



An Bille um Chaidreamh san Áit Oibre, 2014
Workplace Relations Bill 2014

Mar a tionscnaíodh

As initiated



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

Mar a tionscnaíodh

As initiated

CONTENTS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title and commencement
2. Interpretation
3. Regulations
4. Expenses
5. Service of documents
6. Offences
7. Repeal of enactments

PART 2

WORKPLACE RELATIONS COMMISSION

8. Establishment day
9. Establishment of Commission
10. Functions of Commission
11. Director General of Workplace Relations Commission
12. Resignation, removal or disqualification of Director General
13. Functions of Director General
14. Consultation by Director General with Board
15. Delegation of functions of Director General
16. Accountability of Director General to committees of Houses of Oireachtas
17. Membership of either House of Oireachtas or European Parliament
18. Acting Director General
19. Codes of practice
20. Strategy statement

21. Work programme
22. Reports to Minister
23. Staff of Commission
24. Registrar of Commission

PART 3

ENFORCEMENT

25. Inspectors
26. Powers of inspectors
27. Compliance notice
28. Report of inspector admissible in evidence
29. Inspection of employer's records pursuant to direction of Labour Court
30. Disclosure of certain information
31. Disclosure of information relating to offences
32. Disclosure of certain information to or by contracting authority
33. Administrative cooperation by Commission and official bodies
34. Administrative cooperation with foreign statutory bodies on law enforcement matters
35. Fixed payment notices

PART 4

COMPLAINTS AND DISPUTES

36. Case resolution officers
37. Resolution of complaints and disputes
38. Mediation officers
39. Mediation
40. Adjudication officers
41. Presentation of complaints and referral of disputes
42. Dismissal of claim by adjudication officer
43. Enforcement of decision of adjudication officer
44. Appeal to Labour Court from decision of adjudication officer
45. Enforcement of decision of Labour Court
46. Evidence of failure to attend before or give evidence or produce documents to Labour Court
47. Appeal to High Court on point of law
48. Disposal of complaints by written submissions only
49. Striking out of cases that are not pursued
50. Amendment of section 20 of Act of 1946
51. Amendment of enactments

PART 5

DISSOLUTION OF LABOUR RELATIONS COMMISSION

52. Definition
53. Dissolution day for purposes of this Part
54. Dissolution of Labour Relations Commission
55. Transfer of functions from Labour Relations Commission to Commission
56. Transfer of property of Labour Relations Commission to Commission
57. Transfer of rights and liabilities of Labour Relations Commission to Commission
58. Liability for loss occurring before dissolution day
59. Provisions consequent upon transfer of functions, property, rights and liabilities to Commission
60. Final accounts and final annual report of Labour Relations Commission

PART 6

DISSOLUTION OF EMPLOYMENT APPEALS TRIBUNAL

61. Definition
62. Dissolution day for purposes of this Part
63. Dissolution of Employment Appeals Tribunal
64. Transfer of functions from Employment Appeals Tribunal to Labour Court
65. Transfer of property of Employment Appeals Tribunal to Labour Court
66. Transfer of rights and liabilities of Employment Appeals Tribunal to Labour Court
67. Liability for loss occurring before dissolution day
68. Provisions consequent upon transfer of functions, property, rights and liabilities to Labour Court

PART 7

MISCELLANEOUS

69. Fees
70. Forgery of documents
71. Prohibition on unauthorised disclosure of confidential information
72. Amendment of section 21 of Act of 1946
73. Amendment of section 10 of Act of 1946
74. Amendment of Act of 1967
75. Amendment of section 2 of Act of 1969
76. Certain functions of Labour Court performable by chairman or deputy chairman of Labour Court
77. Amendment of section 4 of Act of 1969
78. Amendment of Act of 1977
79. Amendment of Part VII of Pensions Act 1990

80. Amendment of Act of 1998
81. Amendment of Equal Status Act 2000
82. Amendment of section 5 of Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007

SCHEDULE 1

EMPLOYMENT ENACTMENTS

Part 1

ACTS OF THE OIREACTHAS

Part 2

PROVISIONS OF ACTS OF OIREACTHAS

Part 3

STATUTORY INSTRUMENTS

SCHEDULE 2

ENACTMENTS REPEALED

SCHEDULE 3

WORKPLACE RELATIONS COMMISSION

SCHEDULE 4

ENACTMENTS SPECIFIED FOR PURPOSES OF SECTION 27

SCHEDULE 5

PROVISIONS AND ENACTMENTS SPECIFIED FOR PURPOSES OF PART 4

Part 1

SPECIFIED PROVISIONS OF ACTS OF OIREACTHAS

Part 2

SPECIFIED PROVISIONS OF STATUTORY INSTRUMENTS

Part 3

SPECIFIED ENACTMENTS

SCHEDULE 6

AMENDMENT OF ENACTMENTS

ACTS REFERRED TO

Adoptive Leave Act 1995 (No. 2)
Carer's Leave Act 2001 (No. 19)
Chemicals Act 2008 (No. 13)
Civil Service Regulation Acts 1956 to 2005
Companies Act 1990 (No. 33)
Competition Act 2002 (No. 14)
Consumer Protection Act 2007 (No. 19)
Courts Act 1981 (No. 11)
Criminal Justice Act 2011 (No. 22)
Employees (Provision of Information and Consultation) Act 2006 (No. 9)
Employment Equality Act 1998 (No. 21)
Employment Equality Acts 1998 to 2011
Employment Permits Act 2003 (No. 7)
Employment Permits Act 2006 (No. 16)
Equal Status Act 2000 (No. 8)
Equality Act 2004 (No. 24)
European Parliament Elections Act 1997 (No. 2)
Further Education and Training Act 2013 (No. 25)
Health Act 2004 (No. 42)
Industrial Relations (Amendment) Act 2001 (No. 11)
Industrial Relations Act 1946 (No. 26)
Industrial Relations Act 1969 (No. 14)
Industrial Relations Act 1976 (No. 15)
Industrial Relations Act 1990 (No. 19)
Inland Fisheries Act 2010 (No. 10)
Interpretation Act 2005 (No. 23)
Local Government Act 2001 (No. 37)
Maternity Protection Act 1994 (No. 34)
Maternity Protection Acts 1994 and 2004
Minimum Notice and Terms of Employment Act 1973 (No. 4)
Minimum Notice and Terms of Employment Acts 1973 to 2005
National Asset Management Agency Act 2009 (No. 34)
National Minimum Wage Act 2000 (No. 5)
Organisation of Working Time Act 1997 (No. 20)
Parental Leave Act 1998 (No. 30)
Payment of Wages Act 1991 (No. 25)
Pensions Act 1990 (No. 25)
Prevention of Corruption (Amendment) Act 2001 (No. 27)

Property Services (Regulation) Act 2011 (No. 40)
Protection of Employees (Employers' Insolvency) Act 1984 (No. 21)
Protection of Employees (Employers' Insolvency) Acts 1984 to 2012
Protection of Employees (Fixed-Term Work) Act 2003 (No. 29)
Protection of Employees (Part-Time Work) Act 2001 (No. 45)
Protection of Employees (Temporary Agency Work) Act 2012 (No. 13)
Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007
(No. 27)
Protection of Employment Act 1977 (No. 7)
Protection of Employment Acts 1977 to 2014
Protection of Young Persons (Employment) Act 1996 (No. 16)
Protections for Persons Reporting Child Abuse Act 1998 (No. 49)
Public Service Management (Recruitment and Appointments) Act 2004 (No. 33)
Redundancy Payments Act 1967 (No. 21)
Redundancy Payments Act 1971 (No. 20)
Redundancy Payments Act 1979 (No. 7)
Redundancy Payments Acts 1967 to 2014
Safety, Health and Welfare at Work Act 2005 (No. 10)
Social Welfare (Miscellaneous Provisions) Act 2004 (No. 9)
Social Welfare and Pensions Act 2007 (No. 8)
Social Welfare Consolidation Act 2005 (No. 26)
Taxes Consolidation Act 1997 (No. 39)
Terms of Employment (Information) Act 1994 (No. 5)
Terms of Employment (Information) Acts 1994 to 2014
Trade Union Act 1941 (No. 22)
Transnational Information and Consultation of Employees Act 1996 (No. 20)
Unfair Dismissals (Amendment) Act 1993 (No. 22)
Unfair Dismissals Act 1977 (No. 10)
Unfair Dismissals Acts 1977 to 2007



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

Bill

entitled

An Act to make provision as respects the resolution, mediation and adjudication of disputes and complaints relating to contraventions of, or entitlements under, certain enactments governing the employment relationship between employers and employees; for that purpose, to provide for the establishment of a body to be known as the Workplace Relations Commission; to provide for the dissolution of the Labour Relations Commission and the transfer of its functions to the aforementioned body; to provide for the dissolution of the Employment Appeals Tribunal and the transfer of its functions first instance to the aforementioned body and its appellate functions to the Labour Court; to provide for the transfer of the functions of the Director of the Equality Tribunal to the aforementioned body; to provide for the repeal of certain enactments; to provide for the amendment of certain enactments; and to provide for matters connected therewith.

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title and commencement 20

1. (1) This Act may be cited as the Workplace Relations Act 2014.
- (2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions. 25

Interpretation

2. In this Act—
 - “Act of 1941” means the Trade Union Act 1941;
 - “Act of 1946” means the Industrial Relations Act 1946;

| | |
|---|----|
| “Act of 1967” means the Redundancy Payments Act 1967; | |
| “Act of 1969” means the Industrial Relations Act 1969; | |
| “Act of 1973” means the Minimum Notice and Terms of Employment Act 1973; | |
| “Act of 1977” means the Unfair Dismissals Act 1977; | |
| “Act of 1981” means the Courts Act 1981; | 5 |
| “Act of 1990” means the Industrial Relations Act 1990; | |
| “Act of 1997” means the Organisation of Working Time Act 1997; | |
| “Act of 1998” means the Employment Equality Act 1998; | |
| “Act of 2000” means the Equal Status Act 2000; | |
| “Act of 2004” means the Public Service Management (Recruitment and Appointments) Act 2004; | 10 |
| “Act of 2005” means the Social Welfare Consolidation Act 2005; | |
| “adjudication officer” means a person appointed under <i>section 40</i> ; | |
| “Board” has the meaning assigned to it by <i>paragraph 2(1) of Schedule 3</i> ; | |
| “case resolution officer” means a person appointed under <i>section 36</i> ; | 15 |
| “Commission” has the meaning assigned to it by <i>section 9</i> ; | |
| “complainant” has the meaning assigned to it by <i>section 41</i> ; | |
| “compliance notice” has the meaning assigned to it by <i>section 27</i> ; | |
| “Director General” has the meaning assigned to it by <i>section 11</i> ; | |
| “employee” means, in relation to a relevant enactment, an employee within the meaning of that enactment; | 20 |
| “employer” means, in relation to a relevant enactment, an employer within the meaning of that enactment; | |
| “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); | 25 |
| “Employment Appeals Tribunal” means the body established by section 39 of the Act of 1967; | |
| “employment enactment” means— | 30 |
| (a) an enactment specified in <i>Part 1 of Schedule 1</i> or an instrument under such enactment, | |
| (b) a provision specified in <i>Part 2</i> of that Schedule, or | |
| (c) an instrument specified in <i>Part 3</i> of that Schedule; | |
| “enactment” has the same meaning as it has in the Interpretation Act 2005; | 35 |

| | |
|---|----|
| “equal treatment enactment” means— | |
| (a) Part VII (inserted by section 22 of the Social Welfare (Miscellaneous Provisions) Act 2004) of the Pensions Act 1990, | |
| (b) the Act of 1998, or | |
| (c) the Act of 2000; | 5 |
| “establishment day” shall be construed in accordance with <i>section 8</i> ; | |
| “inspector” means a person appointed under <i>section 25</i> ; | |
| “Labour Court” means the body established by section 10 of the Act of 1946; | |
| “Labour Relations Commission” means the body established by section 24 of the Act of 1990; | 10 |
| “local authority” has the same meaning as it has in the Local Government Act 2001; | |
| “mediation officer” means a person appointed under <i>section 38</i> ; | |
| “Minister” means the Minister for Jobs, Enterprise and Innovation; | |
| “official body” means— | |
| (a) the Garda Síochána, | 15 |
| (b) the Revenue Commissioners, | |
| (c) a Minister of the Government, | |
| (d) the Director of Corporate Enforcement, | |
| (e) the Health and Safety Authority, | |
| (f) the Private Security Authority, | 20 |
| (g) the Road Safety Authority, | |
| (h) the Pensions Authority, | |
| (i) the Pensions Ombudsman, | |
| (j) the Competition Authority, | |
| (k) a local authority, | 25 |
| (l) the Labour Court, | |
| (m) the Employment Appeals Tribunal, | |
| (n) the Health Information and Quality Authority, or | |
| (o) any other person charged by law with the detection, investigation or prosecution of offences; | 30 |
| “personal public service number” has the same meaning as it has in section 262 of the Act of 2005; | |
| “prescribed” means prescribed by regulations made by the Minister; | |
| “record” includes, in addition to a record in writing— | |

- (a) a plan, chart, map, drawing, diagram, pictorial or graphic image,
- (b) a disc, tape, soundtrack or other device in which information, sounds or signals are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in legible or audible form,
- (c) a film, tape or other device in which visual images are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in visual form, and 5
- (d) a photograph;

“relevant enactment” means—

- (a) an employment enactment, or 10
- (b) an equal treatment enactment.

Regulations

3. (1) The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed.
- (2) Without prejudice to any provision of this Act, regulations under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations. 15
- (3) Every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House sits after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder. 20

Expenses

4. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of monies provided by the Oireachtas. 25

Service of documents

5. (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: 30
- (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 35

| | | |
|-----------------------------|--|----|
| (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. | 5 |
| (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. | |
| Offences | | 10 |
| 6. | (1) A person guilty of an offence under this Act shall be liable— | |
| | (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months or both, or | |
| | (b) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 3 years or both. | 15 |
| (2) | Where an offence under this Act is committed by a body corporate and is proved to have been so committed with the consent or connivance of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person shall, as well as the body corporate, be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence. | 20 |
| (3) | Summary proceedings for an offence under this Act may be brought and prosecuted by the Commission. | |
| (4) | Where a person is convicted of an offence under this Act the court shall order the person to pay to the Commission the costs and expenses, measured by the court, incurred by the Commission in relation to the investigation, detection and prosecution of the offence unless the court is satisfied that there are special and substantial reasons for not so doing. | 25 |
| Repeal of enactments | | |
| 7. | (1) The enactments specified in <i>Schedule 2</i> are repealed to the extent specified in <i>column (4)</i> of that Schedule. | 30 |
| (2) | (a) Subject to <i>paragraph (b)</i> , the repeals effected by <i>subsection (1)</i> shall not apply in relation to complaints made, presented or referred to a rights commissioner under an enactment specified in <i>column (3)</i> of <i>Schedule 2</i> before the commencement of <i>Part 4</i> . | 35 |
| | (b) Where no decision or recommendation of a rights commissioner in relation to a complaint referred to in <i>paragraph (a)</i> was made before the commencement of <i>Part 4</i> or where a decision or recommendation in relation to the complaint was made by a rights commissioner before such commencement and no appeal was brought from that decision or recommendation, that decision or recommendation | 40 |

- shall be appealable to the Labour Court under *section 44* as if the decision were a decision of an adjudication officer under *section 41*.
- (3) (a) Subject to *paragraph (b)*, the repeals effected by *subsection (1)* shall not apply in relation to disputes referred to a rights commissioner under an enactment specified in *column (3)* of *Schedule 2* before the commencement of *Part 4*. 5
- (b) Where no decision or recommendation of a rights commissioner in relation to a dispute referred to in *paragraph (a)* was made before the commencement of *Part 4* or where a decision or recommendation in relation to such a dispute was made by a rights commissioner before such commencement and no appeal was brought from that decision or recommendation, that decision or recommendation shall be appealable to the Labour Court under *section 44* as if the decision were a decision of an adjudication officer under *section 41*. 10
- (4) (a) Section 11 and subsections (2) and (3) of section 12 of the Act of 1973 are repealed.
- (b) The repeals effected by this subsection shall not apply in respect of the termination of a contract of employment (within the meaning of the Act of 1973) occurring before the commencement of this subsection. 15
- (5) Paragraph (f) of subsection (1) of section 25 of the Act of 1990 is repealed.
- (6) (a) Section 11 of the Unfair Dismissals (Amendment) Act 1993 is repealed.
- (b) The repeal effected by this subsection shall not apply in relation to a dismissal (within the meaning of the Act of 1977) occurring before the commencement of *section 78*. 20
- (7) This section (other than *subsections (4)* and *(6)*) and *Schedule 2* shall come into operation upon the commencement of *Part 4*.

PART 2 25

WORKPLACE RELATIONS COMMISSION

Establishment day

8. The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act.

Establishment of Commission

9. (1) There shall stand established on the establishment day a body, which shall be known as the Workplace Relations Commission (in this Act referred to as the “Commission”), to perform the functions conferred on it by or under this Act. 30
- (2) The provisions of *Schedule 3* shall apply to the Commission.

Functions of Commission

10. (1) The Commission shall, in addition to the other functions conferred on it by this Act— 35

- (a) promote the improvement of workplace relations, and maintenance of good workplace relations,
 - (b) promote and encourage compliance with relevant enactments,
 - (c) provide guidance in relation to compliance with codes of practice approved under *section 19*, 5
 - (d) conduct reviews of, and monitor developments as respects, workplace relations,
 - (e) conduct or commission research into matters pertaining to workplace relations,
 - (f) provide advice, information and the findings of research conducted by the Commission to joint labour committees and joint industrial councils,
 - (g) advise and apprise the Minister in relation to the application of, and compliance with, relevant enactments, 10
 - (h) provide information to members of the public in relation to employment enactments (other than the Act of 1998), and
 - (i) attend such meetings outside the State relating to employment law matters and industrial and workplace relations upon the request of the Minister. 15
- (2) The Commission may provide such advice as it considers appropriate on any matter relating to workplace relations to—
- (a) employers or representative bodies or associations of employers, or
 - (b) employees, trade unions or excepted bodies (within the meaning of section 6 of the Act of 1941), 20
- whether or not it has received a request in that behalf from any such person.
- (3) Subject to this Act, the Commission shall be independent in the performance of its functions.
- (4) The Commission shall have all such powers as are necessary or expedient for the performance of its functions. 25
- (5) The Commission shall perform its functions through or by the Director General or any member of the staff of the Commission duly authorised in that behalf by the Director General.

Director General of Workplace Relations Commission

- 11.** (1) There shall be a chief executive officer of the Commission (in this Act referred to as the “Director General”). 30
- (2) The Director General (other than the Director General first appointed after the commencement of this section or a Director General appointed under *subsection (5)*) shall be appointed by the Minister from among persons in respect of whom a recommendation for the purposes of this section has been made by the Public Appointments Service consequent upon the holding of a competition in accordance with the Act of 2004. 35

- (3) The Public Appointments Service shall, in relation to a competition referred to in *subsection (2)*, not make a recommendation for the purposes of that subsection in respect of more than 3 persons.
- (4) The Director General shall hold office for such period not exceeding 5 years from the date of his or her appointment as the Minister may determine. 5
- (5) The Minister may reappoint a person whose term of office as Director General expires by the efflux of time to be the Director General.
- (6) A person who is reappointed to be the Director General in accordance with *subsection (5)* shall not hold office for periods the aggregate of which exceeds 10 years.
- (7) The Director General shall hold office upon and subject to such terms and conditions (including terms and conditions relating to remuneration, allowances and superannuation) as may be determined by the Minister with the consent of the Minister for Public Expenditure and Reform. 10
- (8) The Director General shall not hold any other office or employment or carry on any business without the consent of the Minister. 15

Resignation, removal or disqualification of Director General

- 12. (1) The Director General may resign from office by giving notice in writing to the Minister of his or her resignation and the resignation shall take effect on the day on which the Minister receives the notice.
- (2) The Minister may, at any time, remove the Director General from office if the Minister is satisfied that— 20
 - (a) the Director General has become incapable through ill-health of performing his or her functions,
 - (b) the Director General has committed stated misbehaviour, or
 - (c) the removal of the Director General appears to the Minister to be necessary for the effective performance by the Commission of its functions. 25
- (3) If the Director General is removed from office in accordance with *subsection (2)*, the Minister shall provide the Director General with a statement of reasons for the removal.
- (4) The Director General shall cease to be qualified for office and shall cease to hold office if he or she— 30
 - (a) is adjudicated bankrupt,
 - (b) makes a composition or arrangement with creditors,
 - (c) is sentenced by a court of competent jurisdiction to a term of imprisonment,
 - (d) is convicted of any indictable offence in relation to a company or any other body corporate, 35
 - (e) is convicted of an offence involving fraud or dishonesty, whether in connection with a company or not, or
 - (f) is the subject of an order under section 160 of the Companies Act 1990.

