



**AN BILLE LEASA SHÓISIALAIGH (UIMH. 2), 1987**  
**SOCIAL WELFARE (NO. 2) BILL, 1987**

**EXPLANATORY MEMORANDUM**

*Introduction*

The purpose of the Bill is to extend the powers in the Social Welfare Acts to pursue employers who engage in or collude in abuse of the social welfare system, to give effect to changes in the conditions for entitlement to certain social insurance benefits which were announced previously and to make a number of miscellaneous improvements and modifications in the social welfare system.

*Additional powers to take prosecutions against employers*

*Section 2* is designed to discourage collusion between employers and employees in cases of suspected fraud, by enabling the Minister to require employers to notify him of the commencement of employment of each new employee.

*Section 3* imposes an obligation on employers of claimants to benefit to provide such particulars as may be required to enable a proper determination or review of the claim to be made.

*Section 4* imposes a similar obligation on employers in relation to claims to assistance.

Under existing provisions employers may be required to furnish all such information and to produce all such documents as an Inspector may reasonably require. *Section 5* imposes an obligation on employers to produce such records at the employer's registered address or his principal place of business as may be demanded.

Under existing provisions employers are required to keep such records as may be prescribed regarding the earnings and periods of employment of their employees. *Section 6* requires that details of earnings and the periods to which they refer be recorded at or before the time of payment of wages.

*Section 7* extends the powers of social welfare Inspectors for unemployment benefit purposes to enter premises to include premises where self-employed persons are or were engaged. This amendment brings the provisions for unemployment benefit into line with those for unemployment assistance.

*Changes in Contribution Conditions*

*Section 8* provides for an increase from 208 to 260 in the number of paid contributions required for entitlement to disability benefit beyond twelve months with effect from 4 January 1988.

*Section 9* provides for a consequential increase from 208 to 260 in the number of paid contributions required for entitlement to invalidity pension for all new claimants from 4 January 1988.

*Section 16 (1) (b)* provides for the introduction of 3 "waiting days" from 4 April 1988 onwards for all claimants to disability benefit transferring from maternity allowance.

*Section 10* provides, in the case of claims under the old maternity allowance scheme for new claims commencing on or after 4 January 1988, that of the 39 paid or credited contributions which claimants are required to have in the governing contribution year, at least 13 must be paid contributions. It also provides that for all new claims commencing on or after 4 January 1988 only contributions paid in the governing contribution year and not in a subsequent year, will be taken into account for the purposes of the second contribution condition under that scheme.

*Section 11* provides for the abolition of entitlement to pay-related benefit in the case of all new claims for maternity allowance under the old maternity allowance scheme which commence on or after 4 April 1988.

#### *Miscellaneous Amendments*

*Section 12* is designed to clarify the definition of "reckonable weekly earnings" applied in the calculation of benefit payable under the maternity allowance scheme for women in employment.

*Section 13* provides that persons will no longer be automatically disqualified for receiving unemployment benefit or assistance or supplementary welfare allowance on the grounds that they are financing a trade dispute or that they belong to a grade or class of worker, any of whom are participating in, financing or directly interested in the dispute. The only circumstances in which the trade disputes disqualification will apply in future is where the person concerned is participating in or directly interested in the dispute.

*Section 14* empowers the Social Welfare Tribunal, which was established in 1982 to adjudicate on claims to unemployment benefit or assistance in certain instances, to review its decisions where new evidence or new facts, which in the opinion of the Tribunal could have affected its original decision, are brought to its notice subsequent to the date of the original decision.

*Section 15* provides that persons who are disqualified for receiving unemployment payments in their own right because of their involvement in a trade dispute and participants in certain full-time AnCO non-craft training courses for which payments equivalent to unemployment benefit or assistance are paid may not, as a general rule, be regarded as an adult dependant of a claimant for social welfare benefit or assistance.

Disability benefit is not payable at present in respect of any period of paid holiday leave. *Section 16 (1) (a)* removes the obligation on disability benefit claimants to serve a further three waiting days for entitlement to disability benefit after the end of the holiday period.

*Section 17* provides that from 1 January 1988 payment of benefit for six weeks after death will be made in any case where, at the date of death, the deceased was in receipt of an increase in respect of an adult dependant.

*Section 18* provides that moneys received by way of mobility allowance payable under the Health Acts shall be disregarded in the assessment of means for non-contributory old age pension.

*An Roinn Leasa Shóisialaigh,  
Nollaig, 1987.*

Wt. 157732/B/12. 1,325. 12/87. Cahill. (20952). G.16.