



**SEANAD ÉIREANN**

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

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

## AN BILLE UM CHAIDREAMH SAN ÁIT OIBRE, 2014 —AN COISTE

### WORKPLACE RELATIONS BILL 2014 —Committee Stage

#### *Leasuithe Amendments*

*\*Government amendments are denoted by an asterisk*

#### SECTION 1

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

#### SECTION 2

- \*2. In page 9, to delete line 28.
- \*3. In page 10, to delete line 3.
- \*4. In page 10, to delete line 9.
- \*5. In page 10, between lines 14 and 15, to insert the following:  
“ “Act of 2007” means the Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007;”.
- \*6. In page 10, to delete line 18.
- \*7. In page 10, to delete line 21.
- \*8. In page 10, to delete lines 24 to 27.
- \*9. In page 10, to delete lines 31 and 32 and substitute the following:  
“(a) an Act of the Oireachtas specified in *Part 1 of Schedule 1* or an instrument under such an Act of the Oireachtas,”.

- \*10. In page 11, to delete lines 1 to 5.

- \*11. In page 11, to delete line 24 and substitute the following:

“(j) the Competition and Consumer Protection Commission,”.

- \*12. In page 11, to delete lines 31 and 32.

- \*13. In page 12, to delete lines 9 to 11 and substitute the following:

“ “relevant enactment” means—

- (a) an employment enactment,
- (b) Part VII (inserted by section 22 of the Social Welfare (Miscellaneous Provisions) Act 2004) of the Pensions Act 1990, or

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(c) the Act of 2000.”.

SECTION 6

14. In page 14, line 13, to delete “address;” where it secondly occurs and substitute the following:

“address. For the avoidance of doubt, the address given on any letter or other document to the complainant/employee by a respondent/employer shall also be deemed to be an address at which the person ordinarily resides as shall any address specified under the Registration of Business Names Act 1963;”.

—*Senators Gerard Craughwell, David Norris, David Cullinane.*

15. In page 14, between lines 25 and 26, to insert the following:

“(3) An unincorporated entity as a respondent which does not register the name of the unincorporated entity under the Registration of Business Names Act 1963 or an incorporated entity which in its dealings with a complainant/employee uses a business name which has not been registered under the Registration of Business Names Act 1963 shall be deemed to have committed an offence.”.

—*Senators Gerard Craughwell, David Norris, David Cullinane.*

16. In page 14, between lines 25 and 26, to insert the following:

“(3) The service of any complaint or the making of a complaint against an unincorporated or incorporated body where the respondent has not notified the complainant in writing pursuant to section 3 of the Terms of Employment (Information) Act 1994 shall be deemed for all purposes to have been validly served on that entity using the trading name as advised to the complainant/employee or in the absence of notification the trade name or other name under which the respondent trades.”.

—*Senators Gerard Craughwell, David Norris, David Cullinane.*

SECTION 8

\*17. In page 15, line 9, to delete “in respect of” and substitute “in relation to”.

\*18. In page 15, line 12, to delete “section 11 of the Act of 1973” and substitute “sections 11 and 13 of the Minimum Notice and Terms of Employment Act 1973”.

\*19. In page 15, to delete lines 15 to 17 and substitute the following:

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

SECTION 11

\*20. In page 16, line 15, to delete “Act of 1941” and substitute “Trade Union Act 1941”.

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

“(3) The Commission shall, not later than six months after establishment day, issue a report detailing options to introduce a mechanism that would provide for representation by or on behalf of a retired employee in relation to his or her pension

[SECTION 11]

entitlements and the form of such mechanism may be prescribed by the Minister by way of regulation.”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

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

“(3) The Commission shall, not later than six months after establishment day, issue a report detailing options to introduce a mechanism to provide for representation by or on behalf of a retired employee in relation to his or her deferred pension entitlements and the form of such mechanism may be prescribed by the Minister by way of regulation.”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

SECTION 20

\*23. In page 21, between lines 5 and 6, to insert the following:

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

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

“(10) The Chairman of the Labour Court may require any representative, of a complainant or respondent, for gain, to comply with any code of practice made by the Commission under *subsection (1)(a)* of this section.

