



DÁIL ÉIREANN

**AN BILLE UM CHAIDREAMH SAN ÁIT OIBRE, 2014
WORKPLACE RELATIONS BILL 2014**

**LEASUITHE A RINNE AN SEANAD
AMENDMENTS MADE BY THE SEANAD**

DÁIL ÉIREANN

AN BILLE UM CHAIDREAMH SAN ÁIT OIBRE, 2014 [BILLE DÁIL ARNA LEASÚ AG AN SEANAD]

WORKPLACE RELATIONS BILL 2014 [DÁIL BILL AMENDED BY THE SEANAD]

*Leasuithe a rinne an Seanad
Amendments made by the Seanad*

*[The page and line references in this list of amendments
are to the text of the Bill as passed by Dáil Éireann]*

SECTION 1

1. In page 9, line 22, to delete “This Act” and substitute “Subject to *subsection (5) of section 8*, this Act”.

SECTION 2

2. In page 9, to delete line 28.
3. In page 10, to delete line 3.
4. In page 10, to delete line 9.
5. In page 10, between lines 14 and 15, to insert the following:
“ “Act of 2007” means the Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007;”.
6. In page 10, to delete line 18.
7. In page 10, to delete line 21.
8. In page 10, to delete lines 24 to 27.
9. In page 10, to delete lines 31 and 32 and substitute the following:
“(a) an Act of the Oireachtas specified in *Part 1 of Schedule 1* or an instrument under such an Act of the Oireachtas;”.
10. In page 11, to delete lines 1 to 5.
11. In page 11, between lines 6 and 7, to insert the following:
“ “excepted body” has the same meaning as it has in section 6 of the Trade Union Act 1941;”.
12. In page 11, to delete line 24 and substitute the following:
“(j) the Competition and Consumer Protection Commission;”.

[SECTION 2]

13. In page 11, to delete lines 31 and 32.
14. In page 12, to delete lines 9 to 11 and substitute the following:
- “ “relevant enactment” means—
- (a) an employment enactment,
 - (b) Part VII (inserted by section 22 of the Social Welfare (Miscellaneous Provisions) Act 2004) of the Pensions Act 1990, or
 - (c) the Act of 2000.”.

SECTION 3

15. In page 12, line 14, to delete “relevant enactment” and substitute “relevant enactment or provision thereof”.
16. In page 12, line 16, to delete “relevant enactment” and substitute “relevant enactment or provision”.
17. In page 12, line 24, to delete “the Act of 1994” and substitute “Part V of the Act of 1994”.
18. In page 12, line 28, to delete “the Act of 1995” and substitute “Part V of the Act of 1995”.
19. In page 12, to delete lines 35 to 38, and in page 13, to delete lines 1 and 2.
20. In page 13, line 5, to delete “2004 (S.I. No. 494 of 2004)” and substitute “2006 (S.I. No. 507 of 2006)”.
21. In page 13, between lines 7 and 8, to insert the following:
- “(8) For the purpose of the operation of this Act, and to the extent only that this Act applies, in relation to the European Communities (European Public Limited - Liability Company) (Employee Involvement) Regulations 2006 (S.I. No. 623 of 2006)—
- (a) references in this Act to employer shall be construed as references to SE within the meaning of those Regulations or relevant undertaking within the meaning of Part 3 of those Regulations, as may be appropriate, and
 - (b) references in this Act to employee shall be construed as references to a person referred to in subparagraph (a), (b), (c) or (d) of Regulation 19(1) of those Regulations.”.
22. In page 13, to delete lines 11 to 13 and substitute the following:
- “(a) references in this Act to employer shall be construed as references to SCE within the meaning of those Regulations or relevant undertaking within the meaning of Part 3 of those Regulations, as may be appropriate, and”.

[SECTION 3]

23. In page 13, line 15, to delete “clause” and substitute “subparagraph”.
24. In page 13, line 20, to delete “of those Regulations” and substitute “of Chapter 4 of Part 3 of those Regulations”.
25. In page 13, line 22, to delete “clause” and substitute “subparagraph”.

SECTION 6

26. In page 14, line 22, to delete “Companies Acts” and substitute “Companies Acts or the Companies Act 2014”.

SECTION 7

27. In page 14, line 27, to delete “offence” and substitute “offence (other than an offence under *section 53#*)”.

[#This is a reference to section 53 proposed to be inserted by amendment 88.]

SECTION 8

28. In page 15, lines 7 to 11, to delete all words from and including “(1) The” in line 7 down to and including line 11 and substitute the following:

“(1) The enactments specified in *column (3)* of *Part 1* of *Schedule 2* are repealed to the extent specified in *column (4)* of that Part.

(2) The repeals effected by *subsection (1)* shall not apply in respect of complaints or disputes made, presented or referred to a rights commissioner under an enactment specified in *column (3)* of *Part 1* of *Schedule 2* before the commencement of *Part 4*.

(3) The enactments specified in *column (3)* of *Part 2* of *Schedule 2* are revoked to the extent specified in *column (4)* of that Part.

(4) The revocations effected by *subsection (3)* shall not apply in respect of complaints or disputes made, presented or referred to a rights commissioner under an enactment specified in *column (3)* of *Part 2* of *Schedule 2* before the commencement of *Part 4*.”.

29. In page 15, line 12, to delete “section 11 of the Act of 1973” and substitute “sections 11 and 13 of the Minimum Notice and Terms of Employment Act 1973”.

30. In page 15, to delete lines 15 to 17 and substitute the following:

“(4) The repeal of sections 11 and 12 of the Unfair Dismissals (Amendment) Act 1993 effected by *subsection (1)* shall not apply in relation to a claim for redress under the Act of 1977 brought before the commencement of *Part 4*.”.

31. In page 15, line 18, to delete “This section” and substitute “This section and *Schedule 2*”.

SECTION 11

32. In page 16, line 9, to delete “such”.

33. In page 16, lines 14 and 15, to delete “(within the meaning of section 6 of the Act of 1941)”.

SECTION 13

34. In page 17, to delete line 32 and substitute the following:

“(f) is the subject of an order under section 160 of the Companies Act 1990 or a

[SECTION 13]

disqualification order within the meaning of Chapter 4 of Part 14 of the Companies Act 2014.”.

SECTION 17

35. In page 19, line 5, to delete “decision” and substitute “determination”.
36. In page 19, line 10, to delete “decision” and substitute “determination”.

SECTION 20

37. In page 21, between lines 5 and 6, to insert the following:

“(10) In this section “employment enactment” does not include the Act of 1998.”.

SECTION 21

38. In page 21, between lines 38 and 39, to insert the following:

“(5) The Board shall comply with a direction under this section by such date as may be specified in the direction.”.

39. In page 22, line 7, to delete “another” and substitute “other”.

SECTION 27

40. In page 25, line 17, to delete “enter” and substitute “enter (if necessary by the use of reasonable force)”.
41. In page 25, line 19, to delete “which” and substitute “that”.
42. In page 25, line 28, to delete “detain” and substitute “retain”.
43. In page 25, line 39, to delete “and”.
44. In page 26, to delete lines 1 to 5 and substitute the following:

“(f) require any person, whom the inspector has reasonable grounds for believing to be, or to have been, an employer or employee, to answer such questions as the inspector may ask relative to any matter under this Act or a relevant enactment and to make a declaration of the truth of the answers to those questions, and

(g) examine with regard to any matter under this Act or a relevant enactment, any person whom the inspector has reasonable grounds for believing to be, or to have been, an employer or employee, following the inspector’s having cautioned the person that the person is not obliged to say anything unless he or she wishes to do so but that whatever he or she says will be taken down in writing and may be given in evidence.”.

45. In page 26, line 16, to delete “any place or premises” and substitute “any dwelling”.
46. In page 26, line 19, to delete “enter” and substitute “enter (if necessary by the use of reasonable force)”.
47. In page 26, line 20, to delete “and (f)” and substitute “, (f) and (g)”.
48. In page 26, to delete lines 26 to 30 and substitute the following:

“(b) fails or refuses to comply with a requirement of an inspector or member of the Garda Síochána pursuant to *paragraph (d) or (f) of subsection (1)*, or in purported

[SECTION 27]

compliance with such requirement gives information or makes a declaration to the inspector or member that he or she knows to be false or misleading in any material respect.”.