Functions of Director General

13. (1) The Director General shall carry on and manage, and control generally, the administration and business of the Commission and such other functions as are conferred on him or her by or under this Act.
- (2) The Director General shall be accountable to the Minister for the efficient and effective management of the Commission and for the due performance of his or her functions. 5

Consultation by Director General with Board

14. (1) The Director General may consult with or request the advice of the Board on any matter relating to a function (other than a function to which *Part 4* applies) of the Commission. 10
- (2) The Director General shall have regard to any advice of the Board pursuant to a request under this section before performing any function to which the advice relates.

Delegation of functions of Director General

15. (1) The Director General may delegate any of his or her functions to a specified member of staff of the Commission, and that member of staff shall be accountable to the Director General for the performance of the functions so delegated. 15
- (2) The Director General may revoke a delegation made in accordance with this section.

Accountability of Director General to committees of Houses of Oireachtas

16. (1) In this section “Committee” means a Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas, other than— 20
- (a) the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General,
- (b) the Committee on Members’ Interests of Dáil Éireann or the Committee on Members’ Interests of Seanad Éireann, or 25
- (c) a subcommittee of a committee referred to in *paragraph (a) or (b)*.
- (2) Subject to *subsection (3)*, the Director General shall, at the request in writing of a Committee, attend before it to give account for the general administration of the Commission. 30
- (3) The Director General shall not be required to give account before a Committee for any matter which is or has been or may at a future time be the subject of proceedings before a court or tribunal (including an adjudication officer and the Labour Court) in the State.
- (4) Where the Director General is of the opinion that a matter in respect of which he or she is requested to give an account before a Committee is a matter to which *subsection (3)* applies, he or she shall inform the Committee of that opinion and the reasons for the opinion and, unless the information is conveyed to the Committee at a 35

time when the Director General is before it, the information shall be so conveyed in writing.

- (5) Where the Director General has informed a Committee of his or her opinion in accordance with *subsection (4)* and the Committee does not withdraw the request referred to in *subsection (2)* in so far as it relates to a matter the subject of that opinion— 5
- (a) the Director General may, not later than 42 days after being informed by the Committee of its decision not to do so, apply to the High Court in a summary manner for decision of the question whether the matter is one to which *subsection (3)* applies, or 10
- (b) the Chairperson of the Committee may, on behalf of the Committee, make such an application,
- and the High Court shall determine the matter.
- (6) Pending the decision of an application under *subsection (5)*, the Director General shall not attend before the Committee to give account for the matter the subject of the application. 15
- (7) If the High Court determines that the matter concerned is one to which *subsection (3)* applies, the Committee shall withdraw the request referred to in *subsection (2)*, but if the High Court determines that *subsection (3)* does not apply, the Director General shall attend before the Committee to give account for the matter. 20
- (8) In the performance of his or her duties under this section, the Director General shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.

Membership of either House of Oireachtas or European Parliament

17. (1) Where a member of the Board is— 25
- (a) nominated as a member of Seanad Éireann,
- (b) elected as a member of either House of the Oireachtas or to be a member of the European Parliament, or
- (c) regarded pursuant to Part XIII of the Second Schedule to the Act of 1997 as having been elected to that Parliament, 30
- he or she shall thereupon cease to be a member of the Board.
- (2) Where the Director General is—
- (a) nominated as a member of Seanad Éireann,
- (b) elected as a member of either House of the Oireachtas or to be a member of the European Parliament, or 35
- (c) regarded pursuant to Part XIII of the Second Schedule to the Act of 1997 as having been elected to that Parliament,
- he or she shall thereupon cease to be Director General.

- (3) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a member of the European Parliament shall, while he or she is so entitled or is such a member, be disqualified for membership of the Board or for employment in any capacity by the Commission.
- (4) In this section “Act of 1997” means the European Parliament Elections Act 1997. 5

Acting Director General

- 18.** (1) Subject to *subsection (2)*, the Minister may appoint a person to perform the functions of the Director General during—
- (a) any period or periods when the Director General is absent from duty or from the State or is, for any other reason, unable to perform the functions of Director General, 10
 - (b) any suspension from office of the Director General, or
 - (c) any vacancy in the office of Director General.
- (2) A person shall not be appointed to perform the functions of the Director General for a continuous period of more than 12 months during a vacancy in the office of Director General. 15
- (3) The Minister may at any time terminate an appointment under this section.

Codes of practice

- 19.** (1) (a) The Commission may, for the purpose of providing guidance to employers, employees and any other persons to whom this Act applies with respect to compliance with an employment enactment, prepare and submit to the Minister draft codes of practice. 20
- (b) The Commission may, for the purpose of providing guidance to employers, employees and any other persons to whom this Act applies with respect to compliance with an employment enactment, submit to the Minister a draft code of practice prepared by any person other than the Commission. 25
- (2) The Minister may give a direction to the Commission requiring it to prepare and submit to him or her a code of practice for the purpose mentioned in *subsection (1)*.
- (3) The Commission shall comply with a direction under *subsection (2)*.
- (4) The Commission may, before submitting a draft code of practice to the Minister under *subsection (1)*, request any person that it considers appropriate to make representations to it in relation to the draft code of practice, and the Commission shall consider any such representations made. 30
- (5) The Minister may give a direction to the Commission to amend a draft code of practice submitted to him or her in accordance with this section in such manner as is specified in the direction, and the Commission shall comply with the direction and resubmit to the Minister the draft code of practice as so amended. 35
- (6) The Minister may, by order, declare a draft code of practice submitted or resubmitted to him or her in accordance with this section to be an approved code of practice for

the purposes of this Act, and the text of the approved code of practice shall be set out in the order.

- (7) The Commission shall publish an approved code of practice on its internet website.
- (8) Every order under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next twenty one days on which that House sits after the order has been laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder. 5
- (9) A code of practice standing approved under this section shall be admissible in evidence in proceedings before a court, the Labour Court or an adjudication officer. 10

Strategy statement

20. (1) The Board shall—

- (a) not later than 6 months after the commencement of this section, prepare and submit to the Minister a strategy statement in respect of the period of 3 years immediately following the year in which the strategy statement is so submitted, and 15
 - (b) not later than 3 months before each third anniversary of the submission to the Minister in accordance with this subsection of the strategy statement for the time being in effect, prepare and submit to the Minister a strategy statement in respect of the period of 3 years immediately following the year in which the second-mentioned strategy statement is so submitted. 20
- (2) The Board shall, before preparing and submitting a strategy statement in accordance with *subsection (1)*, seek and obtain the advice of the Director General in relation thereto.
- (3) (a) The Board shall, in the preparation of a strategy statement have regard to the need to ensure the most effective and efficient use of the resources available to the Commission. 25
- (b) A strategy statement shall—
- (i) except in the case of the strategy statement first prepared, submitted and approved under this section, contain a review of the implementation of the immediately preceding strategy statement, 30
 - (ii) specify the manner in which the Board proposes to assess the effectiveness of the implementation of the strategy statement, and
 - (iii) include any other matters that the Minister may from time to time direct.
- (4) The Minister shall, as soon as practicable after a strategy statement has been submitted to him or her under *subsection (1)* or pursuant to a direction under *paragraph (c)*— 35
- (a) approve the strategy statement,
 - (b) approve the strategy statement subject to such modifications as he or she may specify, or 40

- (c) refuse to approve the strategy statement and require the Board, by direction in writing, to prepare and submit a revised strategy statement to the Minister by such date as may be specified in the direction.
- (5) The Commission shall not implement a strategy statement unless it has been approved by the Minister in accordance with *paragraph (a) or (b) of subsection (4)*. 5
- (6) The Minister shall, as soon as practicable after having approved a strategy statement in accordance with *paragraph (a) or (b) of subsection (4)*, cause a copy of that statement to be laid before each House of the Oireachtas.
- (7) The Director General shall, as soon as practicable after the approval of a strategy statement in accordance with *paragraph (a) or (b) of subsection (4)*, cause that statement to be published on the internet and, where he or she considers it appropriate, in such another manner as he or she shall determine. 10
- (8) In this Act “strategy statement” means a statement that—
 - (a) specifies the key objectives, outputs and related strategies (including use of resources) of the Commission, and 15
 - (b) is prepared in a form and manner that is in accordance with any directions issued from time to time by the Minister.

Work programme

- 21.** (1) The Board shall—
- (a) after consultation with the Director General, and 20
 - (b) not later than one month before the 1st day of January each year,
- prepare and submit to the Minister a plan (in this section referred to as a “work programme”) of the work that the Commission intends to carry out in the year to which the plan relates.
- (2) The Minister may issue directions to the Board in relation to the preparation of a work programme. 25
 - (3) The Minister may—
 - (a) upon the recommendation of the Director General, or
 - (b) for the purpose of improving workplace relations generally or in workplaces of a particular class or classes, 30
 direct the Board to prepare and submit to him or her a revised work programme.
 - (4) The Minister shall, as soon as practicable after a work programme or revised work programme has been submitted to him or her under *subsection (1)*, or pursuant to a direction under *subsection (3)* or this subsection—
 - (a) approve the work programme or revised work programme, 35
 - (b) approve the work programme or revised work programme subject to such modifications as he or she may specify, or

- (c) refuse to approve the work programme or revised work programme and, by direction in writing, require the Board to prepare and submit a revised work programme to the Minister by such date as may be specified in the direction.
- (5) The Board shall comply with a direction under this section by such date as may be specified in the direction. 5
- (6) Each work programme (other than the work programme first prepared and submitted after the commencement of this section) shall contain a review of the implementation and effectiveness of the work programme in respect of the year immediately preceding the first-mentioned work programme.
- (7) The Board shall, in the preparation of a work programme, have regard to— 10
 - (a) the strategy statement approved under *section 20* of the Commission applicable in respect of the year to which the work programme relates, and
 - (b) such other matters (if any) as are specified in a direction under *subsection (2)*.

Reports to Minister

- 22. (1) Subject to *subsection (2)*, the Director General shall, not later than 3 months after the end of each year, prepare, and submit to the Minister, a report (in this section referred to as the “annual report”) in writing on the activities of the Commission during that year. 15
- (2) The Director General shall, in respect of the period commencing on the commencement of this section and ending on 31 December next following such commencement, prepare and submit to the Minister a report (in this section also referred to as the “annual report”) on the activities of the Commission during that period not later than 3 months after the said 31 December. 20
- (3) The annual report shall contain information in relation to—
 - (a) progress regarding implementation of the strategy statement, and 25
 - (b) such other matters as the Minister may specify.
- (4) The Director General may, from time to time, prepare and submit to the Minister such other reports in relation to the activities of the Commission as the Director General considers appropriate.
- (5) The Minister may require the Director General, by direction in writing, to prepare and submit to him or her a report in relation to any particular matter relating to the activities of the Commission as the Minister considers appropriate. 30
- (6) The Director General shall comply with a direction under *subsection (5)*.
- (7) The Minister shall cause a copy of the annual report to be laid before each House of the Oireachtas not later than 2 months after it has been submitted to him or her in accordance with this section. 35
- (8) This section shall not operate to require the Director General to include information in the annual report or other report referred to in this section that, in his or her opinion, would prejudice the performance by the Commission of its functions under *Part 4*.

Staff of Commission

23. (1) The Minister shall appoint such and so many of his or her officers as he or she may determine to be members of staff of the Commission.
- (2) The terms and conditions of service of a member of the staff of the Commission shall be such as may be determined from time to time by the Minister with the approval of the Minister for Public Expenditure and Reform. 5
- (3) There shall be paid by the Minister to the members of the staff of the Commission such remuneration and allowances as, from time to time, the Minister, with the consent of the Minister for Public Expenditure and Reform, determines.
- (4) The members of the staff of the Commission shall perform their functions under the direction and control of the Director General. 10
- (5) Appointments under this section shall be subject to the Act of 2004 and the Civil Service Regulation Acts 1956 to 2005.

Registrar of Commission

24. (1) The Minister shall, with the consent of the Minister for Public Expenditure and Reform, appoint a person to be registrar of the Commission from among persons— 15
- (a) who are practising barristers or practising solicitors, and
- (b) in respect of whom a recommendation for the purposes of this section has been made by the Public Appointments Service consequent upon the holding of a competition in accordance with the Act of 2004. 20
- (2) *Paragraph (b) of subsection (1)* shall not apply in respect of the registrar first appointed after the passing of this Act.
- (3) The registrar of the Commission shall hold office on such terms and conditions (including terms and conditions relating to remuneration) as the Minister, with the approval of the Minister for Public Expenditure and Reform, determines. 25
- (4) In this section—
- “practising barrister” includes a person who is serving in a position (appointment to which was conditional upon the person’s having been called to the Bar of Ireland and standing enrolled as a barrister in the State) in the Civil Service of the Government or the Civil Service of the State; 30
- “practising solicitor” includes a person who is serving in a position (appointment to which was conditional upon the person’s having been admitted to be a solicitor and standing enrolled as a solicitor in the State) in the Civil Service of the Government or the Civil Service of the State.

PART 3

ENFORCEMENT

Inspectors

25. (1) The Director General may, with the consent of the Minister appoint such and so many of the officers of the Minister as he or she considers appropriate to be an inspector or inspectors for the purposes of this Act. 5
- (2) A person who, immediately before the commencement of this section, was an authorised officer or an inspector under an employment enactment shall be deemed to be an inspector appointed under this Act and, accordingly, *subsection (4)* shall apply in respect of that person. 10
- (3) A person appointed to be an inspector under this section shall on his or her appointment be furnished with a warrant of his or her appointment, and when exercising a power conferred by this Act shall, if requested by any person affected thereby, produce such warrant to that person for inspection.
- (4) An appointment under this section shall cease— 15
- (a) in the case of a person appointed under *subsection (1)*, if—
- (i) the Director General revokes the appointment, or
- (ii) the person appointed ceases to be a member of the staff of the Commission, or
- (b) if the appointment is for a fixed period, on the expiry of that period. 20

Powers of inspectors

26. (1) For the purposes of this Act or a relevant enactment, an inspector may—
- (a) subject to *subsection (3)*, enter at all reasonable times any place of work or any premises—
- (i) which he or she has reasonable grounds for believing has been or is being used in connection with the employment of persons, or 25
- (ii) at which he or she has reasonable grounds for believing that records or documents relating to the employment of persons are kept,
- (b) at such place of work or premises, inspect and take copies of, any books, records or other documents (including books, records or documents stored in non-legible form), or extracts therefrom, that he or she finds in the course of his or her inspection, 30
- (c) remove any such books, documents or records from such place of work or premises and detain them for such period as he or she reasonably considers to be necessary for the purposes of his or her functions under this Act, 35
- (d) require any person at the place of work or premises concerned, including the owner or person in charge of that place or premises, to give the inspector such

- information and assistance as the inspector may reasonably require for the purposes of his or her functions under this Act,
- (e) require any person at the place of work or premises concerned, including the owner or person in charge of that place or premises, to produce to the inspector such books, documents or other records (and in the case of documents or records stored in non-legible form, a legible reproduction thereof) that are in that person's possession or procurement, or under that person's control, as he or she may reasonably require for the purposes of his or her functions under this Act, and 5
 - (f) 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, and require the person to answer such questions as the inspector may ask relative to those matters and to make a declaration of the truth of the answers to those questions. 10
- (2) When performing a function under this Act, an inspector may, subject to any warrant under *subsection (4)*, be accompanied by such number of other inspectors or members of the Garda Síochána as he or she considers appropriate. 15
 - (3) An inspector shall not enter a dwelling, other than—
 - (a) with the consent of the occupier, or
 - (b) pursuant to a warrant under *subsection (4)*.
 - (4) Upon the sworn information of an inspector, a judge of the District Court may, if satisfied that there are reasonable grounds for believing that information, books, documents or other records (including information, books, documents or records stored in non-legible form) required by an inspector under this section is or are held at any place or premises, issue a warrant authorising a named inspector, accompanied by such other inspectors or members of the Garda Síochána as may be necessary, at any time or times, before the expiration of one month from the date of issue of the warrant, to enter the dwelling and perform the functions of an inspector under *paragraphs (b), (c), (d), (e) and (f) of subsection (1)*. 20 25
 - (5) A person shall be guilty of an offence if he or she—
 - (a) obstructs or interferes with an inspector or a member of the Garda Síochána in the course of exercising a power conferred on him or her by this Act or a warrant under *subsection (4)* or impedes the exercise by the inspector or member, as the case may be, of such power, or 30
 - (b) fails or refuses to comply with a request or requirement of, or to answer a question asked by, the inspector or member pursuant to this section, or in purported compliance with such request or requirement or in answer to such question gives information to the officer or member that he or she knows to be false or misleading in any material respect. 35
 - (6) Where an inspector believes, upon reasonable grounds, that a person has committed an offence under this Act, he or she may require that person to provide him or her with his or her name and the address at which he or she ordinarily resides. 40

- (7) A statement or admission made by a person pursuant to a requirement under *subsection (1)(d) or (f)* shall not be admissible as evidence in proceedings brought against the person for an offence (other than an offence under *subsection (5)*).
- (8) In this section—
- “place of work” has the same meaning as it has in the Safety, Health and Welfare at Work Act 2005; 5
- “premises” includes vehicle, vessel, ship and railway carriage.

Compliance notice

27. (1) Where an inspector is satisfied that an employer has, in relation to any of his or her employees, contravened a provision to which this section applies, the inspector may serve a notice (in this Act referred to as a “compliance notice”) on the employer. 10
- (2) A compliance notice shall—
- (a) state the grounds for the inspector’s being satisfied that there has been a contravention referred to in *subsection (1)*,
- (b) for the purpose of ensuring compliance by the employer concerned with any employment enactment, require the employer to do or refrain from doing such act or acts as is or are specified in the notice by such date as is so specified, and 15
- (c) contain information regarding the bringing of an appeal under *subsection (7)* against the notice, including the manner in which an appeal shall be brought.
- (3) A compliance notice shall not specify a date in accordance with *paragraph (b)* of *subsection (2)* that falls on or before the date by which an appeal under *subsection (7)* shall be brought. 20
- (4) An inspector shall, if satisfied that the employer concerned has complied with a compliance notice, serve a notice in writing on the employer that he or she is so satisfied. 25
- (5) *Subsection (4)* shall not operate to prevent an inspector from performing any of his or her functions under this Act in relation to the employer concerned, including in relation to the contravention to which the compliance notice referred to therein applies, after he or she serves a notice on the employer under that subsection.
- (6) The inspector may— 30
- (a) withdraw a compliance notice at any time, as he or she considers appropriate, or
- (b) where no appeal is brought under this section, specify a date for the purposes of *subsection (2)(b)* that falls later than the date specified for that purpose in the compliance notice concerned, and notify the employer in writing accordingly.
- (7) An employer may appeal a compliance notice served on him or her under this section to the Labour Court. 35
- (8) An appeal under *subsection (7)* shall be brought in the prescribed manner not later than 42 days after the service of the compliance notice concerned.

- (9) The inspector and the employer concerned shall each be entitled to be heard and to adduce evidence at the hearing of an appeal under *subsection (7)*.
- (10) The Labour Court shall, upon an appeal under this section, do one of the following:
- (a) affirm the compliance notice concerned;
 - (b) withdraw the compliance notice concerned; or 5
 - (c) withdraw the compliance notice and require the employer to whom the notice applies to comply with such directions as may be given by the Labour Court.
- (11) An employer may appeal—
- (a) a decision of the Labour Court to affirm, in accordance with *paragraph (a) of subsection (10)*, a compliance notice served on him or her under this section, or 10
 - (b) a direction to him or her in accordance with *paragraph (c) of that subsection*, to the Circuit Court.
- (12) An appeal under this section shall be brought in the prescribed manner not later than 42 days after the date of the decision concerned or the giving of the direction concerned, as the case may be. 15
- (13) The inspector and the employer concerned shall each be entitled to be heard and to adduce evidence at the hearing of an appeal under *subsection (11)*.
- (14) The Circuit Court shall, upon an appeal under *subsection (11)*, do one of the following:
- (a) affirm the decision or direction concerned; 20
 - (b) in the case of an appeal from a decision of the Labour Court affirming a compliance notice in accordance with *paragraph (a) of subsection (10)*, annul that decision and order the withdrawal of the compliance notice;
 - (c) in the case of an appeal from a direction given in accordance with *paragraph (c) of subsection (10)*, annul that direction. 25
- (15) A person who fails to comply with a compliance notice by the specified date shall be guilty of an offence.
- (16) This section shall not operate to prevent or restrict—
- (a) the entitlement of any person to bring proceedings in accordance with this Act or a relevant enactment for the purpose of securing compliance with a relevant enactment in relation to that person, or 30
 - (b) the bringing or prosecuting of any proceedings for an offence under this Act or a relevant enactment.
- (17) In this section “specified date” means, in relation to a compliance notice—
- (a) where no appeal against the notice is brought under *subsection (7)*, the date specified in the notice in accordance with *paragraph (b) of subsection (2)*, 35
 - (b) where an appeal against the notice is brought under *subsection (7)* and the Labour Court affirms the notice in accordance with *paragraph (a) of subsection (10)*, the

day falling immediately after the expiration of the period of 14 days from the date on which the Labour Court so affirms the notice, or

- (c) where an appeal to the Circuit Court is brought under *subsection (11)* and the Circuit Court affirms the decision of the Labour Court under *paragraph (a)* of *subsection (10)*, the day falling immediately after the expiration of the period of 14 days from the date on which the Circuit Court so affirms that decision. 5

(18) This section applies to a provision specified in *column (3)* of *Schedule 4*.

