actually paid by the employer in respect of the relevant employee during the reference month;
 - (ii) the number of overtime hours paid by the employer in respect of the relevant employee in the reference month;
 - (iii) the number of annual days of paid holiday leave to which the relevant employee is entitled;
 - (d) information relating to the earnings of the relevant employee where the relevant employee actually received remuneration during the reference month in a reference year:

- (i) annual bonuses and allowances not paid at each pay period in the reference year;
- (ii) earnings in the reference month related to overtime;
- (iii) special payments in the reference month for shift work.

SCHEDULE 2

Articles 3 and 4

1. Information required to be returned by the relevant employee regarding the following as it relates to the relevant employee in relation to the reference month in a reference year:

- (a) whether he or she holds a managerial or supervisory position;
- (b)
 - (i) whether he or she is a member of a trade union;
 - (ii) whether he or she is a member of a professional body;
 - (iii) whether he or she is under a requirement to engage in shift work;
 - (iv) the period of time during which he or she has been employed in the workforce in the State;
 - (v) his or her country of birth;
 - (vi) the county in Ireland in which he or she resides;
 - (vii) the county in Ireland in which his or her place of work is located.

2. Information to be returned by a relevant employee in relation to his or her working periods:

- (a) the number of days of paid absence taken by the relevant employee other than holiday leave.

3. Information relating to the earnings of a relevant employee where he or she actually received remuneration during the reference month in a reference year:

- (a) the value of annual payments in kind made to the relevant employee by the employer during the reference year.



GIVEN under my Official Seal,
23 July, 2019.

LEO VARADKAR,
Taoiseach.

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