SECTION 28

49. In page 27, line 4, to delete “in this Act” and substitute “in this section”.
50. In page 27, line 30, to delete “prescribed manner” and substitute “manner prescribed by rules under subsection (5) of section 20 of the Act of 1946”.
51. In page 28, to delete lines 5 to 7.
52. In page 28, line 15, to delete “notice;” and substitute “notice; or”.

SECTION 29

53. In page 29, line 2, to delete “*section 28*” and substitute “*section 27*”.

SECTION 30

54. In page 29, lines 10 to 13, to delete all words from and including “(1) The” in line 10 down to and including line 13 and substitute the following:

“(1) Subject to *subsection (3) of section 27*, the Labour Court may, upon the hearing of an appeal under *section 45*, direct the Director General to arrange for an inspector to enter any place or premises belonging to an employer who is a party to the appeal and perform such functions under *section 27* at, or in relation to, that place or premises as are specified in the direction concerned.”.

SECTION 31

55. In page 29, line 26, to delete “Schedule 5 of” and substitute “Schedule 5 to”.
56. In page 30, to delete line 21 and substitute the following:

“(8) In this section—

“Act of 2007” means the Social Welfare and Pensions Act 2007;

“employer registration number” means, in relation to an employer, the number assigned to that employer in the register maintained by the Revenue Commissioners under Regulation 7 of the Income Tax (Employments) (Consolidated) Regulations 2001 (S.I. No. 559 of 2001); and

“personal public service number” has the same meaning as it has in section 262 of the Act of 2005.”.

SECTION 33

57. In page 31, to delete lines 1 to 24 and substitute the following:

“Disclosure of certain information to or by contracting authority

33. (1) The Commission may, for the purpose of securing compliance with this Act or an employment enactment, disclose to a public contracting authority information that a primary contractor or a party to a secondary contract has contravened an employment enactment.

[SECTION 33]

- (2) Information disclosed to a public contracting authority under this section shall not be used for any purpose other than the exercise by the public contracting authority of his or her entitlements under the primary contract concerned.
- (3) The Commission may, for the purpose of securing compliance with this Act or an employment enactment, require a public contracting authority to disclose to the Commission information relating to the contravention of a relevant enactment by a person with whom the public contracting authority has entered into a primary contract, and a public contracting authority shall comply with such a requirement.
- (4) In this section—

“contract of employment” has the same meaning as it has in the Act of 2012;

“primary contractor” means, in relation to a public contracting authority, a person with whom the public contracting authority has entered into a contract, and “primary contract” shall be construed accordingly;

“public contracting authority” means—

- (a) a contracting entity within the meaning of the European Communities (Award of Contracts by Utility Undertakings) Regulations 2007 (S.I. No. 50 of 2007),
- (b) a contracting entity to which Directive 2004/17/EC¹ of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors applies, or
- (c) a contracting authority within the meaning of Directive 2004/18/EC² of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts;

“secondary contract” means a contract (other than a primary contract or a contract of employment) under which a party to the contract agrees to carry out works or provide services to which a primary contract applies on behalf of the primary contractor concerned or any other person.”.

SECTION 39

58. In page 34, line 27, to delete “the complaint or dispute” and substitute “a complaint or dispute”.
59. In page 34, line 28, to delete “complaint” and substitute “complaint or dispute”.
60. In page 35, line 5, to delete “dispute” and substitute “complaint or dispute”.
61. In page 35, line 30, to delete “*subsection (5)*” and substitute “*subsection (4)*”.
62. In page 35, line 33, to delete “*subsection (5)*” and substitute “*subsection (4)*”.
63. In page 36, line 2, to delete “*subsection (5)*” and substitute “*subsection (4)*”.

SECTION 40

64. In page 36 to delete lines 7 to 38 and page 37 to delete lines 1 to 13.

[SECTION 41]

SECTION 41

65. In page 37, line 29, to delete “*subsection (4)*” and substitute “subsection (4)”.

66. In page 38, between lines 21 and 22, to insert the following:

“(10) (a) The functions standing vested in a rights commissioner immediately before the commencement of this Act shall, in relation to a relevant claim, continue to be performable after such commencement by a person who immediately before such commencement was a rights commissioner.

(b) In this subsection “relevant claim” means—

(i) a complaint or dispute to which *subsection (2)#* or *(4)#* of *section 8* or *subsection (2)* of *section 53* applies,

(ii) a claim for redress to which *subsection (2)* of *section 81* applies,

(iii) a case to which *subsection (2)##* of *section 84* applies, or

(iv) a case to which *subsection (2)###* of *section 85* applies.”.

[#This is a reference to the subsection proposed to be inserted by amendment 28.]

[##This is a reference to the subsection proposed to be inserted by amendment 140.]

[###This is a reference to the subsection proposed to be inserted by amendment 148.]

SECTION 42

67. In page 38, lines 23 to 28, to delete all words from and including “(1) A” in line 23 down to and including line 28 and substitute the following:

“(1) An employee (in this Act referred to as a “complainant”) or, where the employee so consents, a specified person may present a complaint to the Director General that the employee’s employer has contravened a provision specified in *Part 1* or *2* of *Schedule 5* in relation to the employee and, where a complaint is so presented, the Director General shall, subject to *section 39*, refer the complaint for adjudication by an adjudication officer.”.

68. In page 38, line 33, to delete “*sections 37* and *40*” and substitute “*section 39*”.

69. In page 39, line 1, to delete “*sections 37* and *40*” and substitute “*section 39*”.

70. In page 39, between lines 6 and 7, to insert the following:

“(4) The Director General shall refer for adjudication by an adjudication officer a complaint or dispute referred to him or her under *paragraph (b)#* of *subsection (3)* of *section 43* by the Labour Court.”.

[#This is a reference to the paragraph proposed to be inserted by amendment 75.]

71. In page 39, to delete lines 17 to 23 and substitute the following:

“(b) In this subsection “relevant redress provision” means—

(i) in relation to a complaint under this section of a contravention of a provision of an enactment specified in *Part 1* or *2* of *Schedule 5*, the provision of that

[SECTION 42]

enactment specified in *Part 1 of Schedule 6*,

- (ii) in relation to a dispute as to the entitlements of an employee under an enactment specified in *Part 3 of Schedule 5*, the provision of that enactment specified in *Part 1 of Schedule 6*, and
- (iii) in relation to a complaint under *subsection (3)*, paragraph 1 of Schedule 2 to the Act of 2012.”.

72. In page 39, line 33, to delete “day of placement” and substitute “the day of placement”.

73. In page 41, between lines 2 and 3, to insert the following:

- “(9) An adjudication officer may, by giving notice in that behalf in writing to any person, require such person to attend at such time and place as is specified in the notice to give evidence in proceedings under this section or to produce to the adjudication officer any documents in his or her possession, custody or control that relate to any matter to which those proceedings relate.
- (10) A person to whom a notice under *subsection (9)*# is given shall be entitled to the same immunities and privileges as those to which he or she would be entitled if he or she were a witness in proceedings before the High Court.
- (11) A person to whom a notice under *subsection (9)*# has been given who—
 - (a) fails or refuses to comply with the notice, or
 - (b) refuses to give evidence in proceedings to which the notice relates or fails or refuses to produce any document to which the notice relates,shall be guilty of an offence and shall be liable, on summary conviction, to a class E fine.”.

[#This is a reference to subsection proposed to be inserted by this amendment.]

74. In page 41, to delete lines 9 to 20 and substitute the following:

- “(11) (a) In proceedings before an adjudication officer in respect of a complaint presented, or dispute referred, under this Part, the complainant or respondent to the complaint or dispute (including a complainant or such a respondent to whom *paragraph (b)* applies) may be accompanied and represented by—
 - (i) a trade union official within the meaning of section 11 of the Act of 1990,
 - (ii) an official of a body that, in the opinion of the adjudication officer, represents the interests of employers,
 - (iii) a practising barrister or practising solicitor, or
 - (iv) any other person, if the adjudication officer so permits.
- (b) In proceedings before an adjudication officer in respect of a complaint presented, or dispute referred, under this Part, the complainant or respondent to the complaint or dispute may, if he or she has not yet attained the age of 18 years, be accompanied and represented by his or her parent or guardian.”.