Report of inspector admissible in evidence

28. (1) Where an inspector performs functions under *section 27* in relation to an employer, he or she shall prepare a report in writing thereof. 10
- (2) The report of an inspector under *subsection (1)* shall be admissible in evidence in proceedings against the employer concerned before an adjudication officer, the Labour Court or a court established by law.
- (3) *Subsection (2)* shall not operate to prevent or restrict the examination or cross examination of an inspector in proceedings referred to in that subsection. 15

Inspection of employer's records pursuant to direction of Labour Court

29. (1) The Labour Court may, upon the hearing of an appeal under *section 44*, direct the Director General to arrange for an inspector to enter premises of an employer who is a party to the appeal and perform such functions under *section 26* in relation to that premises as are specified in the direction. 20
- (2) The Director General shall comply with a direction under *subsection (1)*.
- (3) An inspector shall, upon completion of an inspection referred to in *subsection (1)*, provide the report prepared by him or her under *section 28* in relation to the performance by him or her of functions under *section 26* pursuant to a direction under this section to the Labour Court. 25
- (4) The Labour Court shall—
- (a) consider a report provided to it under *subsection (3)*, and
- (b) give a copy of that report to the parties to the appeal concerned.
- (5) The chairman or deputy chairman of the Labour Court may direct that any proceedings in an appeal to the Labour Court shall be adjourned pending the consideration by the Labour Court of the report. 30

Disclosure of certain information

30. (1) Schedule 5 of the Act of 2005 is amended by the insertion, in paragraph 1(4), of “the Workplace Relations Commission”.
- (2) Section 1093A (inserted by section 38 of the Act of 2007) of the Taxes Consolidation Act 1997 is amended by the substitution of the following definition for the definition of “specified body”:

“ ‘specified body’ means the Workplace Relations Commission;”.

- (3) Section 261A (inserted by paragraph (b) of section 31 of the Act of 2007) of the Act of 2005 is amended by the substitution of the following definition for the definition of “specified body”:
- “ ‘specified body’ means the Workplace Relations Commission;”.
- (4) The Commission, an inspector or an adjudication officer may, for the purposes of his or her functions, require— 5
- (a) an employer to disclose to him or her the employer’s employer registration number, or
- (b) an employee to disclose to him or her the employee’s personal public service number. 10
- (5) The Commission, an inspector or an adjudication officer may disclose to the Labour Court an employer’s registration number or an employee’s personal public service number for the purpose of enabling the Labour Court to perform its functions under this Act or a relevant enactment.
- (6) The Commission, an inspector or an adjudication officer may disclose to an official body an employer’s registration number or an employee’s personal public service number for the purpose of enabling the official body to— 15
- (a) investigate the commission or alleged commission of an offence where the official body is charged under an enactment with responsibility for carrying out such investigation, or 20
- (b) bring and prosecute proceedings under any enactment.
- (7) The Commission, an inspector or an adjudication officer may—
- (a) upon the request of an employee, disclose to the employee the employer registration number of the employee’s employer, or
- (b) upon the request of an employer, disclose to the employer the personal public service number of any employee of the employer. 25
- (8) In this section “Act of 2007” means the Social Welfare and Pensions Act 2007.

Disclosure of information relating to offences

31. (1) Notwithstanding any rule of law, information that, in the opinion of an official body, may relate to— 30
- (a) the commission of an offence under this Act or a relevant enactment, or
- (b) the contravention of this Act or a relevant enactment,
- may be disclosed by that official body to the Commission or a member of staff of the Commission.
- (2) The Commission may provide to an official body any information— 35
- (a) obtained by it in the performance of its functions, and
- (b) that causes the Commission to suspect that an offence has been committed by any person.

- (3) Information provided under this section may be used by the person to whom it has been provided for the purpose only of the detection, investigation or prosecution of an offence.

Disclosure of certain information to or by contracting authority

32. (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 person with whom the public contracting authority has entered into a contract has contravened an employment enactment. 5
- (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 contract concerned. 10
- (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 by a person with whom the public contracting authority has entered into a contract of a relevant enactment, and a public contracting authority shall comply with such a requirement. 15
- (4) In this section “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, 20
 - (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. 25

Administrative cooperation by Commission and official bodies

33. (1) The Commission shall, in so far as is consistent with the proper performance of its functions, endeavour to secure cooperation between the Commission and official bodies, and may enter into one or more than one arrangement (whether in the form of a memorandum of understanding or otherwise) with an official body or official bodies for the purposes of— 30
- (a) facilitating administrative cooperation between the Commission and the official bodies in the performance of their respective functions, in so far as they relate to the employment of persons, 35
 - (b) avoiding duplication of activities by the Commission and any of the official bodies, and
 - (c) sharing information relevant to the employment of persons.

1 OJ No. L134 of 30.4.2004, p.1

2 OJ No. L134 of 30.4.2004, p.114

- (2) The parties to an arrangement under this section may vary the terms of the arrangement.
- (3) An arrangement under this section, or any variation of such an arrangement, shall be in writing.
- (4) An arrangement under this section shall not operate to bind the Commission or an official body. 5
- (5) The Commission shall provide the Minister and any relevant Minister in relation to an official body concerned with a copy of each arrangement under this section and any variation thereof.
- (6) (a) An arrangement under this section shall not operate to require the Commission to provide information to any official body if the disclosure of that information by the Commission is prohibited by law. 10
- (b) An arrangement under this section shall not operate to require an official body to provide information to the Commission if the disclosure of that information by the official body is prohibited by law. 15
- (7) In this section “relevant Minister” means, in relation to an official body, any Minister of the Government who performs functions in relation to that official body.

Administrative cooperation with foreign statutory bodies on law enforcement matters

- 34.** (1) The Commission may, with the approval of the Minister, enter into an arrangement with a foreign statutory body whereby each party to the arrangement may— 20
- (a) furnish to the other party information in its possession that is required by that other party for the purposes of the performance by it of any of its functions, and
 - (b) provide such other assistance to the party as will facilitate the performance by that other party of any of its functions.
- (2) The Commission shall not furnish any information to a foreign statutory body pursuant to an arrangement to which this section applies unless it requires of, and obtains from, that body an undertaking in writing by the body that the body will comply with the terms specified in that requirement, being terms that correspond to the provisions of any enactment concerning the disclosure of that information by the Commission. 25 30
- (3) The Commission may give an undertaking to a foreign statutory body that it will comply with any terms specified in a requirement made of the Commission by the body to give such an undertaking where—
- (a) those terms correspond to the provisions of any law in force in the state in which the body is established, being provisions which concern the disclosure by the body of the information referred to in *paragraph (b)*, and 35
 - (b) compliance with the requirement is a condition imposed by the body for furnishing information in its possession to the Commission pursuant to an arrangement to which this section applies.
- (4) The Commission shall inform the Minister concerning every arrangement entered into under this section. 40

- (5) An arrangement under this section shall not operate to require the Commission to provide information to a foreign statutory body if the disclosure of that information by the Commission is prohibited by law.
- (6) In this section “foreign statutory body” means a person prescribed by the Minister, in whom functions in respect of the implementation or enforcement of the law of a state (other than the State) relating to the employment of persons are vested. 5

Fixed payment notices

35. (1) Where an inspector has reasonable grounds for believing that a person has committed a relevant offence, the inspector may give to the person a notice in writing (in this section referred to as a “fixed payment notice”) in the prescribed form stating that— 10
- (a) the person is alleged to have committed that offence,
 - (b) the person may during the period of 42 days beginning on the date of the notice make to the Commission at the address specified in the notice a payment of such amount as may be prescribed, being an amount of not more than €2,000, accompanied by the notice, 15
 - (c) the person is not obliged to make the payment specified in the notice, and
 - (d) a prosecution of the person to whom the notice is given in respect of the alleged offence will not be instituted during the period of 42 days beginning on the date of the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted. 20
- (2) Where a fixed payment notice is given under *subsection (1)*—
- (a) the person to whom it applies may, during the period of 42 days beginning on the date of the notice, make to the Commission at the address specified in the notice the payment specified in the notice accompanied by the notice,
 - (b) the Commission may, upon receipt of the payment, issue a receipt for it and any payment so received shall not be recoverable by the person who made it, and 25
 - (c) a prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and if the payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.
- (3) In proceedings for a relevant offence it shall be a defence for the defendant to prove that he or she has made a payment, in accordance with this section, pursuant to a fixed payment notice issued in respect of that offence. 30
- (4) Moneys received pursuant to the giving of a fixed payment notice shall be paid into, or disposed of for the benefit of, the Exchequer in such a manner as the Minister determines. 35
- (5) In this section “relevant offence” means an offence under—
- (a) section 11 of the Protection of Employment Act 1977,
 - (b) subsection (4) of section 4 of the Payment of Wages Act 1991, or
 - (c) section 23 of the National Minimum Wage Act 2000.

PART 4

COMPLAINTS AND DISPUTES

Case resolution officers

36. (1) The Director General may appoint—
- (a) such and so many of the members of staff of the Commission, and 5
 - (b) such and so many other persons,
- as he or she considers appropriate to be a case resolution officer or case resolution officers for the purposes of this Act.
- (2) An appointment under this section shall cease—
- (a) if the Director General revokes the appointment in accordance with this section, 10
 - (b) in the case of a person appointed to be a case resolution officer who is a member of the staff of the Commission, if the person concerned ceases to be a member of the staff of the Commission, or
 - (c) in the case of an appointment that is for a fixed period, on the expiry of that period. 15
- (3) The Director General may revoke an appointment under this section.
- (4) A case resolution officer shall be independent in the performance of his or her functions.

Resolution of complaints and disputes

37. (1) (a) Subject to *paragraph (b)*, the Director General may, where he or she is of the opinion that a complaint or dispute is capable of being resolved without being referred for mediation under *section 39* or referred to an adjudication officer under *section 41*, refer the complaint or dispute for resolution to a case resolution officer. 20
- (b) The Director General shall not refer a complaint or dispute for resolution to a case resolution officer under *paragraph (a)* if either of the parties to the complaint or dispute objects to its being so referred. 25
- (2) Where a complaint or dispute is referred for resolution under this section the case resolution officer concerned may employ such means as he or she considers appropriate for the purpose of resolving the dispute. 30
- (3) Where a complaint or dispute referred for resolution under this section is resolved—
- (a) the case resolution officer concerned shall record in writing the terms of the resolution,
 - (b) each of the parties to the complaint shall, if satisfied that it accurately represents the terms of the resolution, sign the record, and 35

- (c) the case resolution officer concerned shall send the record as so signed to the Director General and give a copy thereof to each of the parties to the complaint or dispute.
- (4) Where a complaint or dispute referred for resolution under this section is not resolved, the case resolution officer concerned shall certify in writing that the complaint or dispute has not been so resolved and shall send that certificate to the Director General and give each of the parties to the complaint or dispute a copy of the certificate. 5
- (5) Where the Director General receives a certificate under this section in respect of a complaint or dispute referred for resolution by a case resolution officer under this section, he or she shall, upon the application of the complainant concerned made not later than 42 days after the making of that certificate, refer the complaint or dispute to an adjudication officer under *section 41*. 10
- (6) The terms of a resolution consequent upon the referral of a complaint or dispute referred for resolution under this section shall be binding on the parties and if either party contravenes any such term, the contravention shall be actionable in any court of competent jurisdiction. 15
- (7) The terms of a resolution consequent upon the referral of a complaint or dispute referred for resolution under this section shall not be disclosed by a case resolution officer or by either party to the complaint or dispute concerned in any proceedings before a court (other than proceedings in respect of the contravention of the terms of the resolution), or otherwise. 20
- (8) All communications by a case resolution officer with the parties to a complaint or dispute referred for resolution under this section to him or her and all records and notes held for the purposes of resolving any matter to which the complaint or dispute concerned relates shall be confidential and shall not be disclosed in any proceedings before a court (other than proceedings in respect of a contravention of the terms of a resolution agreed by the parties to the complaint or dispute), or otherwise. 25
- (9) In this section—
“complaint” means a complaint presented to the Director General under *section 41*;
“dispute” means a dispute referred to the Director General under *section 41*. 30

Mediation officers

- 38.** (1) The Director General may, with the consent of the Minister appoint—
- (a) such and so many of the members of staff of the Commission, and
(b) such and so many other persons, 35
- as he or she considers appropriate to be a mediation officer or mediation officers for the purposes of this Act.
- (2) An appointment under this section shall cease—
- (a) if the Director General revokes the appointment in accordance with this section,

- (b) in the case of a person appointed to be a mediation officer who is a member of the staff of the Commission, if the person concerned ceases to be a member of the staff of the Commission, or
 - (c) in the case of an appointment that is for a fixed period, on the expiry of that period. 5
- (3) The Director General may revoke an appointment under this section.
- (4) A mediation officer shall be independent in the performance of his or her functions.

Mediation

39. (1) (a) Subject to *paragraph (b)*, the Director General may, where he or she is of the opinion that a complaint or dispute is capable of being resolved by mediation, refer the dispute for mediation by a mediation officer. 10
- (b) The Director General shall not refer a complaint or dispute for mediation to a mediation officer under *paragraph (a)* if either of the parties to the complaint or dispute objects to its being so referred.
- (2) Where a complaint or dispute is referred for mediation under this section, the mediation officer concerned may convene a meeting (in this section referred to as a “mediation conference”) for the purpose of resolving the complaint or dispute concerned. 15
- (3) A mediation conference shall—
- (a) take place at a time and place determined by the mediation officer, 20
 - (b) be attended by the mediation officer and the parties to the complaint or dispute concerned, and
 - (c) be conducted otherwise than in public.
- (4) Where a complaint or dispute referred for mediation under this section is resolved by mediation— 25
- (a) the mediation officer concerned shall record in writing the terms of the resolution,
 - (b) each of the parties to the complaint or dispute shall, if satisfied that it accurately represents the terms of the resolution, sign the record, and
 - (c) the mediation officer concerned shall send the record as so signed to the Director General and give a copy thereof to each of the parties to the complaint or dispute. 30
- (5) Where a complaint or dispute referred for mediation under this section is not resolved by mediation, the mediation officer concerned shall certify in writing that the complaint or dispute has not been so resolved and shall send that certificate to the Director General and give each of the parties to the complaint or dispute a copy of the certificate. 35
- (6) The terms of a resolution consequent upon a mediation conference under this section shall be binding on the parties and if either party contravenes any such term, the contravention shall be actionable in any court of competent jurisdiction.

- (7) The terms of a resolution consequent upon a mediation conference under this section shall not be disclosed by a mediation officer or by either party to the complaint or dispute concerned in any proceedings before a court (other than proceedings in respect of the contravention of the terms of the resolution), or otherwise.
- (8) All communications during a mediation conference and all records and notes relating to a mediation conference held for the purposes of resolving any matter to which the complaint or dispute concerned relates shall be confidential and shall not be disclosed in any proceedings before a court (other than proceedings in respect of a contravention of the terms of a resolution agreed during the mediation conference), or otherwise.
- (9) In this section—
“complaint” means a complaint presented to the Director General under *section 41*;
“dispute” means a dispute referred to the Director General under *section 41*.

Adjudication officers

40. (1) Subject to *subsection (2)*, the Minister may appoint—
- (a) such and so many of the members of the staff of the Commission, and
 - (b) such and so many other persons,
- as he or she considers appropriate to be an adjudication officer or adjudication officers for the purposes of this Act.
- (2) Subject to *subsection (4)* a person shall not be appointed under *subsection (1)(b)* to be an adjudication officer unless that person has been selected for the purpose of his or her being the subject of such an appointment following a competition conducted for that purpose.
- (3) (a) Any person who, immediately before the commencement of this Part, was a rights commissioner appointed under subsection (1) of section 13 of the Act of 1969 shall, upon and from such commencement, stand appointed to be an adjudication officer for the purposes of this Act.
- (b) Any person who, immediately before the commencement of this Part, was an equality officer appointed under *subsection (4)* (inserted by section 30(d) of the Equality Act 2004) of section 75 of the Act of 1998 shall, upon and from such commencement, stand appointed to be an adjudication officer for the purposes of this Act.
- (4) *Subsection (2)* shall not apply in respect of the reappointment to be an adjudication officer of a person—
- (a) appointed to be an adjudication officer in accordance with *paragraph (b)* of *subsection (1)* for a fixed term, or
 - (b) who, upon the commencement of this Part, stood appointed to be an adjudication officer for the purposes of this Act.
- (5) An appointment under *subsection (1)* shall cease—
- (a) if the Minister revokes the appointment in accordance with this section,

- (b) in the case of a person appointed to be an adjudication officer who is a member of the staff of the Commission, if the person concerned ceases to be a member of the staff of the Commission, or
 - (c) in the case of an appointment that is for a fixed period, on the expiry of that period. 5
- (6) An appointment under *subsection (3)* shall cease—
- (a) if the Minister revokes the appointment in accordance with this section,
 - (b) in the case of a person standing appointed to be an adjudication officer who is a member of the staff of the Commission, if the person concerned ceases to be a member of the staff of the Commission, 10
 - (c) in the case of a person who, immediately before the commencement of this Part was—
 - (i) a rights commissioner appointed for a fixed period, or
 - (ii) an equality officer appointed for a fixed period,
 on the day on which the person’s appointment as rights commissioner or equality officer, as the case may be, would, but for this Part, have ceased. 15
- (7) The Minister may revoke an appointment under this section.
- (8) An adjudication officer shall be independent in the performance of his or her functions.