[SECTION 43]

SECTION 43

75. In page 42, to delete lines 11 and 12 and substitute the following:

“(b) annul that decision and refer the complaint or dispute to the Director General.”.

SECTION 44

76. In page 42, line 33, to delete “Unfair Dismissals Act 1977” and substitute “Act of 1977”.

77. In page 43, to delete lines 5 to 7 and substitute the following:

“(5) An application under this section to the District Court shall be made to a judge of the District Court assigned to the District Court district in which the employer concerned ordinarily resides or carries on any profession, business or occupation.”.

SECTION 45

78. In page 43, lines 9 to 15, to delete all words from and including “(1) A” in line 9 down to and including line 15 and substitute the following:

“(1) (a) A party to proceedings under *section 42* may appeal a decision of an adjudication officer given in those proceedings to the Labour Court and, where the party does so, the Labour Court shall—

(i) give the parties to the appeal an opportunity to be heard by it and to present to it any evidence relevant to the appeal,

(ii) make a decision in relation to the appeal in accordance with the relevant redress provision, and

(iii) give the parties to the appeal a copy of that decision in writing.

(b) In this subsection “relevant redress provision” means—

(i) in relation to an appeal from a decision of an adjudication officer under *section 42* relating to a complaint under that section of a contravention of a provision of an enactment specified in *Part 1* or *2* of *Schedule 5*, the provision of that enactment specified in *Part 2* of *Schedule 6*#,

(ii) in relation to an appeal from a decision of an adjudication officer under *section 42* relating to a dispute as to the entitlements of an employee under an enactment specified in *Part 3* of *Schedule 5*, the provision of that enactment specified in *Part 2* of *Schedule 6*#, and

(iii) in relation to an appeal from a decision of an adjudication officer under *section 42* relating to a complaint under *subsection (3)* of that section, paragraph 2 of *Schedule 2* to the Act of 2012.”.

[#This is a reference to Schedule 6 inserted by amendment 172.]

79. In page 43, line 18, to delete “under *subsection (6)*” and substitute “in accordance with rules under *subsection (5)* of *section 20* of the Act of 1946”.

80. In page 43, to delete lines 32 to 41, and in page 44, to delete lines 1 to 5.

81. In page 44, to delete line 6 and substitute the following:

“(11) Proceedings under this section shall be conducted in public unless the Labour Court,

[SECTION 45]

upon the application of a party to the appeal, determines that, due to the existence of special circumstances, the proceedings (or part thereof) should be conducted otherwise than in public.”.

82. In page 44, to delete lines 10 and 11 and substitute the following:

“(13) (a) In proceedings before the Labour Court under this section, the appellant or respondent (including an appellant or respondent to whom *paragraph (b)* applies) may be accompanied and represented by—

- (i) a trade union official within the meaning of section 11 of the Act of 1990,
- (ii) an official of a body that, in the opinion of the Labour Court, represents the interests of employers,
- (iii) a practising barrister or practising solicitor, or
- (iv) any other person, if the Labour Court so permits.

(b) In proceedings before the Labour Court under this section, the appellant or respondent may, if he or she has not yet attained the age of 18 years, be accompanied and represented by his or her parent or guardian.”.

SECTION 46

83. In page 44, to delete lines 37 to 39 and substitute the following:

“(4) An application under this section to the District Court shall be made to a judge of the District Court assigned to the District Court district in which the employer concerned ordinarily resides or carries on any profession, business or occupation.”.

SECTION 47

84. In page 45, to delete lines 1 to 13.

SECTION 51

85. In page 46, lines 16 to 31, to delete all words from and including “(1) A” in line 16 down to and including line 31 and substitute the following:

“(1) There shall be included among the debts that, under section 285 of the Companies Act 1963 or section 621 of the Companies Act 2014 are, in the distribution of the assets of a company being wound up, to be paid in priority to all other debts, all compensation payable by virtue of this Part by the company to an employee, and the said section 285 or 621, as may be appropriate, shall have effect accordingly, and formal proof of the debts to which priority is given under this subsection shall not be required except in cases where provision is otherwise made in relation thereto under the Companies Act 1963 or the Companies Act 2014, as may be appropriate.”.

86. In page 46, line 34, to delete “under” and substitute “by virtue of”.

SECTION 52

87. In page 47, line 8, to delete “under the said *Part 4*” and substitute “under *section 28* of that Act or the said *Part 4*”.

[SECTION 53]

SECTION 53

88. In page 47, between lines 16 and 17, to insert the following:

“Offence to fail or refuse to pay compensation

53. (1) It shall be an offence for a person to fail to comply with an order under *section 44* or *46* directing an employer to pay compensation to an employee.
- (2) It shall be a defence to proceedings for an offence under this section for the defendant to prove on the balance of probabilities that he or she was unable to comply with the order due to his or her financial circumstances.
- (3) A person guilty of an offence under this section shall be liable, on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months or both.”.

89. In page 47, lines 18 and 19, to delete all words from and including “(1) The” in line 18 down to and including line 19 and substitute the following:

- “(1) The enactments specified in *column (3)* of *Part 1* of *Schedule 6* are amended to the extent specified in *column (4)* of that Part.
- (2) The enactments specified in *column (3)* of *Part 2* of *Schedule 6* are amended to the extent specified in *column (4)* of that Part.”.

90. In page 47, line 20, to delete “The amendments to the enactments specified in *column (3)* of *Schedule 6*” and substitute the following:

“Subject to *section 54*, the amendment effected by this section of the enactments specified in *column (3)* of *Part 1*, and *column (3)* of *Part 2*, of *Schedule 6*”.

91. In page 47, lines 21 and 22, to delete “a rights commissioner” and substitute “a rights commissioner or the Employment Appeals Tribunal”.

SECTION 67

92. In page 50, to delete lines 33 and 34 and in page 51, to delete lines 1 to 3 and substitute the following:

- “67. (1) (a) All functions that, immediately before the dissolution day, were vested in the Employment Appeals Tribunal are transferred to the Commission in so far as they relate to any claim for redress, dispute or complaint determined by the Employment Appeals Tribunal under an employment enactment before that day.
- (b) All functions that, immediately before the dissolution day, were vested in the Employment Appeals Tribunal are transferred to the Labour Court in so far as they relate to appeals determined by the Employment Appeals Tribunal under an employment enactment before that day.
- (2) (a) References in any enactment or instrument under an enactment to the Employment Appeals Tribunal in so far as they relate to a function transferred by *paragraph (a)* of *subsection (1)* shall be construed as references to the Commission.
- (b) References in any enactment or instrument under an enactment to the

[SECTION 67]

Employment Appeals Tribunal in so far as they relate to a function transferred by *paragraph (b) of subsection (1)* shall be construed as references to the Labour Court.”.

93. In page 51, to delete lines 5 and 6.

SECTION 68

94. In page 51, to delete lines 11 to 15 and substitute the following subsection:

“(1) Every chose-in-action vested in the Labour Court by virtue of *subsection (1)* may, on and from the dissolution day, be sued on, recovered or enforced by the Labour Court in its own name, and it shall not be necessary for the Labour Court, or the Employment Appeals Tribunal, to give notice to any person bound by the chose-in-action of the vesting effected by that subsection.”.

95. In page 51, line 16, to delete “Subject to *subsection (4)* on” and substitute “On”.

96. In page 51, to delete lines 19 to 21.

SECTION 71

97. In page 52, lines 13 to 21, to delete all words from and including “(1) Anything” in line 13 down to and including line 21 and substitute the following:

“(1) Anything commenced and not completed before the dissolution day by or under the authority of the Employment Appeals Tribunal may—

- (a) in so far as it relates to a function transferred to the Commission by *section 67*, be carried on or completed on or after the dissolution day by the Commission, and
 - (b) in so far as it relates to a function transferred to the Labour Court by that section, be carried on or completed on or after the dissolution day by the Labour Court.
- (2) (a) Every instrument made under an enactment and every document (including any certificate) granted or made, in the performance of a function transferred by *section 67* to the Commission, shall, if and in so far as it was operative immediately before the dissolution day, have effect on and after that day as if it had been granted or made by the Commission.
- (b) Every instrument made under an enactment and every document (including any certificate) granted or made, in the performance of a function transferred by *section 67* to the Labour Court, shall, if and in so far as it was operative immediately before the dissolution day, have effect on and after that day as if it had been granted or made by the Labour Court.”.

SECTION 75

98. In page 53, to delete lines 32 to 38 and in page 54, to delete line 1 and substitute the following:

“Amendment of section 21 of Act of 1946

75. Section 21 of the Act of 1946 is amended—

(a) in subsection (1), by—

- (i) the substitution of “The Court may, for the purposes of any proceedings

[SECTION 75]

before it under this Act, the Unfair Dismissals Act 1977 or *Part 4* of the *Workplace Relations Act 2015*, or any investigation under the Industrial Relations (Amendment) Act 2001, do all or any of the following things” for “The Court may for the purposes of any proceedings before it under this Act or any investigation under the Industrial Relations (Amendment) Act 2001 do all or any of the following things”, and

(ii) the substitution of the following paragraph for paragraph (b):

“(b) take evidence on oath and, for that purpose, cause to be administered oaths to persons attending as witnesses before it,”,

and

(b) by the insertion of the following subsection:

“(4) A document purporting to be signed by the chairman or the registrar of the Labour Court stating that—

(a) a person named in the document was, by summons under subsection (1), required to attend before the Labour Court on a day and at a time and place specified in the document, and

(b) a sitting of the Labour Court was held on that day and at that time and place,

shall, in proceedings for an offence under this section, be evidence of the matters so stated unless the contrary is shown.”.

SECTION 77

99. In page 56, to delete lines 12 to 15 and substitute the following:

“(ii) the substitution, in subsection (2A) (inserted by section 12 of the Redundancy Payments Act 1971), of “adjudication officer, if he is satisfied” for “Tribunal, if it is satisfied”, and”.

100. In page 56, to delete line 21 and substitute the following:

“(i) the substitution, in subsection (15), of “Director General” for “Tribunal” in each place that it occurs,”.

101. In page 56, line 24, to delete “shall,” and substitute “shall”.

102. In page 56, line 38, to delete “this” and substitute “that”.

103. In page 57, to delete line 9 and substitute the following:

“(d) by the insertion of the following section:”.

104. In page 57, line 25, to delete “the substitution” and substitute “by the substitution”.

105. In page 57, line 26, to delete “Act of 1967” and substitute “Redundancy Payments Act 1971”.

[SECTION 80]

SECTION 80

106. In page 58, line 33, to delete “person.”,” and substitute “person.”.

107. In page 58, between lines 33 and 34, to insert the following:

“(1C) Where a person—

- (a) appointed under subsection (1) to be a deputy chairman,
- (b) who continues to be a deputy chairman by virtue of subsection (1A), or
- (c) reappointed in accordance with subsection (1B) to be a deputy chairman,

is, for whatever reason, unable to perform his functions as deputy chairman and the Minister is of the opinion that his inability to so perform his functions would unduly disrupt the performance by the Court or a division of the Court of its functions, a temporary vacancy among the deputy chairmen shall be deemed to exist and the Minister may, after consultation with the chairman, appoint a person to fill that temporary vacancy subject to such terms and conditions as the Minister shall determine.

- (1D) If a deputy chairman dies, resigns, ceases to be qualified for office and ceases to hold office or is removed from office, or a deputy chairman’s term of office expires and he is not reappointed under subsection (1B), the Minister may appoint a person to be a deputy chairman to fill the vacancy so occasioned pending the appointment of a deputy chairman to fill that vacancy in accordance with subsection (1), and the person so appointed shall hold office subject to such terms and conditions as the Minister, with the consent of the Minister for Public Expenditure and Reform, determines.”.

SECTION 81

108. In page 59, lines 17 and 18, to delete “*Workplace Relations Act 2015*” and substitute “*Act of 2015*”.

109. In page 59, between lines 20 and 21, to insert the following:

- “(b) by the substitution, in paragraph (d) of subsection (2A) of section 2, of “the adjudication officer or the Labour Court” for “the rights commissioner, the Tribunal or the Circuit Court”,
- (c) by the substitution, in subsection (5) of section 2A of “the adjudication officer or the Labour Court” for “the rights commissioner, the Tribunal or the Circuit Court”,
- (d) by the substitution, in subsection (2A) of section 5, of “the adjudication officer or the Labour Court” for “the rights commissioner, the Tribunal or the Circuit Court”,
- (e) by the substitution, in subsection (7) of section 6, of “the adjudication officer or

[SECTION 81]

the Labour Court” for “the rights commissioner, the Tribunal or the Circuit Court”,”.

110. In page 59, to delete line 27 and substitute the following:

“(II) subsections (3), (4), (5), (9) and (10),”.

111. In page 59, to delete lines 29 to 33 and substitute the following:

“(1) (a) A claim by an employee against an employer for redress under this Act for unfair dismissal may be referred by the employee to the Director General and, where such a claim is so referred the Director General shall, subject to *section 39* of the *Act of 2015*, refer the claim to an adjudication officer for adjudication by the adjudication officer.

(b) *Section 39* of the *Act of 2015* shall apply to a claim for redress referred to the Director General under paragraph (a) as it applies to a complaint presented or dispute referred to the Director General under *section 42* of that Act, subject to the modification that references, in the said *section 39*, to a complaint or dispute shall be construed as references to a claim so referred.”.

112. In page 60, to delete lines 13 to 20 and substitute the following:

“(v) the substitution, in subsection (2), of—

(I) “the Director General” for “a rights commissioner or the Tribunal, as the case may be”, and

(II) “the Director General” for “the rights commissioner or the Tribunal,” in each place that it occurs,

(vi) the deletion, in subsection (2), of “, as the case may be,” in each place that it occurs,”.

113. In page 60, to delete lines 21 to 23.

114. In page 60, line 24, to delete “by”.

115. In page 60, line 26, to delete “by”.

116. In page 60, line 29, to delete “by”.

117. In page 60, to delete lines 33 to 36 and substitute the following:

“(xi) the substitution, in subsection (8), of “Labour Court” for “Tribunal” in each place that it occurs,

(xii) the deletion, in paragraph (g) of subsection (8), of “claims and”,”.

118. In page 61, to delete lines 1 and 2 and substitute the following:

“(xii) by the substitution, in subsection (12), of “the adjudication officer or the Labour Court, as may be appropriate” for “the rights commissioner, the Tribunal or the Circuit Court, as the case may be”,”.

[SECTION 81]

119. In page 62, line 11, to delete “and”.

120. In page 62, between lines 18 and 19, to insert the following:

“(g) the substitution of the following section for section 11:

“**11.** (1) A notice or other document that is required to be served on or given to a person under this Act shall be addressed to the person concerned by name, and may be so served on or given to the person in one of the following ways:

(a) by delivering it to the person;

(b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address;

(c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address; or

(d) by electronic means, in a case in which the person has given notice in writing to the person serving or giving the notice or document concerned of his or her consent to the notice or document (or notices or documents of a class to which the notice or document belongs) being served on, or given to, him or her in that manner.

(2) For the purpose of this section, a company within the meaning of the Companies Acts shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business.”,

and

(h) the substitution, in subsection (2) of section 15, of—

(i) “decision has been made by an adjudication officer” for “recommendation has been made by a rights commissioner”, and

(ii) the deletion of “or the hearing of a claim by the Tribunal has commenced”.”.

SECTION 82

121. In page 62, to delete lines 31 to 33 and substitute the following:

“(c) in that paragraph, by the insertion of the following subparagraph (inserted by paragraph 6 of Schedule 2 of the Protected Disclosures Act 2014):”.

122. In page 63, to delete lines 1 and 2 and substitute the following:

“(e) in paragraph (c) of subsection (2), by—

(i) the substitution of “, (xxxii) or (xxxiii)” for “or (xxxii)”, and

(ii) the substitution of the following subparagraph for subparagraph (i):

[SECTION 82]

“(i) the decision or recommendation, as appropriate, of the rights commissioner, or the decision of the adjudication officer under *Part 4 of the Act of 2015*,”

and”.

123. In page 63, line 25, to delete “or dispute”.

124. In page 63, line 27, to delete “subsection (3)” and substitute “subsection (1B)”.

SECTION 83

125. In page 64, to delete lines 26 and 27 and substitute the following:

“(a) the deletion, in section 65, of the definition of “the Director” (inserted by section 24 of the Social Welfare (Miscellaneous Provisions) Act 2003),

(b) the substitution of “Director General of the Workplace Relations Commission” for “Director” in each place that it occurs, and”.