Presentation of complaints and referral of disputes 20

- 41.** (1) A person (in this Act referred to as a “complainant”) or, where the complainant so consents, a specified person may present a complaint to the Director General that a provision specified in *Part 1* or *2* of *Schedule 5* has been contravened in relation to the complainant, and, where a complaint is so presented, the Director General shall, subject to *sections 37* and *39*, refer the complaint for adjudication by an adjudication officer. 25
- (2) An employee or an employer (in this Act also referred to as a “complainant”) or, where the complainant so consents, a specified person, may refer a dispute as to the entitlements of the employee under an enactment specified in *Part 3* of *Schedule 5* to the Director General, and, where a dispute is so referred, the Director General shall, subject to *sections 37* and *39*, refer the dispute for adjudication by an adjudication officer. 30
- (3) (a) An agency worker (in this Act also referred to as a “complainant”) within the meaning of the Act of 2012 or any trade union of which the agency worker is a member, with the consent of the agency worker, may present a complaint to the Director General that the hirer (within the meaning of that Act) of the agency worker has contravened section 11, 14 or 24 of that Act in relation to the agency worker, and where a complaint is so presented the Director General shall, subject to *sections 37* and *39*, refer the complaint for adjudication by an adjudication officer. 35 40

- (b) References to employee and employer in the subsequent provisions of this Part shall, in so far as they relate to a complaint to which this subsection applies, be construed as references to agency worker within the meaning of the Act of 2012 and hirer within the meaning of that Act respectively.
- (c) In this subsection “Act of 2012” means the Protection of Employees (Temporary Agency Work) Act 2012. 5
- (4) (a) An adjudication officer to whom a complaint or dispute is referred under this section shall—
- (i) inquire into the complaint or dispute,
 - (ii) give the parties to the complaint or dispute an opportunity to— 10
 - (I) be heard by the adjudication officer, and
 - (II) present to the adjudication officer any evidence relevant to the complaint or dispute,
 - (iii) make a decision in relation to the complaint or dispute in accordance with the relevant redress provision, and 15
 - (iv) give the parties to the complaint or dispute a copy of that decision in writing.
- (b) In this subsection “relevant redress provision” means—
- (i) in relation to a complaint under this section of a contravention of an employment enactment, or
 - (ii) in relation to a dispute as to the entitlements of an employee under an 20
 - employment enactment,
 - the provision specified in *column (4)* of *Schedule 6* opposite the reference, in *column (3)* of that Schedule, to that employment enactment.
- (5) Subject to *subsection (7)*, an adjudication officer shall not entertain a complaint referred to him or her under this section if it has been presented to the Director General after the expiration of the period of 6 months beginning on the date of the contravention to which the complaint relates. 25
- (6) Subject to *subsection (7)*, an adjudication officer shall not entertain a dispute referred to him or her under this section if—
- (a) in the case of a dispute relating to the entitlement of an adopting parent under the Adoptive Leave Act 1995, it has been referred to the Director General after the expiration of the period of 6 months beginning on— 30
 - (i) day of placement (within the meaning of that Act) or, in circumstances where no placement takes place, the date on which the employer receives the first notification of the adopting parent’s intention to take leave under that Act 35 (whether adoptive leave or additional adoptive leave, within the meaning of that Act), or
 - (ii) in the case of an adopting father, the date on which the adopting mother died,
 - (b) in the case of a dispute relating to the entitlement of an employee under the Carer’s Leave Act 2001, it has been referred to the Director General after the 40

- expiration of the period of 6 months beginning on the date of the contravention concerned,
- (c) in the case of a dispute relating to the entitlement of an employee under the Maternity Protection Act 1994, it has been referred to the Director General after the expiration of the period of 6 months beginning on the date on which the employer is informed— 5
- (i) that the employee is pregnant, has recently given birth or is breastfeeding,
 - (ii) in the case of an employee who is the expectant father of a child, that the expectant mother of the child is pregnant, or
 - (iii) in the case of an employee who is the father of a child who has been born, that the child’s mother has died, 10
- (d) in the case of a dispute relating to the entitlement of an employee under the National Minimum Wage Act 2000, it has been referred to the Director General after the expiration of the period of 6 months beginning on—
- (i) the date on which the employee obtains a statement of his or her average hourly rate of pay in respect of the relevant pay reference period in accordance with section 23 of that Act, 15
 - (ii) in circumstances where that statement is not provided having been requested by the employee to be provided to him or her, the day after the date of expiration of the time within which that statement was required to be provided by the employer in accordance with that section, or 20
 - (iii) in the case of a dispute to which section 25 of that Act applies, the date on which the employee’s hours of work were reduced or alleged to have been reduced, 25
- and
- (e) in the case of a dispute relating to the entitlement of an employee under the Parental Leave Act 1998, it has been referred to the Director General after the expiration of the period of 6 months beginning on the day immediately following the date of the occurrence of the dispute.
- (7) An adjudication officer may entertain a complaint or dispute to which this section applies presented or referred to the Director General after the expiration of the period referred to in *subsection (5) or (6)* (but not later than 6 months after such expiration), as the case may be, if he or she is satisfied that the failure to present the complaint or refer the dispute within that period was due to reasonable cause. 30
- (8) (a) A complaint to which this section applies shall be presented to the Director General under *subsection (1)* by giving notice thereof in writing to the Director General and the notice shall contain such particulars and be in such form as may be specified from time to time by the Minister. 35
- (b) A dispute to which this section applies shall be referred to the Director General under *subsection (2)* by giving notice thereof in writing to the Director General and the notice shall contain such particulars and be in such form as may be specified from time to time by the Minister. 40

- (c) The Director General shall cause a copy of the notice under *paragraph (a)* or *(b)* to be given to the other party to the complaint or dispute concerned.
- (9) Proceedings under this section before an adjudication officer shall be conducted otherwise than in public.
- (10) The Commission shall publish on the internet in such form and in such manner as it considers appropriate every decision of an adjudication officer under this section. 5
- (11) An adjudication officer may, where he or she considers appropriate, permit a person (other than a party to a complaint or dispute to which this section applies) to accompany the complainant or respondent at the hearing of the proceedings concerned and to represent the complainant or respondent, as the case may be, in the proceedings. 10
- (12) An adjudication officer may, by notice in writing given to the parties to a complaint or dispute to which this section applies, correct any mistake (including any omission) of an administrative or clerical nature in a decision under this section in relation to that complaint or dispute. 15
- (13) The Minister may, by regulations, make provision in relation to any matter relating to the presentation of a complaint, referral of a dispute or conduct of proceedings under this section that he or she considers appropriate.
- (14) In this section “specified person” means—
 - (a) in relation to a complaint, a person belonging to a class of persons who, immediately before the passing of this Act, would have been entitled to present a complaint on behalf of the complainant concerned under the employment enactment to which the first-mentioned complaint relates, and 20
 - (b) in relation to a dispute, a person belonging to a class of persons who, immediately before the passing of this Act, would have been entitled to refer a dispute on behalf of the complainant concerned under the employment enactment to which the first-mentioned dispute relates. 25

Dismissal of claim by adjudication officer

- 42.** (1) An adjudication officer may, at any time, dismiss a complaint or dispute referred to him or her under *section 41* if he or she is of the opinion that it is frivolous or vexatious. 30
- (2) (a) A person whose complaint or dispute is dismissed in accordance with this section may, not later than 42 days from its dismissal, appeal the dismissal to the Labour Court.
 - (b) A person shall, when bringing an appeal under this subsection, give notice to the Commission in writing of the bringing of the appeal. 35
 - (c) A notice referred to in *paragraph (b)* shall specify the grounds upon which the appeal is brought.
 - (3) Upon the hearing of an appeal under this section, the Labour Court may—
 - (a) affirm the decision of the adjudication officer dismissing the complaint or dispute concerned, or 40

- (b) annul that decision and refer the complaint or dispute to the adjudication officer concerned for a decision by him or her in relation to the complaint or dispute.

Enforcement of decision of adjudication officer

43. (1) If an employer in proceedings in relation to a complaint or dispute referred to an adjudication officer under *section 41* fails to carry out the decision of the adjudication officer under that section in relation to the complaint or dispute in accordance with its terms before the expiration of 56 days from the date on which the notice in writing of the decision was given to the parties, the District Court shall— 5
- (a) on application to it in that behalf by the employee concerned or the Commission, or 10
- (b) on application to it in that behalf, with the consent of the employee, by any trade union or excepted body of which the employee is a member,
- without hearing the employer or any evidence (other than in relation to the matters aforesaid) make an order directing the employer to carry out the decision in accordance with its terms. 15
- (2) The reference in *subsection (1)* to a decision of an adjudication officer is a reference to such a decision in relation to which, at the expiration of the time for bringing an appeal against it, no such appeal has been brought, or if such an appeal has been brought it has been abandoned and the references to the date on which notice in writing of the decision was given to the parties shall, in a case where such an appeal is abandoned, be construed as a reference to the date of such abandonment. 20
- (3) The District Court may, in an order under this section, if in all the circumstances it considers it appropriate to do so, where the order relates to the payment of compensation, direct the employer concerned to pay to the employee concerned interest on the compensation at the rate referred to in section 22 of the Act of 1981, in respect of the whole or any part of the period beginning 42 days after the date on which the decision of the adjudication officer is given to the parties and ending on the date of the order. 25
- (4) An application under this section to the District Court shall be made to the judge of the District Court for the district court area in which the employer concerned ordinarily resides or carries on any profession, business or occupation. 30

Appeal to Labour Court from decision of adjudication officer

44. (1) A party to proceedings under *section 41* 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— 35
- (a) give the parties to the appeal an opportunity to be heard by it and to present to it any evidence relevant to the appeal,
- (b) make a decision in relation to the appeal affirming, varying or setting aside that decision, and
- (c) give the parties to the appeal a copy of that decision in writing. 40

- (2) An appeal under this section shall be initiated by the party concerned giving a notice in writing to the Labour Court containing such particulars as are determined by the Labour Court under *subsection (4)* and stating that the party concerned is appealing the decision to which it relates.
- (3) A notice under *subsection (2)* shall be given to the Labour Court not later than 42 days from the date on which the decision was given to the party. 5
- (4) A copy of a notice under *subsection (2)* shall be given by the Labour Court to the other party concerned as soon as may be after the receipt of the notice by the Labour Court.
- (5) The Labour Court may refer a question of law arising in proceedings before it under this section to the High Court for determination by the High Court and the determination of the High Court shall be final and conclusive. 10
- (6) The Labour Court shall, on the hearing of an appeal under this section, have power to take evidence on oath and for that purpose may cause to be administered oaths to persons attending as witnesses at the hearing of such appeal. 15
- (7) Any person who, upon examination on oath in exercise of a power under this section, gives evidence which he or she knows to be false or misleading in a material respect shall be guilty of an offence.
- (8) The Labour Court 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 any appeal to the Labour Court under this section or to produce any documents in his possession, custody or control which relate to any such appeal. 20
- (9) A person to whom a notice under *subsection (8)* has been given who—
- (a) fails or refuses to comply with the notice, or
- (b) refuses to give evidence in an appeal to which the notice relates or fails or refuses to produce any document to which the notice relates, 25
- shall be guilty of an offence.
- (10) The Labour Court may, by notice in writing given to the parties to an appeal under this section, correct any mistake (including any omission) of an administrative or clerical nature in a decision under this section in relation to the appeal. 30
- (11) The Labour Court shall publish, in such manner as it thinks fit, particulars of the matters and procedures determined by it in accordance with *subsection (4)*.

Enforcement of decision of Labour Court

45. (1) If an employer fails to carry out in accordance with its terms a decision of the Labour Court in relation to an appeal under *section 44* before the expiration of 42 days from the date on which notice of the decision is given to the parties, the District Court shall— 35
- (a) on application to it in that behalf by the employee concerned or the Commission, or

(b) on application to it in that behalf, with the consent of the employee, by any trade union or excepted body of which the complainant is a member,

without hearing the employer or any evidence (other than in relation to the matters aforesaid) make an order directing the employer to carry out the decision in accordance with its terms. 5

(2) The reference in *subsection (1)* to a decision of the Labour Court is a reference to such a decision in relation to which, at the expiration of the time for bringing an appeal against it, no such appeal has been brought, or if such an appeal has been brought it has been abandoned and the references to the date on which notice of the decision was given to the parties shall, in a case where such an appeal is abandoned, be construed as a reference to the date of such abandonment. 10

(3) The District Court may, in an order under this section, if in all the circumstances it considers it appropriate to do so, where the order relates to the payment of compensation, direct the employer concerned to pay to the employee concerned interest on the compensation at the rate referred to in section 22 of the Act of 1981, in respect of the whole or any part of the period beginning 42 days after the date on which the decision of the Labour Court is communicated to the parties and ending on the date of the order. 15

(4) An application under this section to the District Court shall be made to the judge of the District Court for the district court area in which the employer concerned ordinarily resides or carries on any profession, business or occupation. 20

Evidence of failure to attend before or give evidence or produce documents to Labour Court

46. A document purporting to be signed by the chairman or the registrar of the Labour Court stating that— 25

(a) a person named in the document was, by a notice under *subsection (8) of section 44* required to attend before the Labour Court on a day and at a time and place specified in the document, to give evidence or produce a document,

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

(c) the person did not attend before the Labour Court in pursuance of the notice or, as the case may be, having so attended, refused to give evidence or refused or failed to produce the document, 30

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

Appeal to High Court on point of law

47. A party to proceedings before the Labour Court may, not later than 42 days from the service of notice of the decision of the Labour Court in those proceedings on that party, appeal to the High Court on a point of law from that decision, and the decision of the High Court in relation thereto shall be final and conclusive. 35

Disposal of complaints by written submissions only

48. (1) The Director General may, where he or she considers that a complaint presented, or dispute referred, to him or her under *section 41* may be dealt with by written submissions only, inform the parties to the complaint or dispute, by notification in writing, of his or her intention to deal with the complaint or dispute in that manner. 5
- (2) Where a party to a complaint presented, or dispute referred, to the Director General under *section 41* is given a notification under *subsection (1)* and, not later than 42 days after having been given the notification, that party informs the Director General that he or she objects to the complaint or dispute being dealt with in the manner specified in the notification, the Director General shall not deal with the complaint or dispute concerned in that manner. 10
- (3) The Labour Court may, where it considers that an appeal under *section 44* may be dealt with by written submissions only, inform the parties to the appeal, by notification in writing, of its intention to deal with the appeal in that manner.
- (4) Where a party to an appeal under *section 44* is given a notification under *subsection (3)* and, not later than 42 days after having been given the notification, he or she informs the Labour Court that he or she objects to the appeal being dealt with in the manner specified in the notification, the Labour Court shall not deal with the appeal in that manner. 15

Striking out of cases that are not pursued 20

49. (1) Where a complaint is presented to the Director General under *section 41*, the Director General may strike out the complaint where he or she is satisfied that the complainant has not pursued the complaint within the period of one year (or such other period as may be prescribed) immediately preceding its being struck out.
- (2) Where a decision of an adjudication officer is appealed to the Labour Court under *section 44*, the Labour Court may strike out the appeal if it is satisfied that the appellant has not pursued the appeal within the period of one year (or such other period as may be prescribed) immediately preceding its being struck out. 25
- (3) The Director General shall, as soon as may be after he or she strikes out a complaint in accordance with this section, notify the complainant and respondent to the complaint in writing of the striking out of the complaint. 30
- (4) The Labour Court shall, as soon as may be after he or she strikes out an appeal in accordance with this section, notify the appellant and respondent to the appeal in writing of the striking out of the appeal.
- (5) Where a complaint or appeal is struck out under this section, the complainant or appellant shall not be entitled to prosecute the proceedings any further. 35

Amendment of section 20 of Act of 1946

50. Section 20 of the Act of 1946 is amended by the insertion of the following subsection:

“(5A) Without prejudice to the generality of subsection (5), rules under that subsection may make provision in relation to any or all of the following matters: 40

- (a) the bringing of appeals to the Court under *Part 4* of the *Workplace Relations Act 2014*;
- (b) the hearing of appeals by the Court under the said *Part 4*;
- (c) the times and places of hearings of such appeals;
- (d) the representation of the parties at the hearing of such appeals; 5
- (e) the notification and publication of decisions of the Labour Court on the hearing of such appeals;
- (f) the giving of notice of appeal from decisions of adjudication officers;
- (g) any matters consequential on, or incidental to, any of the foregoing matters.”. 10

Amendment of enactments

- 51.** (1) Each enactment specified in *column (3)* of *Schedule 6* opposite a particular reference number specified in *column (1)* of that Schedule is amended to the extent specified in *column (4)* of that Schedule opposite that reference number. 15
- (2) (a) Subject to *paragraph (b)*, the amendments effected by this section shall not apply in relation to complaints made, presented or referred to a rights commissioner under an enactment specified in *column (3)* of *Schedule 6* before the commencement of this Part.
- (b) Where no decision or recommendation of a rights commissioner in relation to a complaint referred to in *paragraph (a)* was made before the commencement of this Part or where a decision or recommendation in relation to the complaint was made by a rights commissioner before such commencement and no appeal was brought from that decision or recommendation, that decision or recommendation shall be appealable to the Labour Court under *section 44* as if the decision were a decision of an adjudication officer under *section 41*. 20 25
- (3) (a) Subject to *paragraph (b)*, the amendments effected by this section shall not apply in relation to disputes referred to a rights commissioner under an enactment specified in *column (3)* of *Schedule 6* before the commencement of this Part.
- (b) Where no decision or recommendation of a rights commissioner in relation to a dispute referred to in *paragraph (a)* was made before the commencement of this Part or where a decision or recommendation in relation to such a dispute was made by a rights commissioner before such commencement and no appeal was brought from that decision or recommendation, that decision or recommendation shall be appealable to the Labour Court under *section 44* as if the decision were a decision of an adjudication officer under *section 41*. 30 35

PART 5

DISSOLUTION OF LABOUR RELATIONS COMMISSION

Definition

52. In this Part “dissolution day” shall be construed in accordance with *section 53*.

Dissolution day for purposes of this Part

5

53. The Minister shall, by order, appoint a day to be the dissolution day for the purposes of this Part.

Dissolution of Labour Relations Commission

54. (1) The Labour Relations Commission established by section 24 of the Act of 1990 shall, on the dissolution day, stand dissolved.

10

(2) *Section 16* shall apply to the person who immediately before the dissolution day performed the functions of accounting officer of the Labour Relations Commission subject to the modifications that—

(a) references in that section to the Director General shall be construed as references to that person, and

15

(b) references to the Commission shall be construed as references to the Labour Relations Commission.

Transfer of functions from Labour Relations Commission to Commission

55. (1) All functions that, immediately before the dissolution day, were vested in the Labour Relations Commission are transferred to the Commission.

20

(2) References in any enactment or instrument under an enactment to the Labour Relations Commission in so far as they relate to a function transferred by this section shall be construed as references to the Commission.

(3) This section shall come into operation on the dissolution day.

Transfer of property of Labour Relations Commission to Commission

25

56. (1) On the dissolution day all property (other than land), including choses-in-action, that immediately before that day, was vested in the Labour Relations Commission shall stand vested in the Commission without any assignment.

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

30

(3) On the dissolution day all records that, immediately before that day, were records of the Labour Relations Commission shall be records of the Commission and shall, accordingly, be transferred to the Commission.

35

Transfer of rights and liabilities of Labour Relations Commission to Commission

57. (1) All rights and liabilities of the Labour Relations Commission subsisting immediately before the dissolution day and arising by virtue of any contract or commitment (expressed or implied) shall on that day stand transferred to the Commission.
- (2) Every right and liability transferred by *subsection (1)* to the Commission may, on and after the dissolution day, be sued on, recovered or enforced by or against the Commission in its own name, and it shall not be necessary for the Commission, or the Labour Relations Commission, to give notice to the person whose right or liability is transferred by that subsection of such transfer. 5

Liability for loss occurring before dissolution day

10

58. (1) A claim in respect of any loss or injury alleged to have been suffered by any person arising out of the performance before the dissolution day of any of the functions of the Labour Relations Commission shall after that day, lie against the Commission and not against the Labour Relations Commission.
- (2) Any legal proceedings pending immediately before the dissolution day to which the Labour Relations Commission is a party, shall be continued, with the substitution in the proceedings of the Commission for the Labour Relations Commission. 15
- (3) Where, before the dissolution day, agreement has been reached between the parties concerned in settlement of a claim to which *subsection (1)* relates, the terms of which have not been implemented, or judgment in such a claim has been given in favour of a person but has not been enforced, the terms of the agreement or judgment, as the case may be, shall, in so far as they are enforceable against the Labour Relations Commission, be enforceable against the Commission and not the Labour Relations Commission. 20
- (4) Any claim made or proper to be made by the Labour Relations Commission in respect of any loss or injury arising from the act or default of any person before the dissolution day shall be regarded as having been made by or proper to be made by the Commission and may be pursued and sued for by the Commission as if the loss or injury had been suffered by the Commission. 25

Provisions consequent upon transfer of functions, property, rights and liabilities to Commission

30

59. (1) Anything commenced and not completed before the dissolution day by or under the authority of the Labour Relations Commission may, in so far as it relates to a function transferred to the Commission under *section 55*, be carried on or completed on or after the dissolution day by the Commission. 35
- (2) Every instrument made under an enactment and every document (including any certificate) granted or made, in the performance of a function transferred by *section 55*, 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.
- (3) References to the Labour Relations Commission in the memorandum or articles of association of any company shall, on and after the dissolution day, be construed as references to the Commission. 40

- (4) A certificate signed by the Minister that any property, right or liability has or, as the case may be, has not vested in the Commission under *section 56* or *57* shall be sufficient evidence, unless the contrary is shown, of the fact so certified for all purposes.

Final accounts and final annual report of Labour Relations Commission 5

- 60.** (1) The Commission shall, in respect of the period specified under *subsection (3)*, prepare final accounts of the Labour Relations Commission.
- (2) The Commission shall submit the final accounts to the Comptroller and Auditor General for audit not later than 3 months after the dissolution day.
- (3) For the purposes of *subsection (1)*, the Minister may specify a period that is longer or shorter than a financial year of the Labour Relations Commission. 10
- (4) The Commission shall prepare the final annual report for the Labour Relations Commission and submit the report to the Minister not later than 5 months after the dissolution day.

PART 6 15

DISSOLUTION OF EMPLOYMENT APPEALS TRIBUNAL

Definition

- 61.** In this Part “dissolution day” shall be construed in accordance with *section 62*.

Dissolution day for purposes of this Part

- 62.** The Minister shall, by order, appoint a day to be the dissolution day for the purposes of this Part. 20

Dissolution of Employment Appeals Tribunal

- 63.** (1) The Employment Appeals Tribunal established by section 39 of the Act of 1967 shall, on the dissolution day, stand dissolved.
- (2) *Section 16* shall apply to the person who immediately before the dissolution day performed the functions of accounting officer of the Employment Appeals Tribunal subject to the modifications that— 25
- (a) references in that section to the Director General shall be construed as references to that person, and
- (b) references to the Commission shall be construed as references to the Employment Appeals Tribunal. 30

Transfer of functions from Employment Appeals Tribunal to Labour Court

- 64.** (1) All functions that, immediately before the dissolution day, were vested in the Employment Appeals Tribunal are transferred to the Labour Court.