SECTION 84

126. In page 64, line 35, to delete “the insertion” and substitute “by the insertion”.

127. In page 65, line 13, to delete “*Section 40*” and substitute “*Section 39*”.

128. In page 65, line 18, to delete “*section 40*” and substitute “*section 39*”.

129. In page 65, line 21, to delete “the substitution” and substitute “by the substitution”.

130. In page 65, line 29, to delete “to”.

131. In page 66, line 8, to delete “Equality Authority or the Commission” and substitute “Irish Human Rights and Equality Commission”.

132. In page 66, line 27, to delete “the Act of 1998” and substitute “this Act”.

133. In page 66, line 36, to delete “Equality Authority” and substitute “Irish Human Rights and Equality Commission”.

134. In page 66, line 38, to delete “the word”.

135. In page 66, line 39, to delete “of “an inspector” and substitute “of“, an inspector”.

136. In page 66, line 42, to delete “and”.

137. In page 66, after line 42, to insert the following:

“(m) in section 101, by—

(i) the insertion, in paragraph (a), of “, or” after “begun”,

(ii) the substitution of the following paragraph for paragraph (b) of subsection (4):

“(b) an adjudication officer has made a decision to which subsection (1) (inserted by paragraph (c) of subsection (1) of *section 81* of the *Act of 2015*) of section 8 of the Act of 1977 applies in respect of the dismissal.”

[SECTION 84]

and

(iii) the insertion of the following subsection:

“(4A) (a) Where an employee refers—

(i) a complaint under section 77, and

(ii) a claim for redress under the Act of 1977,

to the Director General of the Workplace Relations Commission in respect of a dismissal, then, from the relevant date, the said complaint shall be deemed to have been withdrawn unless, before the relevant date, the employee withdraws the claim under the Act of 1977.

(b) In this subsection—

‘Act of 1977’ means the Unfair Dismissals Act 1977;

‘dismissal’ has the same meaning as it has in the Act of 1977;

‘relevant date’ means such date—

(i) as may be prescribed, or

(ii) as may be determined in accordance with regulations made by the Minister.”,”.

138. In page 67, line 4, to delete “subsection (1)” and substitute “subsection (2)”.

139. In page 67, line 7, to delete “paragraph (c)” and substitute “paragraph (c) of subsection (3)”.

140. In page 67, between lines 9 and 10, to insert the following:

“(2) The amendment of the Act of 1998 effected by this section shall not apply in relation to a case referred to the Director of the Equality Tribunal under section 77 of that Act before the commencement of this section.”.

SECTION 85

141. In page 67, line 11, to delete “Equal Status Act 2000” and substitute “Act of 2000”.

142. In page 67, line 22, to delete “the substitution” and substitute “by the substitution”.

143. In page 67, line 25, to delete “the substitution” and substitute “by the substitution”.

144. In page 68, to delete lines 4 to 7.

145. In page 68, line 8, to delete “the substitution” and substitute “by the substitution”.

146. In page 68, line 16, to delete “Equality Authority” and substitute “Irish Human Rights and Equality Commission”.

147. In page 68, line 38, to delete “Equality Authority” and substitute “Irish Human Rights and Equality Commission”.

148. In page 69, between lines 9 and 10, to insert the following:

“(2) The amendment of the Act of 2000 effected by this section shall not apply in relation

[SECTION 85]

to a case referred to the Director of the Equality Tribunal under section 21 of that Act before the commencement of this section.”.

SECTION 87

149. In page 69, to delete line 30.

150. In page 70, line 6, to delete “year.” and substitute the following “year.”,
and”.

151. In page 70, between lines 6 and 7, to insert the following:

“(c) in section 23, by the substitution of the following subsection for subsection (1):

“(1) (a) Where—

(i) an employee ceases to be employed, and

(ii) the whole or any portion of the annual leave in respect of the relevant period remains to be granted to the employee,

the employee shall, as compensation for the loss of that annual leave, be paid by his or her employer an amount equal to the pay, calculated at the normal weekly rate or, as the case may be, at a rate proportionate to the normal weekly rate, that he or she would have received had he or she been granted that annual leave.

(b) In this subsection—

‘relevant period’ means—

(i) in relation to a cessation of employment of an employee to whom subparagraph (i) of paragraph (c) of subsection (1) of section 20 applies, the current leave year,

(ii) in relation to a cessation of employment of an employee to whom subparagraph (ii) of the said paragraph (c) applies, that occurs during the first 6 months of the current leave year—

(I) the current leave year, and

(II) the leave year immediately preceding the current leave year,

(iii) in relation to a cessation of employment of an employee to whom subparagraph (iii) of the said paragraph (c) applies, that occurs during the first 12 months of the period of 15 months referred to in the said subparagraph (iii)—

(I) the current leave year, and

(II) the leave year immediately preceding the current leave year,

or

(iv) in relation to a cessation of employment of an employee to whom subparagraph (iii) of the said paragraph (c) applies that occurs during the final 3 months of the period of 15 months

[SECTION 87]

referred to in the said subparagraph (iii)—

- (I) the current leave year, and
- (II) the 2 leave years immediately preceding the current leave year.””.

152. In page 70, line 7, to delete “Industrial Relations Act 1990” and substitute “Act of 1990”.

SCHEDULE 1

153. In page 71, to delete line 28 and substitute the following:

“1. Part IV of the Industrial Relations Act 1946”.

154. In page 72, between lines 2 and 3, to insert the following:

“6. Section 8 of the Industrial Relations (Miscellaneous Provisions) Act 2004”.

155. In page 72, between lines 6 and 7, to insert the following:

“10. Section 62(1) of the Charities Act 2009”.

156. In page 72, between lines 11 and 12, to insert the following:

“15. Section 41(1) of the Central Bank (Supervision and Enforcement) Act 2013

16. Section 12(1) of the Protected Disclosures Act 2014”.

157. In page 72, between lines 30 and 31, to insert the following:

“10. Regulation 9(4) of the European Communities (Occurrence Reporting in Civil Aviation) Regulations 2007 (S.I. No. 285 of 2007)”.

SCHEDULE 2

158. In page 74, between lines 14 and 15, to insert the following:

“

5.	No. 22 of 1993	Unfair Dismissals (Amendment) Act 1993	Sections 11 and 12
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”

159. In page 74, to delete lines 15 and 16 and substitute the following:

“

5.	No. 5 of 1994	Terms of Employment (Information) Act 1994	Sections 9 and 10
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”

160. In page 74, to delete lines 28 to 30 and substitute the following:

“

10.	No. 30 of 1998	Parental Leave Act 1998	Part IV (other than sections 18(1) and (2) and 21) and sections 24 and 27(5)
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”

[SCHEDULE 2]

161. In page 74, to delete lines 31 to 33.

162. In page 75, to delete lines 28 and 29.

SCHEDULE 4

163. In page 80, between lines 5 and 6, to insert the following:

“

No. 10 of 1977	Unfair Dismissals Act 1977	Section 14(1), (2) and (4)
----------------	----------------------------	----------------------------

”

164. In page 80, to delete lines 10 to 13 and substitute the following:

“

No. 20 of 1997	Organisation of Working Time Act 1997	Sections 6(2), 11, 12, 13, 14(1), 15(1), 16(2), 17, 18, 19(1), 19(1A), 21, 22, and 23(1) and (2)
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”

165. In page 80, to delete line 14.

SCHEDULE 5

166. In page 82, line 6, to delete “Regulations 4(4)(a) and 13” and substitute “Regulation 4(4)(a)”.

167. In page 82, to delete line 15 and substitute the following:

“6. Regulation 9(4) of the European Communities (Occurrence Reporting in Civil Aviation) Regulations 2007 (S.I. No. 285 of 2007)”.

168. In page 82, between lines 15 and 16, to insert the following:

“7. Regulation 39(1) of the European Communities (Cross-Border Mergers) Regulations 2008 (S.I. No. 157 of 2008)”.

169. In page 82, line 19, to delete “5, 8, 10, 11 or 12” and substitute “5, 8, 9, 10, 11 or 12”.

170. In page 82, to delete line 26.

171. In page 82, to delete line 33.

SCHEDULE 6

172. In page 82, after line 33, to insert the following:

“SCHEDULE 6

Sections 42 and 45

RELEVANT REDRESS PROVISIONS

Part 1

DECISIONS OF ADJUDICATION OFFICERS

Acts of Oireachtas

1. Section 45A of the Industrial Relations Act 1946

[SCHEDULE 6]

2. Section 12 of the Minimum Notice and Terms of Employment Act 1973
3. Section 11A of the Protection of Employment Act 1977
4. Section 6 of the Payment of Wages Act 1991
5. Section 7(2) of the Terms of Employment (Information) Act 1994
6. Section 32(1) of the Maternity Protection Act 1994
7. Section 33(1) of the Adoptive Leave Act 1995
8. Section 18 of the Protection of Young Persons (Employment) Act 1996
9. Section 17A of the Transnational Information and Consultation of Employees Act 1996
10. Section 27(3) of the Organisation of Working Time Act 1997
11. Section 21(1) of the Parental Leave Act 1998
12. Section 4(5) of the Protections for Persons Reporting Child Abuse Act 1998
13. Section 26 of the National Minimum Wage Act 2000
14. Section 21(1) of the Carer's Leave Act 2001
15. Paragraph 1(3) of Schedule 1 to the Prevention of Corruption (Amendment) Act 2001
16. Section 16 of the Protection of Employees (Part-Time Work) Act 2001
17. Paragraph 5 of Schedule 3 to the Competition Act 2002
18. Section 14 of the Protection of Employees (Fixed-Term Work) Act 2003
19. Section 9(5) of the Industrial Relations (Miscellaneous Provisions) Act 2004
20. Section 55M(6) of the Health Act 2004
21. Section 28 of the Safety, Health and Welfare at Work Act 2005
22. Paragraph 1 of Schedule 3 to the Employees (Provision of Information and Consultation) Act 2006
23. Paragraph 1 of Schedule 2 to the Employment Permits Act 2006
24. Paragraph 2 of Schedule 6 to the Consumer Protection Act 2007
25. Section 26(5) of the Chemicals Act 2008
26. Section 62(5) of the Charities Act 2009
27. Paragraph 1 of Schedule 2 to the National Asset Management Agency Act 2009
28. Paragraph 1 of Schedule 4 to the Inland Fisheries Act 2010
29. Paragraph 1 of Schedule 2 to the Criminal Justice Act 2011
30. Paragraph 1 of Schedule 4 to the Property Services (Regulation) Act 2011
31. Paragraph 1 of Schedule 2 to the Protection of Employees (Temporary Agency Work)

[SCHEDULE 6]

Act 2012

32. Paragraph 1 of the Schedule to the Further Education and Training Act 2013
33. Paragraph 1 of Schedule 5 to the Central Bank (Supervision and Enforcement) Act 2013
34. Paragraph 1 of Schedule 2 to the Protected Disclosures Act 2014

Statutory Instruments

1. Regulation 10 of the European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 (S.I. No. 131 of 2003)
2. Regulation 15 of the European Communities (Organisation of Working Time) (Mobile Staff in Civil Aviation) Regulations 2006 (S.I. No. 507 of 2006)
3. Paragraph 2 of Schedule 2 to the European Communities (European Public Limited – Liability Company) (Employee Involvement) Regulations 2006 (S.I. No. 623 of 2006)
4. Paragraph 2 of Schedule 2 to the European Communities (European Cooperative Society) (Employee Involvement) Regulations 2007 (S.I. No. 259 of 2007)
5. Paragraph 1 of Schedule 4 to the European Communities (Occurrence Reporting in Civil Aviation) Regulations 2007 (S.I. No. 285 of 2007)
6. Paragraph 2 of Schedule 2 to the European Communities (Cross-Border Mergers) Regulations 2008 (S.I. No. 157 of 2008)
7. Regulation 8 of the European Communities (Working Conditions of Mobile Workers engaged in Interoperable Cross-Border Services in the Railway Sector) Regulations 2009 (S.I. No. 377 of 2009)
8. Regulation 18 of the European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations 2012 (S.I. No. 36 of 2012)

Part 2

DECISIONS OF LABOUR COURT

Acts of Oireachtas

1. Section 45B of the Industrial Relations Act 1946
2. Section 12A of the Minimum Notice and Terms of Employment Act 1973
3. Section 11B of the Protection of Employment Act 1977
4. Section 7 of the Payment of Wages Act 1991
5. Section 8 of the Terms of Employment (Information) Act 1994
6. Section 32(2) of the Maternity Protection Act 1994
7. Section 33(2) of the Adoptive Leave Act 1995
8. Section 19 of the Protection of Young Persons (Employment) Act 1996
9. Section 17B of the Transnational Information and Consultation of Employees Act

[SCHEDULE 6]

1996

10. Section 28 of the Organisation of Working Time Act 1997
11. Section 21(1) of the Parental Leave Act 1998
12. Section 4(6) of the Protections for Persons Reporting Child Abuse Act 1998
13. Section 29 of the National Minimum Wage Act 2000
14. Section 21(2) of the Carer's Leave Act 2001
15. Paragraph 2(1) of Schedule 1 to the Prevention of Corruption (Amendment) Act 2001
16. Section 17 of the Protection of Employees (Part-Time Work) Act 2001
17. Paragraph 6A of Schedule 3 to the Competition Act 2002
18. Section 15 of the Protection of Employees (Fixed-Term Work) Act 2003
19. Section 10 of the Industrial Relations (Miscellaneous Provisions) Act 2004
20. Section 55M(11) of the Health Act 2004
21. Section 29 of the Safety, Health and Welfare at Work Act 2005
22. Paragraph 2 of Schedule 3 to the Employees (Provision of Information and Consultation) Act 2006
23. Paragraph 2 of Schedule 2 to the Employment Permits Act 2006
24. Paragraph 3A of Schedule 6 to the Consumer Protection Act 2007
25. Section 26(6A) of the Chemicals Act 2008
26. Section 62(8A) of the Charities Act 2009
27. Paragraph 2 of Schedule 2 to the National Asset Management Agency Act 2009
28. Paragraph 2 of Schedule 4 to the Inland Fisheries Act 2010
29. Paragraph 2 of Schedule 2 to the Criminal Justice Act 2011
30. Paragraph 2 of Schedule 4 to the Property Services (Regulation) Act 2011
31. Paragraph 2 of Schedule 2 to the Protection of Employees (Temporary Agency Work) Act 2012
32. Paragraph 2 of the Schedule to the Further Education and Training Act 2013
33. Paragraph 2 of Schedule 5 to the Central Bank (Supervision and Enforcement) Act 2013
34. Paragraph 2 of Schedule 2 to the Protected Disclosures Act 2014

Statutory Instruments

1. Regulation 11 of the European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 (S.I. No. 131 of 2003)
2. Regulation 16 of the European Communities (Organisation of Working Time) (Mobile Staff in Civil Aviation) Regulations 2006 (S.I. No. 507 of 2006)

[SCHEDULE 6]

3. Paragraph 3 of Schedule 2 to the European Communities (European Public Limited – Liability Company) (Employee Involvement) Regulations 2006 (S.I. No. 623 of 2006)
4. Paragraph 3 of Schedule 2 to the European Communities (European Cooperative Society) (Employee Involvement) Regulations 2007 (S.I. No. 259 of 2007)
5. Paragraph 2 of Schedule 4 to the European Communities (Occurrence Reporting in Civil Aviation) Regulations 2007 (S.I. No. 285 of 2007)
6. Paragraph 3 of Schedule 2 to the European Communities (Cross-Border Mergers) Regulations 2008 (S.I. No. 157 of 2008)
7. Regulation 9 of the European Communities (Working Conditions of Mobile Workers engaged in Interoperable Cross-Border Services in the Railway Sector) Regulations 2009 (S.I. No. 377 of 2009)
8. Regulation 19 of the European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations 2012 (S.I. No. 36 of 2012)”.
”.

SCHEDULE 6

173. In page 83, to delete lines 26 to 36 and substitute the following:

“

			(c) require the employer to pay to the worker compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances, but not exceeding 2 years’ remuneration in respect of the worker’s employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977.”.
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”.