- (2) 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 this section shall be construed as references to the Labour Court.
- (3) This section shall come into operation on the dissolution day.
- (4) In this section “functions” does not include functions under the Act of 1967, the Act of 1977 or the Minimum Notice and Terms of Employment Act 1973. 5

Transfer of property of Employment Appeals Tribunal to Labour Court

- 65.** (1) On the dissolution day all property, including choses-in-action, that immediately before that day, was vested in the Employment Appeals Tribunal shall stand vested in the Labour Court without any assignment. 10
- (2) 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 Commission in its own name, and it shall not be necessary for the Commission, or the Employment Appeals Tribunal, to give notice to any person bound by the chose-in-action of the vesting effected by that subsection. 15
- (3) Subject to *subsection (4)* on the dissolution day all records that, immediately before that day, were records of the Employment Appeals Tribunal shall be records of the Labour Court and shall, accordingly, be transferred to the Labour Court.
- (4) All records relating to proceedings under the Act of 1977 that, immediately before that day, were records of the Employment Appeals Tribunal shall be records of the Labour Court and shall, accordingly, be transferred to the Labour Court. 20

Transfer of rights and liabilities of Employment Appeals Tribunal to Labour Court

- 66.** (1) All rights and liabilities of the Employment Appeals Tribunal subsisting immediately before the dissolution day and arising by virtue of any contract or commitment (expressed or implied) shall on that day stand transferred to the Labour Court. 25
- (2) Every right and liability transferred by *subsection (1)* to the Labour Court may, on and after the dissolution day, be sued on, recovered or enforced by or against 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 the person whose right or liability is transferred by that subsection of such transfer. 30

Liability for loss occurring before dissolution day

- 67.** (1) A claim in respect of any loss or injury alleged to have been suffered by any person arising out of the performance before the dissolution day of any of the functions of the Employment Appeals Tribunal shall after that day, lie against the Labour Court and not against the Employment Appeals Tribunal. 35
- (2) Any legal proceedings pending immediately before the dissolution day to which the Employment Appeals Tribunal is a party, shall be continued, with the substitution in the proceedings of the Labour Court for the Employment Appeals Tribunal.
- (3) Where, before the dissolution day, agreement has been reached between the parties concerned in settlement of a claim to which *subsection (1)* relates, the terms of which 40

have not been implemented, or judgment in such a claim has been given in favour of a person but has not been enforced, the terms of the agreement or judgment, as the case may be, shall, in so far as they are enforceable against the Employment Appeals Tribunal, be enforceable against the Labour Court and not the Employment Appeals Tribunal.

5

- (4) Any claim made or proper to be made by the Employment Appeals Tribunal in respect of any loss or injury arising from the act or default of any person before the dissolution day shall be regarded as having been made by or proper to be made by the Labour Court and may be pursued and sued for by the Labour Court as if the loss or injury had been suffered by the Labour Court.

10

Provisions consequent upon transfer of functions, property, rights and liabilities to Labour Court

68. (1) Anything commenced and not completed before the dissolution day by or under the authority of the Employment Appeals Tribunal may, in so far as it relates to a function transferred to the Labour Court under *section 64*, be carried on or completed on or after the dissolution day by the Labour Court.

15

- (2) Every instrument made under an enactment and every document (including any certificate) granted or made, in the performance of a function transferred by *section 64*, 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.

20

- (3) References to the Employment Appeals Tribunal in the memorandum or articles of association of any company shall, on and after the dissolution day, be construed as references to the Labour Court.

- (4) A certificate signed by the Minister that any property, right or liability has or, as the case may be, has not vested in the Labour Court under *section 65* or *66* shall be sufficient evidence, unless the contrary is shown, of the fact so certified for all purposes.

25

PART 7

MISCELLANEOUS

30

Fees

69. The Minister may, in respect of such services provided by the Commission as may be prescribed, charge the recipient of the service concerned a fee for the purpose of defraying the cost of the provision of that service by the Commission.

Forgery of documents

35

70. (1) A person who forges, or utters knowing it to be forged, a notice, certificate or other document purporting to be issued, granted or given under this Act (in this section referred to as a “forged document”) shall be guilty of an offence.

- (2) A person who alters with intent to defraud or deceive, or utters knowing it to be so altered, a notice, certificate or other document issued, granted or given under this Act (in this section referred to as an “altered document”) shall be guilty of an offence.
- (3) A person who, without lawful authority, has in his or her possession a forged document or an altered document shall be guilty of an offence. 5

Prohibition on unauthorised disclosure of confidential information

- 71.** (1) A relevant person shall not disclose confidential information obtained by him or her while performing functions under this Act unless he or she is required by law, or duly authorised by the Commission, to so do.
- (2) *Subsection (1)* shall not operate to prevent the disclosure of information— 10
- (a) in a report to the Board or the Director General,
 - (b) by or on behalf of the Board or the Commission to a Minister of the Government,
 - (c) in a report referred to in paragraph (a) of subsection (1) of section 26 of the Act of 1990 or a notice referred to in paragraph (a) of subsection (3) of that section.
- (3) A person who contravenes *subsection (1)* shall be guilty of an offence. 15
- (4) In this section—
- “confidential information” includes information that is expressed by the Commission to be confidential either as regards particular information or as regards information of a particular class or description;
- “relevant person” means— 20
- (a) the Director General,
 - (b) a member of the Board,
 - (c) a member of the staff of the Commission,
 - (d) an adviser or consultant to the Commission or a member of the staff of such adviser or consultant, or 25
 - (e) any other person engaged under a contract for services by the Commission or a member of the staff of such person.

Amendment of section 21 of Act of 1946

- 72.** Section 21 of the Act of 1946 is amended by the substitution, in subsection (1), of “The Court may for the purposes of any proceedings before it under this Act, any investigation under the Industrial Relations (Amendment) Act 2001, the Unfair Dismissals Act 1977 or *Part 4* of the *Workplace Relations Act 2014* 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”. 30 35

Amendment of section 10 of Act of 1946

- 73.** (1) Section 10 of the Act of 1946 is amended by—

(a) the substitution of the following subsection for subsection (3):

“(3) Subject to subsection (3A) (inserted by *section 73(1)(b)* of the *Workplace Relations Act 2014*), the chairman shall—

- (a) except in the case of a person reappointed to be chairman under subsection (3B) (inserted by that section), be appointed by the Minister from among persons in respect of whom a recommendation for the purposes of this section has been made by the Public Appointments Service consequent upon the holding of a competition in accordance with the Public Service Management (Recruitment and Appointments) Act 2004, and
- (b) hold office subject to such terms and conditions as the Minister, with the consent of the Minister for Public Expenditure and Reform determines.”,

(b) the insertion of the following subsections:

“(3A) The person who immediately before the commencement of *section 73* of the *Workplace Relations Act 2014* stood appointed as chairman shall, upon such commencement, continue to be chairman for the unexpired period of his term of appointment subject to the same terms and conditions as applied to his or her appointment immediately before such commencement.

(3B) The Minister may reappoint a person whose term of office as chairman expires by the efflux of time to be the chairman.”,

(c) the substitution of the following subsection for subsection (4):

“(4) (a) The Minister shall—

- (i) in respect of each workers’ member, designate an organisation (in this section referred to as a ‘designated body’) representative of trade unions of workers to nominate persons for the purposes of this section, and
- (ii) in respect of each employers’ member, designate a trade union (in this section also referred to as a ‘designated body’) of employers to nominate persons for the purposes of this section, and each such designated body shall nominate 3 persons for those purposes.

(b) The Minister shall—

- (i) from among persons nominated under this subsection by a designated body referred to in subparagraph (i) of paragraph (a) appoint a person to be a workers’ member of the Court, and
- (ii) from among persons nominated under this subsection by a designated body referred to in subparagraph (ii) of paragraph (a) appoint a person to be an employers’ member of the Court.”,

and

(d) the insertion of the following subsection:

“(4A) Where a person appointed under subsection (4) to be a member of the Court is unable to perform his functions as such member due to ill health 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, there shall be deemed to exist a temporary vacancy in the membership of the Court and the Minister may, after consultation with the designated body that nominated the person under that subsection, appoint a person to fill that temporary vacancy subject to such terms and conditions as the Minister shall determine.”.

Amendment of Act of 1967

74. (1) The Act of 1967 is amended—

(a) in subsection (1) of section 2, by the insertion of the following definitions:

“ ‘*Act of 2014*’ means the *Workplace Relations Act 2014*; 15

‘adjudication officer’ has the same meaning as it has in the *Act of 2014*;

‘Director General’ means the Director General of the Workplace Relations Commission;”

(b) in section 24, by— 20

(i) the substitution, in paragraph (c) of subsection (1), of “Director General” for “Tribunal”,

(ii) the substitution, in subsection (2A) (inserted by section 12 of the Redundancy Payments Act 1971), of “adjudication officer to whom the claim has been referred under section 39, if he is satisfied” for “Tribunal, if it is satisfied”, and 25

(iii) the substitution, in subsection (3) (inserted by section 13 of the Redundancy Payments Act 1979) of—

(I) “Director General” for “Tribunal” in each place that it occurs, and

(II) “at his discretion” for “at its discretion”, 30

(c) in section 39, by—

(i) the substitution, in subsection (15), of “Director General” for “Tribunal”,

(ii) the substitution, in subsection (16), of “Director General” for “Tribunal”,

(iii) the insertion of the following subsection:

“(16A) The Director General shall, refer to an adjudication officer for adjudication by that officer an appeal under subsection (15) or a question referred to the Director General under subsection (16).” 35

(iv) the insertion of the following subsection:

- “(16B) *Subsections (11) and (12) of section 41 of the Act of 2014 shall apply in relation to an appeal under subsection (15) or a question referred to the Director General under subsection (16) as they apply to a complaint or dispute to which the said section 41 applies, subject to the following modifications:* 5
- (a) references to complaint or dispute shall be construed as references to such an appeal or such a question;
 - (b) references in the said *subsection (11)* to complainant or respondent shall be construed as references to employee or employer;
 - (c) the reference in the said *subsection (12)* to parties to a complaint or dispute under this section shall be construed as a reference to the employee or employer concerned; and 10
 - (d) any other necessary modifications.”,
 - (v) the substitution, in subsection (17), of “adjudication officer concerned” for “Tribunal” in each place that it occurs, 15
 - (vi) the substitution, in paragraph (a) of subsection (19), of “Director General” for “Tribunal”, and
 - (vii) the substitution, in paragraphs (b), (c), (d), (e), (f), (g) and (i) of subsection (19), of “an adjudication officer” for “the Tribunal” in each place that it occurs, 20
- (d) the insertion of the following section:
- “Appeal to Labour Court from decision of adjudication officer**
- 39A.** *Section 44 of the Act of 2014 shall apply in relation to a decision of an adjudication officer in relation to an appeal under subsection (15) of section 39 or a question referred to the Director General under subsection (16) of that section as it applies to a decision of an adjudication officer under section 41 of that Act, subject to the following modifications:* 25
- (a) the reference in *subsection (1)* of the said *section 44* to—
 - (i) proceedings under *section 41* shall be construed as a reference to such an appeal or proceedings in relation to such a question, and 30
 - (ii) those proceedings shall be construed as a reference to such an appeal or proceedings in relation to such a question;
 - and
 - (b) any other necessary modifications.”. 35
- (2) The amendments to the Act of 1967 effected by this section shall not apply in relation to—
- (a) a decision referred to in subsection (15) of section 39 of that Act made before the commencement of this section, or

- (b) a question referred to in subsection (16) of that section falling to be decided by a deciding officer before the commencement of this section.

Amendment of section 2 of Act of 1969

75. Section 2 (inserted by section 9 of the Industrial Relations Act 1976) of the Act of 1969 is amended by the deletion, in subsection (2), of the words “less one”. 5

Certain functions of Labour Court performable by chairman or deputy chairman of Labour Court

76. The Act of 1969 is amended by the insertion of the following section:

“3A. Such functions of the Court as may be prescribed by order made by the Minister, after consultation with the chairman, may be performed by the chairman or a deputy chairman sitting alone.”. 10

Amendment of section 4 of Act of 1969

77. Section 4 of the Act of 1969 is amended by—

- (a) the substitution of the following subsection for subsection (1)—

“(1) (a) Subject to subsection (1A) (inserted by *section 77(b)* of the *Workplace Relations Act 2014*), the Minister shall appoint persons to be deputy chairmen from among persons in respect of whom recommendations for the purposes of this section have been made by the Public Appointments Service consequent upon the holding of a competition or competitions in accordance with the Public Service Management (Recruitment and Appointments) Act 2004. 15
20

(b) A deputy chairman shall hold office subject to such terms and conditions as the Minister, with the consent of the Minister for Public Expenditure and Reform determines.”,

- (b) the insertion of the following subsections: 25

“(1A) A person who immediately before the commencement of *section 77* of the *Workplace Relations Act 2014* stood appointed as deputy chairman shall, upon such commencement, continue to be deputy chairman for the unexpired period of his term of appointment subject to the same terms and conditions as applied to his or her appointment immediately before such commencement. 30

(1B) The Minister may reappoint a person whose term of office as deputy chairman expires by the efflux of time to be a deputy chairman, and paragraph (a) of subsection (1) shall not apply in respect of the reappointment of such person.”, 35

- (c) the substitution, in subsection (2), of “this Act, the Employment Equality Act 1998 and the *Workplace Relations Act 2014*” for “this Act and the Employment Equality Act 1998”,

- (d) the substitution of the following subsection for subsection (4):

“(4) Subject to subsection (8), the number of deputy chairmen of the Court for the time being standing appointed under this section shall not exceed 4.”,

(e) the substitution of the following subsection for subsection (5):

“(5) A deputy chairman appointed under subsection (4) may be paid such fees as the Minister, with the consent of the Minister for Public Expenditure and Reform, determines.”, 5

(f) the substitution of the following subsection for subsection (7):

“(7) The Civil Service Regulation Acts 1956 to 2005 shall not apply to the office of deputy chairman of the Court.”, 10

and

(g) the insertion of the following subsection:

“(8) Where a person appointed under this section to be a deputy chairman of the Court is unable to perform his functions as such member due to ill health 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, there shall be deemed to exist a temporary vacancy among the deputy chairmen of the Court and the Minister may appoint a person to fill that temporary vacancy subject to such terms and conditions as the Minister shall determine.”. 15 20

Amendment of Act of 1977

78. (1) The Act of 1977 is amended—

(a) in section 1, by the insertion of the following definitions:

“ ‘ *Act of 2014* ’ means the *Workplace Relations Act 2014*;

‘adjudication officer’ has the same meaning as it has in the *Workplace Relations Act 2014*; 25

‘Director General’ means the Director General of the Workplace Relations Commission;”,

(b) in subsection (1) of section 7, by the substitution of “the adjudication officer or the Labour Court” for “the rights commissioner, the Tribunal or the Circuit Court”, 30

(c) in section 8, by—

(i) the deletion of—

(I) paragraphs (b) and (c) of subsection (1A) and paragraph (b) of subsection (3), and 35

(II) subsections (5), (9) and (10),

(ii) the substitution of the following subsection for subsection (1):

- “(1) 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 refer the claim to an adjudication officer for adjudication by the adjudication officer.”, 5
- (iii) by the substitution of “recommendation of a rights commissioner” for “decision of an adjudication officer” in paragraph (a) of subsection (1A),
- (iv) by the insertion of the following subsection:
- “(1B) An adjudication officer to whom a claim for redress under this Act is referred under this section shall— 10
- (a) inquire into the claim,
- (b) give the parties to the claim an opportunity to—
- (i) be heard by the adjudication officer, and
- (ii) present to the adjudication officer any evidence relevant to the claim, 15
- (c) make a decision in relation to the claim consisting of—
- (i) the grant of redress in accordance with section 7, or
- (ii) the dismissal of the claim,
- and
- (d) give the parties to the claim a copy of that decision in writing.”, 20
- (v) in subsection (2), by—
- (I) the substitution—
- (A) of “the Director General” for “a rights commissioner or the Tribunal, as the case may be”, and
- (B) of “the Director General” for “the rights commissioner or the Tribunal,” in each place that it occurs, 25
- and
- (II) the deletion of “, as the case may be,” in each place that it occurs,
- (vi) by the substitution of “the adjudication officer” for “the rights commissioner or the Tribunal” in each place that it occurs, 30
- (vii) by the deletion of subsection (4),
- (viii) by the substitution, in subsection (6), of “an adjudication officer” for “a rights commissioner”,
- (ix) by the substitution of the following subsection for subsection (7):
- “(7) An adjudication officer shall notify the Labour Court of any decision he makes under this section.”, 35

- (x) by the substitution of the following paragraph for paragraph (a) of subsection (8):
- “(a) the procedure to be followed regarding the bringing of appeals under section 9 before the Labour Court,”,
- (xi) in subsection (8), by— 5
- (I) the substitution of “Labour Court” for “Tribunal” in each place that it occurs, and
- (II) the deletion, in paragraph (g), of “claims and”,
- (xii) by the substitution of “the adjudication officer” for “the rights commissioner, the Tribunal or the Circuit Court, as the case may be,”, 10
- (d) by the insertion of the following sections:
- “Application of provisions of *Act of 2014* to claim for redress**
- 8A.** (1) *Sections 42 and 43 of the Workplace Relations Act 2014* shall apply to a claim referred to an adjudication officer under section 8 as they apply to a complaint or dispute referred to an adjudication officer under *section 41* of that Act, subject to the following modifications: 15
- (a) references to a complaint or dispute shall be construed as references to a claim referred to an adjudication officer under section 8 of this Act;
- (b) the reference to *section 41* shall be construed as a reference to section 8 of this Act; and 20
- (c) any other necessary modifications.
- (2) *Section 44 of the Workplace Relations Act 2014* shall apply to a decision of an adjudication officer given in respect of a claim for redress under this Act by an employee as it applies to a decision of an adjudication officer given in proceedings under *section 41* of that Act, subject to the following modifications: 25
- (a) the reference in *subsection (1)* of the said *section 44* to—
- (i) proceedings under *section 41* shall be construed as a reference to a claim under section 8 of this Act, and 30
- (ii) those proceedings shall be construed as a reference to that claim;
- and
- (b) any other necessary modifications.
- Disposal of claims by written submission only** 35
- 8B.** (1) The Director General may, where he or she considers that a claim for redress under this Act may be dealt with by written submissions only, inform the parties to the claim, by notification in writing, of his or her intention to deal with the claim in that manner.

- (2) Where a party to a claim for redress under this Act is given a notification under subsection (1) and, not later than 42 days after having been given the notification, that party informs the Director General that he or she objects to the claim being dealt with in the manner specified in the notification, the Director General shall not deal with the claim in that manner. 5

Striking out of claims that are not pursued

- 8C.** (1) Where a claim for redress under this Act is referred to the Director General under section 8, the Director General may strike out the claim if he or she is satisfied that the claim has not been pursued by the employee during the period of one year (or such other period as may be prescribed by regulations made by the Minister) immediately preceding its being struck out. 10
- (2) The Director General shall, as soon as may be after he or she strikes out a claim for redress under this Act in accordance with this section, notify the parties to the claim in writing of the striking out of the claim. 15
- (3) Where a claim for redress under this Act is struck out under this section, the employee who brought the claim shall not be entitled to prosecute the claim any further.”, 20

and

- (e) by the deletion of section 9.
- (2) The amendments to the Act of 1977 effected by this section shall not apply in relation to a dismissal within the meaning of that Act occurring before the commencement of this section. 25

Amendment of Part VII of Pensions Act 1990

79. Part VII of the Pensions Act 1990 is amended by—

- (a) the substitution of “adjudication officer within the meaning of the *Workplace Relations Act 2014*” for “equality officer” in each place that it occurs, and
- (b) the substitution of “decision” for “recommendation” in each place that it occurs. 30

Amendment of Act of 1998

80. The Act of 1998 is amended—

- (a) in section 39, by—
- (i) the deletion of paragraph (bb) (inserted by section 25 of the Parental Leave Act 1998), and 35
- (ii) the deletion of paragraph (c),
- (b) the insertion, in subsection (1) of section 74, of the following definitions:
- “ ‘*Act of 2014*’ means the *Workplace Relations Act 2014*;

‘adjudication officer’ has the same meaning as it has in the *Act of 2014*;

‘mediation officer’ has the same meaning as it has in the *Act of 2014*;”,

(c) by the substitution of—

(i) “adjudication officer” for “equality officer” in each place that it occurs,

(ii) “Director General of the Workplace Relations Commission” for “Director of the Equality Tribunal” and “Director” in each place that they occur, and 5

(iii) “mediation officer” for “equality mediation officer” in each place that it occurs,

(d) in section 75, by—

(i) the deletion of subsections (1), (2), (2A), (3), (4), (4A) and (8), and 10

(ii) the deletion, in subsection (4), of “or any other enactment”,

(e) the substitution of the following section for section 75:

“75. Section 39 of the *Act of 2014* shall apply to a case referred to the Director General of the Workplace Relations Commission under this Act as it applies to a complaint presented, or dispute referred, to the Director General of the Workplace Relations Commission under *section 41* of that Act, subject to the modification that references to a complaint or dispute under the said *section 39* shall be construed as references to a case so referred.”, 15

(f) in section 79, by the deletion of subsections (5A) and (7), 20

(g) the substitution of the following section for section 83:

“83. Section 44 of the *Act of 2014* shall apply to a decision of the Director General of the Workplace Relations Commission under section 79 as it applies to a decision of an adjudication officer under *section 41* of that Act, subject to the following modifications: 25

(a) the reference in subsection (1) of the said *section 44* to—

(i) proceedings under *section 41* shall be construed as a reference to proceedings under section 79 of this Act, and

(ii) to decision of an adjudication officer shall be construed as a reference to decision of the Director General of the Workplace Relations Commission; 30

and

(b) any other necessary modifications.”,

(h) by the substitution, after the word “published” in subsection (1) of section 89, of “on the internet in such form and in such manner as the Director General of the Workplace Relations Commission considers appropriate”, 35

(i) by the substitution of the following section for section 91:

“91. Section 43 of the *Act of 2014* shall apply to a claim referred to an

adjudication officer under section 8 as it applies to a complaint or dispute referred to an adjudication officer under *section 41* of that Act subject to—

- (a) the modification that the following paragraph is substituted for paragraph (a) of subsection (1): 5
 - ‘(a) on application to it in that behalf by the complainant concerned, the Equality Authority or the Commission, or’,
 - and
- (b) the following modifications:
 - (i) references to a complaint or dispute referred to an adjudication officer under *section 41* shall be construed as references to a case referred to the Director General of the Workplace Relations Commission under section 77 of this Act; 10
 - (ii) references to a complaint or dispute shall be construed as references to a case referred to the Director General of the Workplace Relations Commission under section 77 of this Act; 15
 - (iii) references to decision of an adjudication officer and the reference to decision of an adjudication officer under that section shall be construed as references and a reference to decision of the Director General of the Workplace Relations Commission under section 79 of this Act; and 20
 - (iv) references to employee shall be construed as references to complainant and references to employer shall be construed as references to respondent.’,
- (j) by the deletion of section 92, 25
- (k) by the insertion, after the word “Chairman of the Labour Court” in paragraph (a) of subsection (1) of section 94, of “an inspector appointed under *section 25* of the *Act of 2014*”, and
- (l) by the substitution, in subsection (3) of section 100, of “Workplace Relations Commission” for “Minister”. 30

Amendment of Equal Status Act 2000

81. (1) The Equal Status Act 2000 is amended—

(a) in subsection (1) of section 2, by—

(i) the insertion of the following definitions:

“ ‘*Act of 2014*’ means the *Workplace Relations Act 2014*; 35

‘adjudication officer’ has the same meaning as it has in the *Act of 2014*;

‘mediation officer’ has the same meaning as it has in the *Act of 2014*;

‘Labour Court’ means the body established by the Industrial Relations Act 1946;”,

and

- (ii) the deletion of the definition of “Director”,
- (b) the substitution (other than in subparagraph (ii) of paragraph (j) of subsection (2) of section 3) of “Director of the Workplace Relations Commission” for “Director” in each place that it occurs, 5
- (c) the substitution, in subparagraph (ii) of paragraph (j) of subsection (2) of section 3, of “adjudication officer” for “Director”,
- (d) in section 20, by— 10
 - (i) the deletion of the definitions of “equality mediation officer” and “equality officer”, and
 - (ii) the insertion of the following definition:

“ ‘Minister’ means the Minister for Jobs, Enterprise and Innovation;”,
- (e) in Part III, by— 15
 - (i) the substitution of “adjudication officer” for “equality officer” in each place that it occurs, and
 - (ii) the substitution of “mediation officer” for “equality mediation officer” in each place that it occurs,
- (f) in section 30, by the insertion after the word “published” of “on the internet in such form and manner as the Director General of the Workplace Relations Commission considers appropriate”, 20
- (g) the substitution of the following section for section 31:

“31. Section 43 of the Act of 2014 shall apply to a case referred to the Director General of the Workplace Relations Commission under section 21 of this Act as it applies to a complaint or dispute referred to an adjudication officer under section 41 of that Act subject to— 25

 - (a) the modification that the following paragraph is substituted for paragraph (b) of subsection (1):

‘(a) on application to it in that behalf, with the consent of the complainant, by the Equality Authority,’ 30
 - and
 - (b) the following modifications:
 - (i) references to a complaint or dispute shall be construed as references to a case so referred; 35
 - (ii) the reference to section 41 shall be construed as a reference to section 25 of this Act;

- (iii) references to decision of an adjudication officer and the reference to decision of an adjudication officer under that section shall be construed as references and a reference, respectively, to decision of the Director General of the Workplace Relations Commission under section 25 of this Act; and 5
- (iv) references to employee and employer shall be construed as references to complainant and respondent respectively.”,
- (h) by the deletion of section 32,
- (i) in section 41, by the substitution of “Minister for Jobs, Enterprise and Innovation” for “Minister” in each place that it occurs, and 10
- (j) in section 44, by—
 - (i) the substitution of the following subsection for subsection (1):
 - “(1) Summary proceedings for an offence under this Act may be brought and prosecuted by the Workplace Relations Commission or the Equality Authority.”, 15
 - (ii) the substitution of the following subsection for subsection (2):
 - “(2) Where an offence under this Act is committed by a body corporate and is proved to have been so committed with the consent or connivance of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person shall, as well as the body corporate, be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.”, 20
- and 25
- (iii) the deletion of subsection (3).

Amendment of section 5 of Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007

- 82.** Section 5 of the Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007 is amended by— 30
- (a) the substitution, in paragraph (a) of subsection (2), of “Minister” for “National Implementation Body (being the body of that name established, under the aegis of the Department of the Taoiseach, to oversee the attainment and maintenance of industrial peace and stability)”,
 - (b) the substitution, in subsection (3), of “person” for “body”, and 35
 - (c) the substitution, in subsection (10), of “person” for “body”.

SCHEDULE 1

EMPLOYMENT ENACTMENTS

Part 1

ACTS OF THE OIREACHTAS

5

| | |
|---|----|
| 1. Payment of Wages Act 1991 | |
| 2. Adoptive Leave Act 1995 | |
| 3. Protection of Young Persons (Employment) Act 1996 | |
| 4. Transnational Information and Consultation of Employees Act 1996 | |
| 5. Organisation of Working Time Act 1997 | 10 |
| 6. Parental Leave Act 1998 | |
| 7. National Minimum Wage Act 2000 | |
| 8. Carer's Leave Act 2001 | |
| 9. Protection of Employees (Part-Time Work) Act 2001 | |
| 10. Protection of Employees (Fixed-Term Work) Act 2003 | 15 |
| 11. Maternity Protection Acts 1994 and 2004 | |
| 12. Minimum Notice and Terms of Employment Acts 1973 to 2005 | |
| 13. Employees (Provision of Information and Consultation) Act 2006 | |
| 14. Unfair Dismissals Acts 1977 to 2007 | |
| 15. Employment Equality Acts 1998 to 2011 | 20 |
| 16. Protection of Employees (Employers' Insolvency) Acts 1984 to 2012 | |
| 17. Protection of Employees (Temporary Agency Work) Act 2012 | |
| 18. Redundancy Payments Acts 1967 to 2014 | |
| 19. Protection of Employment Acts 1977 to 2014 | |
| 20. Terms of Employment (Information) Acts 1994 to 2014 | 25 |

Part 2

PROVISIONS OF ACTS OF OIREACHTAS

| | |
|---|----|
| 1. Sections 4(2) and 5 of the Minimum Notice and Terms of Employment Act 1973 | |
| 2. Section 4(1) of the Protections for Persons Reporting Child Abuse Act 1998 | |
| 3. Section 8A(5) of the Prevention of Corruption (Amendment) Act 2001 | 30 |

| | |
|---|----|
| 4. Section 50 of the Competition Act 2002 | |
| 5. Section 26(3) of the Employment Permits Act 2003 | |
| 6. Section 55M(1) of the Health Act 2004 | |
| 7. Section 27 of the Safety, Health and Welfare at Work Act 2005 | |
| 8. Section 87 of the Consumer Protection Act 2007 | 5 |
| 9. Section 26(1) of the Chemicals Act 2008 | |
| 10. Section 223(3) of the National Asset Management Agency Act 2009 | |
| 11. Section 38 of the Inland Fisheries Act 2010 | |
| 12. Section 20(1) of the Criminal Justice Act 2011 | |
| 13. Section 67(5) of the Property Services (Regulation) Act 2011 | 10 |
| 14. Section 35 of the Further Education and Training Act 2013 | |

Part 3

STATUTORY INSTRUMENTS

| | |
|--|----|
| 1. European Communities (Parental Leave) Regulations 2000 (S.I. No. 231 of 2000) | |
| 2. European Communities (Protection of Employment) Regulations 2000 (S.I. No. 488 of 2000) | 15 |
| 3. European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 (S.I. No. 131 of 2003) | |
| 4. European Communities (Organisation of Working Time) (Activities of Doctors in Training) Regulations 2004 (S.I. No. 494 of 2004) | 20 |
| 5. Organisation of Working Time (Inclusion of Transport Activities) Regulations 2004 (S.I. No. 817 of 2004) | |
| 6. Organisation of Working Time (Inclusion of Offshore Work) Regulations 2004 (S.I. No. 819 of 2004) | |
| 7. European Communities (Organisation of Working Time) (Mobile Staff in Civil Aviation) Regulations 2006 (S.I. No. 507 of 2006) | 25 |
| 8. European Communities (European Public Limited – Liability Company) (Employee Involvement) Regulations 2006 (S.I. No. 623 of 2006) | |
| 9. European Communities (European Cooperative Society) (Employee Involvement) Regulations 2007 (S.I. No. 259 of 2007) | 30 |
| 10. European Communities (Cross-Border Mergers) Regulations 2008 (S.I. No. 157 of 2008) | |
| 11. 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) | 35 |

12. European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations 2012 (S.I. No. 36 of 2012)

SCHEDULE 2

Section 7

ENACTMENTS REPEALED

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Repeal (4) | |
|------------------|------------------------|--|---|----|
| 1. | No. 25 of 1991 | Payment of Wages Act 1991 | Sections 6 (other than subsections (2) and (3)), 7, 8 and 9 | 5 |
| 2. | No. 34 of 1994 | Maternity Protection Act 1994 | Part V (other than sections 30(1), (2), (3), (5) and (6), 32, 33A and 36) | 10 |
| 3. | No. 5 of 1994 | Terms of Employment (Information) Act 1994 | Sections 7 (other than subsection (2)), 8 (other than subsection (1)), 9 and 10 | 15 |
| 4. | No. 2 of 1995 | Adoptive Leave Act 1995 | Part V (other than sections 31, 32(1), (2) and (4), 33 and 38) | |
| 5. | No. 16 of 1996 | Protection of Young Persons (Employment) Act 1996 | Sections 18 (other than subsection (3)), 19 (other than subsection (1)), 20, 21 and 22 | 20 |
| 6. | No. 20 of 1997 | Organisation of Working Time Act 1997 | Sections 27 (other than subsections (1) and (3)), 28 (other than subsection (1)), 29, 30 and 31 | 25 |
| 7. | No. 30 of 1998 | Parental Leave Act 1998 | Part IV (other than sections 18(1) and (2) and 21) | |
| 8. | No. 49 of 1998 | Protections for Persons Reporting Child Abuse Act 1998 | Section 4 (other than subsections (2), (3), (5) and (6)) | 30 |
| 9. | No. 5 of 2000 | National Minimum Wage Act 2000 | Part 5 (other than sections 24, 25, 26(2) and (3), 29, 35, 36, 37, 38, 39 and 40) | |
| 10. | No. 19 of 2001 | Carer's Leave Act 2001 | Part 4 (other than sections 17, 18 and 21) | 35 |
| 11. | No. 27 of 2001 | Prevention of Corruption (Amendment) Act 2001 | Schedule 1 (other than paragraphs 1(3), 2(1), 3(7) and (8) and 5) | |
| 12. | No. 45 of 2001 | Protection of Employees (Part-Time Work) Act 2001 | Sections 16 (other than subsection (1)), 17 (other than subsection (1)) and 18 | 40 |
| 13. | No. 14 of 2002 | Competition Act 2002 | Schedule 3 | |
| 14. | No. 29 of 2003 | Protection of Employees (Fixed-Term Work) Act 2003 | Part 3 (other than sections 14(2) and 15(1)) | 45 |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Repeal (4) | |
|---------------|---------------------|--|--|----|
| 15. | No. 42 of 2004 | Health Act 2004 | Sections 55M (other than subsections (1), (2), (3) and (6)), 55N, 55O and 55P | 5 |
| 16. | No. 10 of 2005 | Safety, Health and Welfare at Work Act 2005 | Sections 28 (other than subsection (3)), 29 (other than subsection (1)), 30 and 31 | |
| 17. | No. 16 of 2006 | Employment Permits Act 2006 | Schedule 2 (other than paragraphs 1(3), 2(1), 5 and 6) | 10 |
| 18. | No. 19 of 2007 | Consumer Protection Act 2007 | Schedule 6 | |
| 19. | No. 13 of 2008 | Chemicals Act 2008 | Section 26 (other than subsections (1), (2), (3) and (7)) | 15 |
| 20. | No. 34 of 2009 | National Asset Management Agency Act 2009 | Schedule 2 (other than paragraph 1(3) and paragraph 2(1)) | 20 |
| 21. | No. 10 of 2010 | Inland Fisheries Act 2010 | Schedule 4 (other than paragraph 1(3) and paragraph 2(1)) | |
| 22. | No. 22 of 2011 | Criminal Justice Act 2011 | Schedule 2 (other than paragraph 1(3) or paragraph 2(1)) | 25 |
| 23. | No. 40 of 2011 | Property Services (Regulation) Act 2011 | Schedule 4 (other than paragraph 1(3) or paragraph 2(1)) | |
| 24. | No. 13 of 2012 | Protection of Employees (Temporary Agency Work) Act 2012 | Schedule 2 (other than paragraphs 1(3), 2(1), 5 and 6) | 30 |
| 25. | No. 25 of 2013 | Further Education and Training Act 2013 | Schedule (other than paragraphs 1(3) and 2(1)) | |

SCHEDULE 3

Section 9

WORKPLACE RELATIONS COMMISSION

1. (1) The Commission shall be a body corporate with perpetual succession and an official seal and shall have power to sue, and may be sued, in its corporate name, and shall, with the consent of the Minister and the Minister for Public Expenditure and Reform have power to acquire, hold and dispose of land or an interest in land, and shall have power to acquire, hold and dispose of any other property. 5
- (2) The seal of the Commission shall be authenticated by the signatures of both the Director General, and a member of the staff of the Commission authorised by the Board to act in that behalf. 10
- (3) Judicial notice shall be taken of the seal of the Commission and any document purporting to be an instrument made by, and to be sealed with the seal of, the Commission shall, unless the contrary is shown, be received in evidence and be deemed to be such instrument without further proof. 15
2. (1) The Commission shall have a board (in this Act referred to as the “Board”) consisting of the following members, that is to say—
 - (a) a chairperson, and
 - (b) 8 ordinary members. 20
- (2) The chairperson and the ordinary members of the Board shall be appointed by the Minister.
- (3) Of the ordinary members of the Board—
 - (a) 2 shall be appointed by the Minister from among persons who, in the opinion of the Minister, represent the interests of employees, 25
 - (b) 2 shall be appointed by the Minister from among persons who, in the opinion of the Minister, represent the interests of employers,
 - (c) one shall be appointed by the Minister from among persons who, in the opinion of the Minister, represent the interests of bodies who seek to promote equality in the workplace, and 30
 - (d) 3 shall be appointed by the Minister from among persons who, in the opinion of the Minister, have experience and expertise in relation to workplace relations, resolution of disputes in the workplace, employment law or equality law.
- (4) The Minister shall, in so far as is practicable, endeavour to ensure that among the members of the Board there is an equitable balance between men and women. 35
- (5) (a) The chairperson of the Board shall hold office for the period of 5 years from the date of his or her appointment.
- (b) A member of the Board appointed under *clause (a), (b) or (c) of subparagraph (3)* shall hold office for the period of 2 years from the date of his or her appointment. 40

- (c) A member of the Board appointed under *clause (d) of subparagraph (3)* shall hold office for the period of 3 years from the date of his or her appointment.
- (6) Subject to *subparagraph (7)*, a member (other than the chairperson) of the Board whose term of office expires by the efflux of time shall be eligible for reappointment to the Board. 5
- (7) A person who is reappointed to the Board in accordance with *subparagraph (5)* shall not hold office for periods the aggregate of which exceeds 6 years.
3. (1) A member of the Board may resign from office by giving notice in writing to the Minister of his or her resignation and the resignation shall take effect on the day on which the Minister receives the notice. 10
- (2) The Minister may at any time remove from office a member of the Board if, in the Minister's opinion—
- (a) the member has become incapable through ill-health of performing his or her functions,
- (b) the member has committed stated misbehaviour, or 15
- (c) the member's removal appears to the Minister to be necessary for the effective performance by the Board of its functions.
- (3) A member of the Board shall cease to be qualified for office and shall cease to hold office if he or she—
- (a) is adjudicated bankrupt, 20
- (b) makes a composition or arrangement with creditors,
- (c) is sentenced by a court of competent jurisdiction to a term of imprisonment,
- (d) is convicted of any indictable offence in relation to a company,
- (e) is convicted of any indictable offence in relation to a company or any other body corporate, 25
- (f) is convicted of an offence involving fraud or dishonesty, whether in connection with a company or not, or
- (g) is the subject of an order under section 160 of the Companies Act 1990.
- (4) A member of the Board shall, subject to the provisions of this Act, hold office upon such terms and conditions as may be determined by the Minister, with the consent of the Minister for Public Expenditure and Reform. 30
- (5) There may be paid by the Minister to members of the Board such allowances in respect of expenses (if any) incurred by them as the Minister may, with the consent of the Minister for Public Expenditure and Reform, determine.
4. (1) If a member of the Board dies, resigns, ceases to be qualified for office and ceases to hold office or is removed from office, the Minister may appoint a person to be a member of the Board to fill the casual vacancy so occasioned in the same manner as the member of the Board who occasioned the casual vacancy was appointed. 35

- (2) A person appointed to be a member of the Board pursuant to *subparagraph (1)* shall hold office for that period of the term of office of the member who occasioned the casual vacancy concerned that remains unexpired at the date of his or her appointment and shall, subject to *subparagraph (7) of paragraph 2*, be eligible for reappointment as a member of the Board on the expiry of the said period. 5
5. (1) The Board shall hold such and so many meetings as may be necessary for the due fulfilment of its functions.
- (2) The Minister shall fix the date, time and place of the first meeting of the Board.
- (3) At a meeting of the Board— 10
- (a) the chairperson of the Board shall, if present, be the chairperson of the meeting, or
- (b) if and so long as the chairperson of the Board is not present or if that office is vacant, the other members of the Board who are present shall choose one of their number to be chairperson of the meeting. 15
- (4) Every question at a meeting of the Board shall be determined by a majority of the votes of the members of the Board present and voting on the question, and, in the case of an equal division of votes, the chairperson shall have a second or casting vote.
- (5) Subject to *subparagraph (7)*, the Board may act notwithstanding one or more vacancies among its members. 20
- (6) Subject to the provisions of this Act, the Board shall regulate its procedure by rules or otherwise.
- (7) The quorum for a meeting of the Board shall, unless the Minister otherwise directs, be 5. 25

SCHEDULE 4

Section 27

ENACTMENTS SPECIFIED FOR PURPOSES OF SECTION 27

| Number and Year (1) | Short title (2) | Provision (3) | |
|------------------------|--|--|----|
| No. 25 of 1991 | Payment of Wages Act 1991 | Section 5 | 5 |
| No. 34 of 1994 | Maternity Protection Act 1994 | Section 18 | |
| No. 5 of 1994 | Terms of Employment (Information) Act 1994 | Sections 3(1) and 5 | |
| No. 20 of 1997 | Organisation of Working Time Act 1997 | Section 11, 12, 14(1), 15(1), 16(1), 17, 18, 19(1), 21, 22, 23(1) and (2), and 33(1) | 10 |
| No. 10 of 1977 | Unfair Dismissals Act 1977 | Section 14(1), (2) and (4) | |
| No. 19 of 2001 | Carer's Leave Act 2001 | Section 13(2) | |
| No. 13 of 2012 | Protection of Employees (Temporary Agency Work) Act 2012 | Section 14 | 15 |