[SCHEDULE 6]

174. In page 83, to delete lines 37 to 44.

175. In page 85, to delete lines 23 to 33 and substitute the following:

“

			(c) require the employer to pay to the employee compensation of such amount (if any) as is just and equitable having regard to all of the circumstances, but not exceeding 4 weeks' remuneration in respect of the employee's employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977.
--	--	--	--

”

176. In page 85, to delete lines 34 to 41.

177. In page 88, to delete lines 4 to 6 and substitute the following:

“

			(a) complied with a direction under section 6A given in relation to the contravention before the commencement of <i>section 8</i> of the <i>Workplace Relations Act 2015</i> , or
--	--	--	---

”

178. In page 88, to delete lines 43 to 45 and in page 89, to delete lines 4 to 11 and substitute the following:

“

			(d) order the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances, but not exceeding 4 weeks' remuneration in respect of the employee's employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977.”
--	--	--	---

”

[SCHEDULE 6]

179. In page 89, to delete lines 12 to 20.

180. In page 91, to delete lines 43 and 44 and substitute the following:

“

			(b) a claim under Part IV of the Act of 1967 as extended by section 29.”
--	--	--	--

”

181. In page 92, to delete lines 4 to 7.

182. In page 93, to delete lines 34 to 38 and substitute the following:

“

			(c) order the employer to pay to the employee compensation of such amount (if any) as is just and equitable having regard to all of the circumstances.”
--	--	--	---

”

183. In page 93, to delete lines 39 to 46.

184. In page 94, to delete lines 30 to 35 and substitute the following:

“

			(c) order the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances.”
--	--	--	---

”

185. In page 94, to delete lines 36 to 43.

186. In page 95, to delete lines 26 to 32 and substitute the following:

“

			(c) require the employer to pay to the employee compensation of such amount (if any) as is just and equitable having regard to all of the circumstances, but not exceeding 2 years' remuneration in respect of the employee's employment.”
--	--	--	--

”

[SCHEDULE 6]

187. In page 95, to delete lines 33 to 41.

188. In page 96, to delete lines 18 to 20 and substitute the following:

“

			(b) consisting of a question to which section 39(15) of the Redundancy Payments Act 1967, applies.”
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”

189. In page 96, to delete lines 21 to 23.

190. In page 96, to delete lines 28 to 45 and in page 97, to delete line 4 and substitute the following:

“

			<p>21. (1) A decision of an adjudication officer under <i>section 42</i> of the <i>Workplace Relations Act 2015</i> in relation to a dispute between an employee and his or her employer relating to the entitlements of the employee under this Act (or any matter arising out of or related to those entitlements or otherwise arising under this Act) or a decision of the Labour Court under <i>section 45</i> of the said <i>Workplace Relations Act 2015</i> on appeal from the first-mentioned decision, may contain such directions to the parties concerned as the adjudication officer or the Labour Court, as the case may be, considers necessary or expedient for the resolution of the dispute or matter and such other redress as the adjudication officer or the Labour Court, as the case may be, considers appropriate having regard to all of the circumstances and the provisions of this Act, and accordingly may specify—</p>
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”

[SCHEDULE 6]

191. In page 97, to delete lines 37 and 38 and in page 98, to delete lines 4 to 13 and substitute the following:

“

			(4) Without prejudice to the generality of subsections (1) and (2), a decision of an adjudication officer under <i>section 42</i> of the <i>Workplace Relations Act 2015</i> in relation to a dispute referred to in subsection (1) may contain a direction that the commencement of parental leave be postponed for a specified period (whether or not being the period specified in the relevant notice under section 11(1)), provided that the adjudication officer—
--	--	--	---

”

192. In page 99, to delete lines 4 to 10 and substitute the following:

“

			(6) Without prejudice to the generality of subsections (1) and (2), a decision of an adjudication officer under <i>section 42</i> of the <i>Workplace Relations Act 2015</i> in relation to a dispute referred to in subsection (1) may contain a direction that—
--	--	--	---

”

[SCHEDULE 6]

193. In page 100, to delete lines 12 to 20.

194. In page 101, to delete lines 15 to 34 and substitute the following:

“

			(c) require the employer to pay to the employee compensation of such amount (if any) as is just and equitable having regard to all of the circumstances, but not exceeding 104 weeks' remuneration in respect of the employee's employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977.”
--	--	--	---

”

195. In page 101, to delete lines 35 to 47 and in page 102, to delete lines 4 to 6.

196. In page 102, to delete lines 10 to 21 and substitute the following:

“

			“(6) A decision of the Labour Court under <i>section 45</i> of the <i>Workplace Relations Act 2015</i> , on appeal from a decision of an adjudication officer referred to in subsection (5), shall affirm, vary or set aside the decision of the adjudication officer.”, and (e) the deletion of subsection (7).
--	--	--	--

”

[SCHEDULE 6]

197. In page 102, to delete lines 41 and 42 and substitute the following:

“

			(b) the deletion of subsections (3), (5), (6) and (7),
--	--	--	--

”.

198. In page 105, after line 45, to insert the following:

“

			Section 34 is amended by the insertion of the following subsection: “(6) In this section ‘inspector’ has the same meaning as it has in the <i>Workplace Relations Act 2015</i> .”.
--	--	--	---

”.

199. In page 106, to delete lines 4 to 12 and substitute the following:

“

14.	No. 19 of 2001	Carer’s Leave Act 2001	Section 2 is amended, in subsection (1), by the substitution of the following definition for the definition of Minister: “ ‘Minister’ means the Minister for Justice and Equality;”. Section 17 is amended— (a) in subsection (1), by the deletion of the words “applies to any dispute between an employee and the employer relating to any entitlement of the employee under this Act (or any matter arising out of or related to such an entitlement) but”, and
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”.

[SCHEDULE 6]

202. In page 109, to delete lines 33 to 47 and on page 110, to delete line 4 and substitute the following:

“

			<p>(b) by the substitution of the following paragraph for paragraph 2:</p> <p style="padding-left: 40px;">“2 A decision of the Labour Court under <i>section 45</i> of the <i>Workplace Relations Act 2015</i>, on appeal from a decision of an adjudication officer referred to in paragraph 1(3), shall affirm, vary or set aside the decision of the adjudication officer.”,</p>
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”.

203. In page 110, to delete lines 5 to 23 and substitute the following:

“

			<p>(c) in paragraph 3 by—</p> <p style="padding-left: 40px;">(i) the substitution of the following subparagraph for subparagraph (7):</p> <p style="padding-left: 80px;">“(7) In proceedings under <i>Part 4</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint that section 8A(5) has been contravened, it shall be presumed, until the contrary is proved, that the employee concerned acted reasonably and in good faith in forming the opinion and making the communication concerned.”,</p>
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”.

[SCHEDULE 6]

204. In page 110, to delete lines 24 to 36 and substitute the following:

“

			(ii) the substitution, in clause (a) of subparagraph (8), of “a complaint in respect of the contravention shall not be referable to an adjudication officer under <i>section 42</i> of the <i>Workplace Relations Act 2015</i> or a mediation officer under <i>section 39</i> of that Act” for “such dismissal may not be presented to a rights commissioner under paragraph 1(1)”, and
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”.

205. In page 110, to delete lines 37 to 46 and in page 111, to delete lines 4 and 5 and substitute the following:

“

			(iv) the substitution, in clause (b) of subparagraph (8), of “a complaint to the Director General of the Workplace Relations Commission under <i>section 42</i> of the <i>Workplace Relations Act 2015</i> in respect of a contravention” for “a complaint to a rights commissioner under paragraph 1(1) in respect of a dismissal”.
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”.

206. In page 111, to delete lines 25 to 32, and substitute the following:

“

			(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances, but not exceeding 2 years’ remuneration in respect of the employee’s employment.”.
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[SCHEDULE 6]

”

207. In page 111, to delete lines 33 to 40.

208. In page 112, to delete lines 43 to 45 and page 113, to delete lines 4 to 34 substitute the following:

“

			(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances, but not exceeding 104 weeks' remuneration in respect of the employee's employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977.”
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”

209. In page 114, to delete lines 21 to 28 and substitute the following:

“

			(d) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances, but not exceeding 2 years' remuneration in respect of the employee's employment.”
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”

[SCHEDULE 6]

210. In page 114, to delete lines 29 to 36.

211. In page 118, to delete lines 26 to 40 and substitute the following:

“

			(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances but not exceeding 2 years' remuneration in respect of the employee's employment.”,
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”.