SCHEDULE 5

Section 41

PROVISIONS AND ENACTMENTS SPECIFIED FOR PURPOSES OF *PART 4*

Part 1

SPECIFIED PROVISIONS OF ACTS OF OIREACHTAS

5

1. Section 9 or 10 of the Protection of Employment Act 1977
2. Section 5 of the Payment of Wages Act 1991
3. Section 3, 4, 5 or 6 of the Terms of Employment (Information) Act 1994
4. Section 13, 14, 15, 16 or 17 of the Protection of Young Persons (Employment) Act 1996 10
5. Section 6(2), 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 or 26 of, or paragraph 9 of the Fifth Schedule to, the Organisation of Working Time Act 1997
6. Section 4(1) of the Protections for Persons Reporting Child Abuse Act 1998
7. Section 8A(5) of the Prevention of Corruption (Amendment) Act 2001
8. Section 9, 10, 12, 13, 14 or 15 of the Protection of Employees (Part-Time Work) Act 2001 15
9. Section 50(3) of the Competition Act 2002
10. Section 26(3) of the Employment Permits Act 2003
11. Protection of Employees (Fixed-Term Work) Act 2003
12. Section 55M(1) of the Health Act 2004 20
13. Section 27 of the Safety, Health and Welfare at Work Act 2005
14. Section 87(3) of the Consumer Protection Act 2007
15. Section 26(1) of the Chemicals Act 2008
16. Section 223(3) of the National Asset Management Agency Act 2009
17. Section 38(1) of the Inland Fisheries Act 2010 25
18. Section 20(1) of the Criminal Justice Act 2011
19. Section 67(5) of the Property Services (Regulation) Act 2011
20. Section 6, 13(1) or 23 of the Protection of Employees (Temporary Agency Work) Act 2012
21. Section 35 of the Further Education and Training Act 2013 30

Part 2

SPECIFIED PROVISIONS OF STATUTORY INSTRUMENTS

1. European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 (S.I. No. 131 of 2003) (other than regulations 4(4)(a) and 13)
2. Regulation 5, 6, 7, 8, 9 or 10 of the European Communities (Organisation of Working Time) (Activities of Doctors in Training) Regulations 2004 (S.I. No. 494 of 2004) 5
3. Each provision being the provision referred to in section 6(1) of the Organisation of Working Time Act 1997
4. European Communities (Organisation of Working Time) (Mobile Staff in Civil Aviation) Regulations 2006 (S.I. No. 507 of 2006) 10
5. Regulation 19 of the European Communities (European Public Limited – Liability Company) (Employee Involvement) Regulations 2006 (S.I. No. 623 of 2006)
6. Regulation 20(1) of the European Communities (European Cooperative Society) (Employee Involvement) Regulations 2007 (S.I. No. 259 of 2007)
7. 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) 15
8. Regulation 5, 8, 10, 11 or 12 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) 20

Part 3

SPECIFIED ENACTMENTS

1. Parts II, III and IV of the Maternity Protection Act 1994
2. Adoptive Leave Act 1995
3. Parental Leave Act 1998 25
4. National Minimum Wage Act 2000
5. Carer's Leave Act 2001 (other than a dispute to which paragraph (a), (b) or (c) of section 17(1) of that Act applies)

SCHEDULE 6

Section 51

AMENDMENT OF ENACTMENTS

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) | |
|------------------|---------------------------|--|---|---------------------------------|
| 1. | No. 4 of 1973 | Minimum Notice and Terms of Employment Act 1973 | <p>Section 12 is amended by the substitution of the following subsection for subsection (1):</p> <p>“(1) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2014</i> in relation to a complaint of a contravention of section 4(2) or 5 may, where the adjudication officer finds that that section was contravened by the employer in relation to the employee who presented the complaint, include a direction that the employer concerned pay to the employee compensation for any loss sustained by the employee by reason of the contravention.”.</p> <p>The following section is inserted:</p> <p>“Decision of Labour Court on appeal from decision referred to in section 12</p> <p>12A. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2014</i>, on appeal from a decision of an adjudication officer referred to in section 12, shall affirm, vary or set aside the decision of the adjudication officer.”.</p> | 5 10 15 20 25 30 |
| 2. | No. 21 of 1984 | Protection of Employees (Employers’ Insolvency) Act 1984 | Section 9 is amended by the substitution of “Labour Court” for “Tribunal” in each place that it occurs. | 35 |
| 3. | No. 25 of 1991 | Payment of Wages Act 1991 | <p>Section 6 is amended by the substitution of the following subsections for subsections (2) and (3):</p> <p>“(2) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2014</i>, in relation to a complaint of a contravention of section 5 as respects a deduction made by an employer from the</p> | 40 45 |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) |
|------------------|---------------------------|--------------------|---|
| | | | <p>wages of an employee or the receipt from an employee by an employer of a payment, that the complaint is, in whole or in part, well founded as respects the deduction or payment shall include a direction to the employer to pay to the employee compensation of such amount (if any) as he thinks reasonable in the circumstances not exceeding—</p> <p>(a) the net amount of the wages (after the making of any lawful deduction therefrom) that—</p> <p>(i) in case the complaint related to a deduction, would have been paid to the employee in respect of the week immediately preceding the date of the deduction if the deduction had not been made, or</p> <p>(ii) in case the complaint related to a payment, were paid to the employee in respect of the week immediately preceding the date of payment,</p> <p>or</p> <p>(b) if the amount of the deduction or payment is greater than the amount referred to in paragraph (a), twice the former amount.</p> <p>(3) (a) An adjudication officer shall not give a decision under this section in relation to a deduction or payment referred to in subsection (2) at any time after the commencement of the hearing of proceedings in a court brought by the employee concerned in respect of the deduction or payment.</p> <p>(b) An employee shall not be</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) |
|------------------|---------------------------|--|--|
| | | | <p>entitled to recover any amount in proceedings in a court in respect of such a deduction or payment as aforesaid at any time after an adjudication officer has given a decision under this section in relation to the deduction or payment.”.</p> <p>Section 7 is amended by the substitution of the following subsection for subsection (1):</p> <p>“(1) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2014</i>, on appeal from a decision of an adjudication officer referred to in section 14(2), shall affirm, vary or set aside the decision of the adjudication officer.”.</p> |
| 4. | No. 5 of 1994 | Terms of Employment (Information) Act 1994 | <p>The following subsection is substituted for subsection (2) of section 7:</p> <p>“(2) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2014</i> in relation to a complaint of a contravention of section 3, 4, 5 or 6 shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) (i) confirm all or any of the particulars contained or referred to in any statement furnished by the employer under section 3, 4, 5 or 6, or</p> <p>(ii) alter or add to any such statement for the purpose of correcting any inaccuracy or omission in the statement and the statement as so altered or added to shall be deemed to have been given to the employee by the employer,</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) | |
|------------------|---------------------------|-------------------------------|--|--|
| | | | <p>(c) require the employer to give or cause to be given to the employee concerned a written statement containing such particulars as may be specified by the commissioner,</p> <p>(d) order the employer to pay to the employee compensation of such amount (if any) as is just and equitable having regard to all 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,</p> <p>and the references in the foregoing paragraphs to an employer shall be construed, in a case where ownership of the business of the employer changes after a contravention to which the complaint relates, as references to the person who, by virtue of the change, becomes entitled to such ownership.”.</p> <p>The following subsection is substituted for subsection (1) of section 8:</p> <p>“(1) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2014</i>, on appeal from a decision of an adjudication officer referred to in <i>section 7(2)</i>, shall affirm, vary or set aside the decision of the adjudication officer.”.</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> |
| 5. | No. 34 of 1994 | Maternity Protection Act 1994 | <p>The following subsection is substituted for subsection (1) of section 30:</p> <p>“(1) This Part does not apply to a dispute relating to—</p> <p>(a) the dismissal of an employee, or</p> <p>(b) a matter that is within the competence of the Authority</p> | <p>40</p> <p>45</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) | |
|------------------|---------------------------|--------------------|--|--|
| | | | <p style="text-align: center;">under the 1989 Act.”.</p> <p>The following section is substituted for section 32:</p> <p>“32. (1) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2014</i> in relation to a dispute between an employee and the relevant employer relating to any entitlement of the employee under Part II, III or IV (or any matter arising out of or related to such entitlement) may include such directions to the parties to the dispute as the adjudication officer considers necessary or expedient for the resolution of the dispute, and if the decision is in favour of the employee then, without prejudice to the power to give such directions, the adjudication officer may order—</p> <p style="padding-left: 2em;">(a) the grant of leave to the employee for such period as may be so specified,</p> <p style="padding-left: 2em;">(b) an award of compensation (in favour of the employee to be paid by the relevant employer) of such amount, not exceeding 20 weeks’ remuneration in respect of the employee’s employment calculated in such manner as may be prescribed, as the adjudication officer deems just and equitable having regard to all of the circumstances, or</p> <p style="padding-left: 2em;">(c) both such grant and such award.</p> <p>(2) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2014</i> on appeal from a decision referred to in subsection (1) may include such directions to the parties to the appeal as the Labour Court considers necessary or expedient for the resolution of the matter, and if the decision is in</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) |
|------------------|---------------------------|-------------------------|--|
| | | | <p>favour of the employee then, without prejudice to the power to give such directions, the Labour Court may order—</p> <p>(a) the grant of leave for such period as may be so specified,</p> <p>(b) an award of compensation (in favour of the employee to be paid by the relevant employer) of such amount, not exceeding 20 weeks' remuneration in respect of the employee's employment calculated in such manner as may be prescribed, as the Labour Court deems just and equitable having regard to all of the circumstances, or</p> <p>(c) both such grant and such award.</p> <p>(3) In this section 'remuneration' includes allowances in the nature of pay and benefits in lieu of or in addition to pay.”.</p> <p>Section 33A(1) is amended, in the definition of “proceedings” by the substitution of—</p> <p>(a) “<i>Part 4 of the Workplace Relations Act 2014</i>” for “this Part”,</p> <p>(b) “adjudication officer” for “rights commissioner” in each place that it occurs, and</p> <p>(c) “Labour Court” for “Tribunal” in each place that it occurs.</p> |
| 6. | No. 2 of 1995 | Adoptive Leave Act 1995 | <p>The following subsection is substituted for subsection (2) of section 32:</p> <p>“(2) This Part does not apply in respect of—</p> <p>(a) a dispute in relation to a dismissal, including a dismissal within the meaning of the Act of 1977 or, the termination of a contract of employment,</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) |
|------------------|---------------------------|--------------------|--|
| | | | <p>(b) a claim under Part IV of the Act of 1967 as extended by section 29, or 5</p> <p>(c) a dispute under section 11 of the Minimum Notice and Terms of Employment Act 1973 as extended by section 30.”. 10</p> <p>The following section is substituted for section 33:</p> <p>“33. (1) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2014</i> in relation to a dispute between an adopting parent and the relevant employer relating to the adopting parent’s entitlements under this Act or any matter in connection with such entitlements may include— 15</p> <p>(a) such directions to the parties to the complaint as the adjudication officer considers necessary or expedient for the resolution of the matter, and 20 25</p> <p>(b) an award of compensation (in favour of the adopting parent to be paid by the employer) of such amount, not exceeding 20 weeks’ remuneration in respect of the adopting parent’s employment calculated in accordance with regulations under section 32, as the adjudication officer deems just and equitable having regard to all of the circumstances. 30 35</p> <p>(2) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2014</i> on appeal from a decision of an adjudication officer referred to in subsection (1) may include— 40</p> <p>(a) such directions to the parties to the complaint as the Labour 45</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) | |
|------------------|---------------------------|---|---|---|
| | | | <p>Court considers necessary or expedient for the resolution of the matter, and</p> <p>(b) an award of compensation (in favour of the adopting parent to be paid by the employer) of such amount, not exceeding 20 weeks' remuneration in respect of the adopting parent's employment calculated in accordance with regulations under section 32, as the Labour Court deems just and equitable having regard to all of the circumstances.</p> <p>(3) In this section 'remuneration' includes allowances in the nature of pay and benefits in lieu of or in addition to pay.”.</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> |
| 7. | No. 16 of 1996 | Protection of Young Persons (Employment) Act 1996 | <p>The following subsection is substituted for subsection (3) of section 18:</p> <p>“(3) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2014</i> in relation to a complaint of a contravention of section 13 or 17 shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) order the employer to take a specific course of action,</p> <p>(c) order the employer to pay to the employee compensation of such amount (if any) as is just and equitable having regard to all the circumstances,</p> <p>and the references in the foregoing paragraphs to an employer shall be construed, in a case where ownership of the business of the employer changes after a</p> | <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) |
|------------------|---------------------------|---------------------------------------|--|
| | | | <p>contravention to which the complaint relates, as references to the person who, by virtue of the change, becomes entitled to such ownership.”</p> <p>The following subsection is substituted for subsection (1) of section 19:</p> <p>“(1) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2014</i>, on appeal from a decision of an adjudication officer referred to in <i>section 18(3)</i>, shall affirm, vary or set aside the decision of the adjudication officer.”</p> |
| 8. | No. 20 of 1997 | Organisation of Working Time Act 1997 | <p>Section 27 is amended by the substitution of the following subsection for subsection (3):</p> <p>“(3) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2014</i> in relation to a complaint of a contravention of this Act shall do one or more of the following:</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) require the employer to comply with the relevant provision,</p> <p>(c) require the employer to pay to the employee 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 employee’s employment,</p> <p>and the references in the foregoing paragraphs to an employer shall be construed, in a case where ownership of the business of the employer changes after the contravention to which the complaint relates occurred, as references to the person who, by</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) | |
|------------------|---------------------------|-------------------------|--|---|
| | | | <p>virtue of the change, becomes entitled to such ownership.”.</p> <p>The following subsection is substituted for subsection (1) of section 28:</p> <p>“(1) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2014</i> on appeal from a decision of an adjudication officer referred to in subsection (3) of section 27 shall affirm, vary or set aside the decision of the adjudication officer.”.</p> | <p>5</p> <p>10</p> <p>15</p> |
| 9. | No. 30 of 1998 | Parental Leave Act 1998 | <p>Section 18 is amended by—</p> <p>(a) the substitution of the following subsection for subsection (2):</p> <p>“(2) This Part does not apply to a dispute—</p> <p>(a) relating to a dismissal from employment, including a dismissal within the meaning of the Unfair Dismissals Acts 1977 to 2007,</p> <p>(b) consisting of a question to which section 39 (15) of the Redundancy Payments Act 1967, applies, or</p> <p>(c) a dispute to which section 11 of the Minimum Notice and Terms of Employment Act 1973 applies.”,</p> <p>(b) the deletion of subsections (3), (4), (5), (6) and (7).</p> <p>The following section is substituted for section 21:</p> | <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) |
|------------------|---------------------------|--------------------|---|
| | | | <p>“21. (1) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2014</i> in relation to a complaint of a contravention of this Act or a decision of the Labour Court under <i>section 41</i> of that Act in an 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 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> <p>(a) the grant to the employee of parental leave of such length to be taken at such time or times and in such manner as may be so specified,</p> <p>(b) an award of compensation in favour of the employee concerned to be paid by the employer concerned, or</p> <p>(c) a grant referred to in paragraph (a) and an award referred to in paragraph (b).</p> <p>(2) Compensation referred to in subsection (1)(b) shall be of such amount as the adjudication officer or the Labour Court, as the case may be, deems just and equitable having regard to all the circumstances but shall not exceed 20 weeks’ remuneration in respect of the employee’s employment calculated in such manner as may be prescribed.</p> <p>(3) A decision of an adjudication officer</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) |
|------------------|---------------------------|--------------------|---|
| | | | <p>or the Labour Court referred to in subsection (1) may, if the adjudication officer or the Labour Court, as the case may be, considers it reasonable having regard to the illness or other incapacity of the employee concerned or any other circumstance, include a direction that parental leave be taken at a time that does not accord with section 6(3). 5</p> <p>(4) Without prejudice to the generality of subsections (1) and (2), a decision of an adjudication officer under <i>section 41 of the Workplace Relations Act 2014</i> in relation to a complaint of a contravention of this Act 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— 15</p> <p>(a) is satisfied that the taking of such leave at the time specified in the notice under section 8(1) concerned would have a substantially adverse effect by reason of any of the matters specified in section 11(1), and 20</p> <p>(b) considers that it is reasonable to give such a direction in the circumstances. 25</p> <p>(5) Without prejudice to the generality of subsections (1) and (2), a decision of the Labour Court under <i>section 44 of the Workplace Relations Act 2014</i> in an appeal from a decision of an adjudication officer referred to in subsection (1) may contain a direction that the commencement of parental leave be postponed for a specified period (whether or not 30</p> <p>35</p> <p>40</p> <p>45</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) |
|------------------|---------------------------|--------------------|--|
| | | | <p>being the period specified in the relevant notice under section 11(1)), provided that the Labour Court—</p> <p>(a) is satisfied that the taking of such leave at the time specified in the notice under section 8(1) concerned would have a substantially adverse effect by reason of any of the matters specified in section 11(1), and</p> <p>(b) considers that it is reasonable to give such a direction in the circumstances.</p> <p>(6) Without prejudice to the generality of subsections (1) and (2), a decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2014</i> in relation to a complaint of a contravention of this Act may contain a direction that the period of parental leave concerned be curtailed or that its form be varied or its commencement postponed for a specified period or that parental leave not be taken by reason of curtailment as aforesaid be taken at a specified time, provided that the adjudication officer considers that the giving of such direction is reasonable by reason of there being a serious and substantial change in any circumstances affecting the employer or the employee.</p> <p>(7) Without prejudice to the generality of subsections (1) and (2), a decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2014</i> in an appeal from a decision of an adjudication officer referred to in subsection (1) may contain a direction that the period of parental leave concerned be curtailed or that its form be varied or its</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) | |
|------------------|---------------------------|--|---|---|
| | | | <p>commencement postponed for a specified period or that parental leave not be taken by reason of curtailment as aforesaid be taken at a specified time, provided that the adjudication officer considers that the giving of such direction is reasonable by reason of there being a serious and substantial change in any circumstances affecting the employer or the employee.</p> <p>(8) Where appropriate, the confirmation document concerned shall be amended by the parties to it so as to accord with a decision under this section.</p> <p>(9) In this section ‘remuneration’ includes allowances in the nature of pay and benefits in lieu of or in addition to pay.’.</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> |
| 10. | No. 49 of 1998 | Protections for Persons Reporting Child Abuse Act 1998 | <p>Section 4 is amended by—</p> <p>(a) the substitution, in subsection (2), of “under <i>Part 4</i> of the <i>Workplace Relations Act 2014</i> before an adjudication officer or the Labour Court” for “under this section before a rights commissioner or the Employment Appeals Tribunal”,</p> <p>(b) the substitution, in subsection (3), of “under <i>Part 4</i> of the <i>Workplace Relations Act 2014</i>” for “under this section”,</p> <p>(c) the substitution of the following subsection for subsection (5):</p> <p style="padding-left: 40px;">“(5) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2014</i> in relation to a complaint of a contravention of subsection (1) shall</p> | <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) |
|------------------|---------------------------|--------------------|---|
| | | | <p>do one or more of the following: 5</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded, 10</p> <p>(b) require the employer to comply with subsection (1) of this section, and, for that purpose, require the employer to take specified steps, 15</p> <p>(c) require the employer to pay to the employee compensation of such amount (if any) as is just and equitable having regard to all the circumstances, but not exceeding weeks remuneration in respect of the employee's employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977, 20 25 30 35 40</p> <p>and the references in the foregoing paragraphs to an employer shall be construed, in a case where ownership of the business of the 45</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) | |
|------------------|---------------------------|--------------------------------|--|--|
| | | | <p>employer changes after the contravention to which the complaint relates occurred, as references to the person who, by virtue of the change, becomes entitled to such ownership.”,</p> <p>and</p> <p>(b) the substitution of the following subsection for subsection (6):</p> <p>“(6) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2014</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.”.</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> |
| 11. | No. 5 of 2000 | National Minimum Wage Act 2000 | <p>Section 24 is amended by—</p> <p>(a) the substitution of the following subsection for subsection (1):</p> <p>“(1) For the purposes of this section, a dispute between an employee and his or her employer as to the employee’s entitlements under this Act exists where the employee and his or her employer cannot agree on the appropriate entitlement of the employee to pay in accordance with this</p> | <p>30</p> <p>35</p> <p>40</p> <p>45</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) | |
|------------------|---------------------------|--------------------|---|--|
| | | | <p>Act resulting in an alleged underpayment to the employee.”,</p> <p>(b) the deletion of subsections (3), (5) and (7),</p> <p>(c) the substitution, in subsection (2), of “The Director General of the Workplace Relations Commission shall not entertain a dispute in relation to an employee’s entitlements under this Act and, accordingly, shall not refer the dispute to an adjudication officer under <i>section 41 of the Workplace Relations Act 2014</i>” for “A dispute cannot be referred to or dealt with by a rights commissioner”, and</p> <p>(d) the substitution, in subsection (4) of—</p> <p>(i) “an adjudication officer” for “a rights commissioner”, and</p> <p>(ii) “the adjudication officer” for “the rights commissioner”.</p> <p>Section 25 is amended by—</p> <p>(a) the deletion, in subsection (1), of “, and sections 24 to 32 (except section 24 (2)), with the necessary modifications, shall apply accordingly”,</p> <p>(b) the deletion of subsection (2), and</p> <p>(c) the substitution of the following subsection for subsection (3):</p> <p>“(3) In proceedings under <i>Part 4 of the Workplace Relations Act 2014</i> in respect</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) |
|------------------|---------------------------|--------------------|--|
| | | | <p>of a matter that, by virtue of subsection (1), is a dispute for the purposes of section 24, it shall be presumed unless the contrary is proved on the balance of probabilities that any reduction in hours of work was for the purpose of avoiding the alleged increased liability referred to in subsection (1).”.</p> <p>The following section is substituted for section 26:</p> <p>“26. (1) A decision of an adjudication officer in relation to a dispute as respects the entitlements of an employee under this Act referred to the adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2014</i> may contain—</p> <p>(a) a direction to the employer to pay to the employee—</p> <p>(i) an award of arrears, being the difference between any amount paid or allowed by the employer to the employee for pay and the minimum amount the employee was entitled to be paid or allowed in accordance with this Act in respect of the period to which the complaint relates, and</p> <p>(ii) reasonable expenses of the employee in connection with the complaint,</p> <p>(b) a requirement that the employer remedy, within a specified time (not being later than 42 days</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) | |
|------------------|---------------------------|--------------------|--|--|
| | | | <p>after the date the decision is communicated to the employer) or in a specific manner, any matter, including the payment of any amount, in respect of which the employer is in breach of this Act, or</p> <p>(c) both such direction and such requirement,</p> <p>as the adjudication officer considers appropriate.</p> <p>(2) An adjudication officer shall maintain a register of all decisions made by him or her under this section and shall make the register available for inspection by members of the public during normal office hours.”.</p> <p>The following section is substituted for section 29:</p> <p>“29. (1) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2014</i> on appeal from a decision of an adjudication officer referred to in section 26 shall either—</p> <p>(a) affirm the decision of the adjudication officer, or</p> <p>(b) contain—</p> <p>(i) a direction to the employer to pay to the employee—</p> <p>(I) an award of arrears, being the difference between any amount paid or allowed by the employer to the employee for pay and the minimum amount the employee was entitled to be paid or allowed in accordance with this Act in respect of the period to which</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) | |
|------------------|---------------------------|---------------------------|--|--|
| | | | <p>the complaint relates, and</p> <p>(II) reasonable expenses of the employee in connection with the complaint,</p> <p>(ii) a requirement that the employer remedy, within a specified time (not being later than 42 days after the date the decision is communicated to the employer) or in a specific manner, any matter, including the payment of any amount, in respect of which the employer is in breach of this Act, or</p> <p>(iii) both such direction and such requirement, as the Labour Court considers appropriate.”.</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> |
| 12. | No. 19 of 2001 | Carer’s Leave Act 2001 | <p>Section 17 is amended—</p> <p>(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</p> <p>(b) in subsection (2), by the substitution of “an adjudication officer within the meaning of the <i>Workplace Relations Act 2014</i> or the Labour Court, as may be appropriate,” for “the rights commissioner”.</p> <p>The following section is substituted for section 21:</p> <p>“21. (1) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace</i></p> | <p>30</p> <p>35</p> <p>40</p> <p>45</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) |
|------------------|---------------------------|--------------------|--|
| | | | <p><i>Relations Act 2014</i> in relation to a dispute between an employee and an employer concerning the employee's entitlements under this Act may include—</p> <p>(a) a grant of carer's leave to the employee of such length to be taken at such time or times and in such manner as the adjudication officer may specify,</p> <p>(b) an award of compensation (in favour of the employee concerned to be paid by the employer concerned) of such amount, not exceeding 26 weeks' remuneration in respect of the employee's employment calculated in such manner as may be prescribed, as the adjudication officer deems just and equitable having regard to all of the circumstances, or</p> <p>(c) both such grant and such award.</p> <p>(2) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2014</i> on appeal from a decision of an adjudication officer referred to in subsection (1) may include—</p> <p>(a) a grant of carer's leave to the employee of such length to be taken at such time or times and in such manner as the Labour Court may specify,</p> <p>(b) an award of compensation (in favour of the employee concerned to be paid by the employer concerned) of such amount, not exceeding 26 weeks' remuneration in respect of the employee's employment calculated in such manner as</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) | |
|------------------|---------------------------|---|---|---|
| | | | <p>may be prescribed, as the Labour Court deems just and equitable having regard to all of the circumstances, or</p> <p>(c) both such grant and such award.</p> <p>(3) Where appropriate, the confirmation document concerned shall be amended by the parties so as to accord with a decision referred to in subsection (1) or (2).</p> <p>(4) In this section ‘remuneration’ includes allowances in the nature of pay and benefits in lieu of or in addition to pay.”.</p> | <p>5</p> <p>10</p> <p>15</p> |
| 13. | No. 27 of 2001 | Prevention of Corruption (Amendment) Act 2001 | <p>The following subparagraph is substituted for subparagraph (3) of paragraph 1 of Schedule 1:</p> <p>“(3) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2014</i> in relation to a complaint of a contravention of section 8A(5) shall do one or more of the following:</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded;</p> <p>(b) require the employer to take a specified course of action, which may include, in a case where the penalisation constitutes a dismissal within the meaning of section 8A(13), reinstatement or reengagement;</p> <p>(c) require the employer to pay to the employee compensation of such amount (if any) as is just and equitable having regard to all the circumstances, but not exceeding 104 weeks’</p> | <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) | |
|------------------|---------------------------|---|---|--|
| | | | <p>remuneration in respect of the employee's employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977;</p> <p>and the references in clauses (b) and (c) to an employer shall be construed, in a case where ownership of the business of the employer changes after the contravention to which the complaint relates occurred, as references to the person who, by virtue of the change, becomes entitled to such ownership.”.</p> <p>The following subparagraph is substituted for subparagraph (1) of paragraph 2:</p> <p>“(1) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2014</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>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> |
| 14. | No. 45 of 2001 | Protection of Employees (Part-Time Work) Act 2001 | <p>The following subsection is substituted for subsection (2) of section 16:</p> <p>“(2) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2014</i> in relation to a complaint of a contravention of section 9 or 15 shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) require the employer to comply with the relevant provision,</p> <p>(c) require the employer to pay to the employee compensation of such amount (if any) as is just and equitable having regard to</p> | <p>30</p> <p>35</p> <p>40</p> <p>45</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) |
|------------------|---------------------------|--|---|
| | | | <p>all the circumstances, but not exceeding 2 years remuneration in respect of the employee's employment,</p> <p>and the references in the foregoing paragraphs to an employer shall be construed, in a case where ownership of the business of the employer changes after the contravention to which the complaint relates occurred, as references to the person who, by virtue of the change, becomes entitled to such ownership.”.</p> <p>The following subsection is substituted for subsection (1) of section 17:</p> <p>“(1) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2014</i>, on appeal from a decision of an adjudication officer referred to in <i>section 16(2)</i>, shall affirm, vary or set aside the decision of the adjudication officer.”.</p> |
| 15. | No. 29 of 2003 | Protection of Employees (Fixed-Term Work) Act 2003 | <p>The following subsection is substituted for subsection (2) of section 14:</p> <p>“(2) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2014</i> in relation to a complaint of a contravention of this Act shall do one or more of the following:</p> <p>(a) declare whether the complaint was or was not well founded;</p> <p>(b) require the employer to comply with the relevant provision;</p> <p>(c) require the employer to reinstate or reengage the employee (including on a contract of indefinite duration);</p> <p>(d) require the employer to pay to the employee compensation of such amount (if any) as is just</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) |
|------------------|---------------------------|--------------------|--|
| | | | <p>and equitable having regard to all the circumstances, but not exceeding 2 years remuneration in respect of the employee's employment;</p> <p>and references in paragraphs (a), (b), (c) and (d) to an employer shall be construed, in a case where ownership of the business of the employer changes after the contravention to which the complaint relates occurred, as references to the person who, by virtue of the change, becomes entitled to such ownership.”.</p> <p>The following subsection is substituted for subsection (1) of section 15:</p> <p>“(1) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2014</i>, on appeal from a decision of an adjudication officer referred to in <i>section 14(2)</i>, shall affirm, vary or set aside the decision of the adjudication officer.”.</p> |
| 16. | No. 42 of 2004 | Health Act 2004 | <p>Section 55M is amended—</p> <p>(a) the substitution, in subsection (2), of “adjudication officer within the meaning of the <i>Workplace Relations Act 2014</i>” for “rights commissioner”,</p> <p>(b) the substitution, in subsection (3), of “adjudication officer within the meaning of the <i>Workplace Relations Act 2014</i>” for “rights commissioner”,</p> <p>(c) the substitution, in subsection (4), of “Part 4 of the <i>Workplace Relations Act 2014</i>” for “this section”,</p> <p>(d) the substitution of the following subsection for subsection (6):</p> <p>“(6) A decision of an adjudication officer</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) |
|------------------|---------------------------|--------------------|--|
| | | | <p data-bbox="1098 264 1369 600">under <i>section 41</i> of the <i>Workplace Relations Act 2014</i> in relation to a complaint of a contravention of subsection (1) shall do one or more of the following:</p> <p data-bbox="1098 622 1369 801">(a) declare that the complaint was or, as the case may be, was not well founded;</p> <p data-bbox="1098 824 1369 1048">(b) require the employer to comply with subsection (1) and to take specified steps;</p> <p data-bbox="1098 1070 1369 1406">(c) order the employer to pay to the employee compensation of such amount (if any) as is just and equitable having regard to all the circumstances.”,</p> <p data-bbox="970 1429 1018 1451">and</p> <p data-bbox="922 1473 1369 1541">(e) the substitution of the following subsection for subsection (11):</p> <p data-bbox="1034 1563 1369 1998">“(11) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2014</i>, on appeal from a decision of an adjudication officer referred to in subsection (6), shall affirm, vary or set aside the decision of the adjudication</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) | |
|------------------|---------------------------|---|---|---|
| | | | officer.”. | |
| 17. | No. 10 of 2005 | Safety, Health and Welfare at Work Act 2005 | <p>The following subsection is substituted for subsection (3) of section 28:</p> <p>“(3) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2014</i> in relation to a complaint of a contravention of section 27 shall do one or more of the following:</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded;</p> <p>(b) require the employer to take a specific course of action;</p> <p>(c) require the employer to pay to the employee compensation of such amount (if any) as is just and equitable having regard to all the circumstances.”.</p> <p>The following subsection is substituted for subsection (1) of section 29:</p> <p>“(1) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2014</i>, on appeal from a decision of an adjudication officer referred to in section 28(3), shall affirm, vary or set aside the decision of the adjudication officer.”.</p> | 5 10 15 20 25 30 |
| 18. | No. 16 of 2006 | Employment Permits Act 2006 | <p>Schedule 2 is amended by—</p> <p>(a) the substitution of the following subparagraph for subparagraph (3) of paragraph 1:</p> <p>“(3) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2014</i> in relation to a complaint of a contravention of section 26(3) shall do one or more of the</p> | 35 40 45 |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) |
|------------------|---------------------------|--------------------|--|
| | | | <p>following:</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded; 5</p> <p>(b) require the employer to take a specified course of action; 10</p> <p>(c) require the employer to pay to the employee compensation of such amount (if any) as is just and equitable having regard to all the circumstances; 15</p> <p>and the references in the foregoing clauses to an employer shall, in a case where ownership of the business of the employer changes after the contravention to which the complaint relates occurred, be construed as references to the person who, by virtue of the change, becomes entitled to such ownership.”, 20</p> <p>and 25</p> <p>(b) the substitution of the following subparagraph for subparagraph (1) of paragraph 2: 30</p> <p>“A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations</i> 35 40 45</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) | |
|------------------|---------------------------|---|--|--|
| | | | <p>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>and</p> <p>(b) the substitution of the following subsection for subsection (6):</p> <p>“(6) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2014</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.”.</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> |
| 20. | No. 34 of 2009 | National Asset Management Agency Act 2009 | <p>The following subparagraph is substituted for subparagraph (3) of paragraph 1 of Schedule 2:</p> <p>“(3) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2014</i> in relation to a complaint of a contravention of section 223(3) shall do one or more of the following:</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded;</p> <p>(b) require the employer to take a specified course of action;</p> | <p>35</p> <p>40</p> <p>45</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) | |
|------------------|---------------------------|---------------------------|---|---|
| | | | <p>(c) require the employer to pay to the employee compensation of such amount (if any) as is just and equitable having regard to all the circumstances.”.</p> <p>The following subparagraph is substituted for subparagraph (1) of paragraph 2 of Schedule 2:</p> <p>“(1) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2014</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>5</p> <p>10</p> <p>15</p> <p>20</p> |
| 21. | No. 10 of 2010 | Inland Fisheries Act 2010 | <p>Schedule 4 is amended by—</p> <p>(a) the substitution of the following subparagraph for subparagraph (3) of paragraph 1:</p> <p>“(3) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2014</i> in relation to a complaint of a contravention by IFI of section 38(1) shall do one or more of the following:</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) require IFI to take a specified course of action,</p> <p>(c) require IFI to pay the employee compensation of such amount (if</p> | <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) | |
|------------------|---------------------------|---------------------------|---|--|
| | | | <p>any) as is just and equitable having regard to all the circumstances but not exceeding 2 years’ remuneration in respect of the employee’s employment.”,</p> <p>and</p> <p>(b) the substitution of the following subparagraph for subparagraph (1) of paragraph 2:</p> <p>“(1) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2014</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>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> |
| 22. | No. 22 of 2011 | Criminal Justice Act 2011 | <p>Schedule 2 is amended by—</p> <p>(a) the substitution of the following subparagraph for subparagraph (3) of paragraph 1:</p> <p>“(3) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2014</i> in relation to a complaint of a contravention of section 20(1) shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or,</p> | <p>35</p> <p>40</p> <p>45</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) | |
|------------------|---------------------------|--------------------|--|--|
| | | | <p>as the case may be, was not well founded,</p> <p>(b) require the employer to take a specified course of action, which may include, in a case where the penalisation constitutes a dismissal, re-instatement or re-engagement,</p> <p>(c) require the employer to pay to the employee 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 employee's employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977,</p> <p>and the references in clauses (b) and (c) to an employer shall be construed, in a case where ownership of the business of the employer changes after the contravention to which the complaint</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) |
|------------------|---------------------------|---|---|
| | | | <p>relates occurred, as references to the person who, by virtue of the change, becomes entitled to such ownership.”,</p> <p>and</p> <p>(b) the substitution of the following subparagraph for subparagraph (1) of paragraph 2:</p> <p>“(1) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2014</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> |
| 23. | No. 40 of 2011 | Property Services (Regulation) Act 2011 | <p>Schedule 4 is amended by—</p> <p>(a) the substitution of the following subparagraph for subparagraph (3) of paragraph 1:</p> <p>“(3) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2014</i> in relation to a complaint of a contravention of section 20(1) shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) |
|------------------|---------------------------|--------------------|--|
| | | | <p>(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 re-engagement, 5</p> <p>(c) require the employer to pay to the employee 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 employee's employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977, 10 15 20 25 30 35</p> <p>and the references in clauses (b) and (c) to an employer shall be construed, in a case where ownership of the business of the employer changes after the contravention to which the complaint relates occurred, as references to the person who, by 40 45</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) | |
|------------------|---------------------------|--|---|--|
| | | | <p style="text-align: right;">virtue of the change, becomes entitled to such ownership.”,</p> <p style="text-align: right;">5</p> <p style="text-align: center;">and</p> <p style="text-align: right;">(b) the substitution of the following subparagraph for subparagraph (1) of paragraph 2:</p> <p style="text-align: right;">10</p> <p style="text-align: right;">“(1) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2014</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 style="text-align: right;">15 20</p> | |
| 24. | No. 13 of 2012 | Protection of Employees (Temporary Agency Work) Act 2012 | <p>Schedule 2 is amended by—</p> <p style="text-align: right;">(a) the substitution of the following subparagraph for subparagraph (3) of paragraph 1:</p> <p style="text-align: right;">25</p> <p style="text-align: right;">“(3) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2014</i> in relation to a complaint of a contravention of section 6, 11, 13(1), 14, 23 or 24 shall do one or more of the following, namely—</p> <p style="text-align: right;">30</p> <p style="text-align: right;">(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p style="text-align: right;">35</p> <p style="text-align: right;">(b) require the employer or hirer as the case may</p> <p style="text-align: right;">40 45</p> | |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) |
|------------------|---------------------------|--------------------|--|
| | | | <p>be, to take a specified course of action (including reinstatement or reengagement of the employee or agency worker in circumstances where the employee or agency worker was dismissed by the employer or hirer), or</p> <p>(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 is just and equitable having regard to all the circumstances but not exceeding 2 years' remuneration in respect of the employee's or agency worker's employment,</p> <p>and the references in the foregoing clauses to an employer or hirer shall be construed, in a case where ownership of the business of the employer or hirer changes after the contravention to which the complaint</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) | |
|------------------|---------------------------|---|---|--|
| | | | <p>relates occurred, as references to the person who, by virtue of the change, becomes entitled to such ownership.”,</p> <p>and</p> <p>(b) the substitution of the following subparagraph for subparagraph (1) of paragraph 2:</p> <p>“(1) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2014</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>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> |
| 25. | No. 25 of 2013 | Further Education and Training Act 2013 | <p>The following paragraph is substituted for subparagraph (3) of paragraph 1:</p> <p>“(3) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2014</i> in relation to a complaint of a contravention of subsection (1) of section 35 shall do one or more of the following:</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded;</p> <p>(b) require the employer to take a specified course of action;</p> <p>(c) require the employer to pay to the employee compensation of such amount (if any) as is just and equitable having regard</p> | <p>30</p> <p>35</p> <p>40</p> <p>45</p> |

| Reference (1) | Number and Year (2) | Short title (3) | Extent of Amendment (4) |
|------------------|---------------------------|--------------------|---|
| | | | <p style="text-align: right;">5</p> <p style="text-align: right;">10</p> <p style="text-align: right;">15</p> <p>to all the circumstances but not exceeding 2 years' remuneration in respect of the employee's employment.”.</p> <p>The following subparagraph is substituted for subparagraph (1) of paragraph 2:</p> <p>“(1) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2014</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> |

BILLE

(mar a tionscnaíodh)
dá ngairtear

Acht do dhéanamh socrú maidir le réiteach, idirghabháil agus breithniú a dhéanamh i dtaca le díospóidí agus gearáin a bhaineann le sáruithe ar achtacháin áirithe lena rialaítear an caidreamh fostaíochta idir fostóirí agus fostaithe, nó a bhaineann le teidlíochtaí faoin gcéanna; chun na críche sin, do dhéanamh socrú chun comhlacht a bhunú ar a dtabharfar an Coimisiún um Chaidreamh san Áit Oibre; do dhéanamh socrú maidir leis an gCoimisiún um Chaidreamh Oibreachais a dhíscaoileadh agus a fheidhmeanna a aistriú chuig an gcomhlacht réamhluaite; do dhéanamh socrú maidir leis an mBhinse Achomhairc Fostaíochta a dhíscaoileadh agus a fheidhmeanna céadchéime a aistriú chuig an gcomhlacht réamhluaite agus a fheidhmeanna achomhairc a aistriú chuig an gCúirt Oibreachais; do dhéanamh socrú maidir le feidhmeanna Stiúrthóir an Bhinse Comhionannais a aistriú chuig an gcomhlacht réamhluaite; do dhéanamh socrú maidir le hachtacháin áirithe a leasú; agus do dhéanamh socrú maidir le nithe a bhaineann leis an méid sin.

An tAire Post, Fiontar agus Nuálaíochta a thíolaic,

28 Iúil, 2014

BILL

(as initiated)
entitled

An Act to make provision as respects the resolution, mediation and adjudication of disputes and complaints relating to contraventions of, or entitlements under, certain enactments governing the employment relationship between employers and employees; for that purpose, to provide for the establishment of a body to be known as the Workplace Relations Commission; to provide for the dissolution of the Labour Relations Commission and the transfer of its functions to the aforementioned body; to provide for the dissolution of the Employment Appeals Tribunal and the transfer of its functions first instance to the aforementioned body and its appellate functions to the Labour Court; to provide for the transfer of the functions of the Director of the Equality Tribunal to the aforementioned body; to provide for the repeal of certain enactments; to provide for the amendment of certain enactments; and to provide for matters connected therewith.

Presented by the Minister for Jobs, Enterprise and Innovation,

28th July, 2014

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2.
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
no trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€11.43

ISBN 978-1-4468-0808-5



9 781446 808085