212. In page 118, to delete lines 41 to 46 and page 119, to delete lines 4 to 10.

213. In page 120, to delete lines 4 to 13 and substitute the following:

“

			(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances.”.
--	--	--	--

”.

[SCHEDULE 6]

214. In page 120, to delete lines 14 to 26.

215. In page 121, to delete lines 20 to 40 and substitute the following:

“

			(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances, but not exceeding 104 weeks' remuneration in respect of the employee's employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977.”
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”

[SCHEDULE 6]

216. In page 121, to delete lines 41 to 47 and in page 122, to delete lines 4 to 9.

217. In page 125, to delete lines 11 to 31 and substitute the following:

“

			(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances, but not exceeding 104 weeks' remuneration in respect of the employee's employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977 .”,
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”.

218. In page 125, to delete lines 35 to 46 and substitute the following:

“

			“(8A) A decision of the Labour Court under <i>section 45</i> of the <i>Workplace Relations Act 2015</i> , on appeal from a decision of an adjudication officer referred to in subsection (5), shall affirm, vary or set aside the decision of the adjudication officer.”, and (e) by the deletion of subsection (4), (6), (7) and (8).
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”

219. In page 129, to delete lines 18 to 38 and substitute the following:

“

			<p>(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances, but not exceeding 2 years’ remuneration in respect of the employee’s employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977 .”.</p>
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”

220. In page 129, to delete lines 39 to 47 and in page 130, to delete lines 4 to 9.

221. In page 130, to delete lines 26 to 45, to delete page 131 and in page 132, to delete lines 4 to 36 and substitute the following:

“

30.	No. 40 of 2011	Property Services (Regulation) Act 2011	<p>Schedule 4 is amended—</p> <p style="padding-left: 40px;">(a) in paragraph 1, by—</p> <p style="padding-left: 80px;">(i) the substitution of the following subparagraph for subparagraph (1):</p> <p style="padding-left: 120px;">“(1) In proceedings under <i>Part 4 of the Workplace Relations Act 2015</i> in</p>
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respect of a complaint of a contravention of section 67(5), it shall not be necessary for the employee to show that he or she has at least one year's continuous service with the employer concerned.”,

- (ii) the substitution of the following subparagraph for subparagraph (3):

“(3) A decision of an adjudication officer under *section 42* of the *Workplace Relations Act 2015* in relation to a complaint of a contravention of section 67(5) shall do one or more of the following, namely—

- (a) declare that the complaint was or, as the case may be, was not well founded,
- (b) require the employer to take a specified course of action, which may include, in a case where the penalisation constitutes a dismissal, reinstatement or reengagement, or
- (c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the

			<p>circumstances, but not exceeding 104 weeks' remuneration in respect of the employee's employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977.”,</p> <p>(b) by the substitution of the following paragraph for paragraph 2:</p> <p>“2. A decision of the Labour Court under <i>section 45</i> of the <i>Workplace Relations Act 2015</i>, on appeal from a decision of an adjudication officer referred to in paragraph 1(3), shall affirm, vary or set aside the decision of the adjudication officer.”,</p> <p>and</p> <p>(c) in paragraph 3, by—</p> <p>(i) the substitution, in subparagraph (7), of “<i>Part 4</i> of the <i>Workplace Relations Act 2015</i>” for “this Schedule before a rights commissioner or the Labour Court”,</p> <p>(ii) the substitution, in clause (a) of subparagraph (8), of “an adjudication officer under <i>section 42</i> of the <i>Workplace Relations Act 2015</i>” for “a rights commissioner under paragraph 1(1)”, and</p> <p>(iii) the substitution, in clause (b) of subparagraph (8), of “an adjudication officer under</p>
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[SCHEDULE 6]

			section 42 of the <i>Workplace Relations Act 2015</i> ” for “a rights commissioner under paragraph 1(1)”.
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”

222. In page 133, to delete lines 29 to 46 and substitute the following:

“

			(c) require the employer or hirer, as the case may be, to pay to the employee or agency worker compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances, but not exceeding 2 years’ remuneration in respect of the employee’s or agency worker’s employment.”
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”

223. In page 134, to delete lines 4 to 18.

224. In page 139, to delete lines 18 to 29 and substitute the following:

“

1.	S.I. No. 231 of 2000	European Communities (Parental Leave) Regulations 2000	The following Regulation is substituted for Regulation 8: “8. An adjudication officer within the meaning of the <i>Workplace Relations Act 2015</i> or the Labour Court may, if the adjudication officer or the Labour Court, as the case may be, considers it reasonable to do so, having regard to the illness or other incapacity of an employee entitled to parental leave by virtue of Regulation 3 or any other circumstance, direct that the leave be taken at a time other than a time that accords with Regulation 4.”
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”

[SCHEDULE 6]

225. In page 139, to delete lines 30 to 45 and substitute the following:

“

2.	S.I. No. 131 of 2003	European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003	<p>The following Regulation is substituted for Regulation 10:</p> <p>“Decision under section 42 of Workplace Relations Act 2015</p> <p>10. A decision of an adjudication officer under section 42 of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of a provision (other than Regulation 4(4)(a)) of these Regulations shall do one or more of the following, namely—</p>
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”

226. In page 140, to delete lines 40 to 49 and substitute the following:

“

			<p>in respect of the employee’s employment calculated in accordance with regulations made under section 17 of the Unfair Dismissals Act 1977.”</p>
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”

[SCHEDULE 6]

227. In page 141, to delete lines 4 to 20.

228. In page 142, to delete lines 14 to 29 and substitute the following:

“

			(c) require the employer to pay to the crew member compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances, but not exceeding 2 years' remuneration in respect of the crew member's employment.”.
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”.

229. In page 142, to delete lines 30 to 42.

230. In page 143, between lines 11 and 12, to insert the following:

“

4.	S.I. No. 623 of 2006	European Communities (European Public Limited – Liability Company) (Employee Involvement) Regulations 2006	Schedule 2 is amended by— (a) the substitution of the following paragraph for paragraph 2: “2. A decision of an adjudication officer under <i>section 42</i> of the <i>Workplace Relations Act 2015</i> in relation to a contravention of Regulation 19(1) shall do one or more of the following: (a) declare that the complaint was or, as the case may be, was not well founded; (b) require the relevant undertaking or the SE to take a specified course of
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			<p>action;</p> <p>(c) require the relevant undertaking or the SE to pay to the person referred to in subparagraph (1) compensation of such amount (if any) as is just and equitable having regard to all the circumstances but not exceeding 2 years remuneration in respect of the person's employment.”,</p> <p>and</p> <p>(b) the substitution of the following paragraph for paragraph 3:</p> <p>“3. A decision of the Labour Court under <i>section 45</i> of the <i>Workplace Relations Act 2015</i> on appeal from a decision of an adjudication officer referred to in paragraph 2 shall affirm, vary or set aside the decision of the adjudication officer.”.</p>
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”.

[SCHEDULE 6]

231. In page 145, to delete lines 15 to 30 and substitute the following:

“

			(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances but not exceeding 2 years' remuneration in respect of the employee's employment.”
--	--	--	---

”

232. In page 145, to delete lines 31 to 43.

233. In page 148, to delete lines 5 to 13 and substitute the following:

“

			(c) require the employer to pay to the mobile worker compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all the circumstances, but not exceeding 2 years' remuneration in respect of the mobile worker's employment.”
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”

[SCHEDULE 6]

234. In page 148, to delete lines 14 to 21.

235. In page 148, to delete lines 33 to 45 and substitute the following:

“

8.	S.I. No. 36 of 2012	European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations 2012	The following Regulation is substituted for Regulation 18: “Decision of adjudication officer under section 42 of Workplace Relations Act 2015 18. A decision of an adjudication officer under <i>section 42</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of Regulation 5, 8, 9, 10, 11 or 12 shall do one or more of the following, namely—
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”

236. In page 149, to delete lines 8 to 19 and substitute the following:

“

			(c) require the employer to pay the mobile worker compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances, but not exceeding 104 weeks' remuneration in respect of the mobile worker's employment (calculated in accordance with requirements under section 17 of the Unfair Dismissals Act 1977).”
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”

237. In page 149, to delete lines 20 to 27.

TITLE

238. In page 9, line 12, to delete “functions first instance” and substitute “first instance functions”.