—*Senators Gerard Craughwell, David Norris.*

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

(11) A representative for gain shall include but shall not be limited to counsel, solicitor, trade union or employer representative body with a negotiating licence, a body corporate or unincorporated body or individual including but not limited to any insurance company but shall not include any unincorporated body or incorporated body which does not provide services for any fee or reward, premium or annual or other premium or fee.”.

—*Senators Gerard Craughwell, David Norris.*

SECTION 25

26. In page 24, between lines 17 and 18, to insert the following:

“(c) who has a minimum of seven years practical experience in representing employees and/or employers in employment cases before the Workplace Commission and/or the Labour Relations Commission and/or the Employment Appeals Tribunal and/or the Equality Tribunal and/or the Labour Court.”.

—*Senators Gerard Craughwell, David Norris.*

[SECTION 25]

27. In page 24, to delete lines 24 to 27 and substitute the following:

“ “practising barrister” means a person having been called to the Bar of Ireland;”.

—*Senators Gerard Craughwell, David Norris.*

28. In page 24, to delete lines 28 to 31 and substitute the following:

“ “practising solicitor” means a person admitted to be a solicitor and standing enrolled as a solicitor in the State.”.

—*Senators Gerard Craughwell, David Norris.*

SECTION 26

29. In page 24, between lines 33 and 34, to insert the following:

**“Employer obligation to display notice of Employment Rights in the workplace**

26. Every employer shall display in a prominent position in or at the place of work, being a place to which employees have regular access and in such a position that it may be read easily by employees, a notice or notices in a form, manner, and in an appropriate language or more than one language that is reasonably likely to be understood by the employees concerned containing the following information—

- (a) entitlements under employment legislation, either generally or by reference to particular enactments or a particular class or particular classes of enactments or to employees of one or more than one particular class or description, as may be specified in the notice concerned,
- (b) complaints procedures concerning entitlements under employment legislation, and
- (c) the contact details of the Workplace Relations Service for the purposes of—
  - (i) making general enquiries regarding entitlements under, and the application and enforcement of, employment legislation, and
  - (ii) communicating information to the Director pursuant to the Protected Disclosure Act.”.

—*Senator David Cullinane.*

30. In page 24, between lines 33 and 34, to insert the following:

**“Employer obligation to maintain and produce employment records**

26. An employer who does not maintain and produce employment records is liable to a penalty of €4,000, and where that employer is a company, the secretary of that company is liable to a separate penalty of €3,000.”.

—*Senator David Cullinane.*

[SECTION 27]

SECTION 27

\*31. In page 25, line 17, to delete “enter” and substitute “enter (if necessary by the use of reasonable force)”.

32. In page 25, line 23, to delete “take” and substitute “make”.

—*Senators Feargal Quinn, Sean D. Barrett.*

33. In page 25, to delete lines 27 to 29.

—*Senators Feargal Quinn, Sean D. Barrett.*

\*34. In page 25, line 39, to delete “and”.

\*35. In page 26, to delete lines 1 to 5 and substitute the following:

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

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

36. In page 26, between lines 5 and 6, to insert the following:

“(2) If an inspector removes or copies documents from a place of work or premises, then they shall be required to issue the owner or person in charge of that place of work or premises with a receipt of any records taken or copied by the inspector.”.

—*Senators Feargal Quinn, Sean D. Barrett.*

37. In page 26, line 6, to delete “may” and substitute “shall”.

—*Senators Feargal Quinn, Sean D. Barrett.*

38. In page 26, lines 16 and 17, to delete “accompanied by such other inspectors or members of the Garda Síochána as may be necessary” and substitute “accompanied by at least one member of the Garda Síochána and such other inspectors as necessary”.

—*Senators Feargal Quinn, Sean D. Barrett.*

\*39. In page 26, line 19, to delete “enter” and substitute “enter (if necessary by the use of reasonable force)”.

\*40. In page 26, line 20, to delete “and (f)” and substitute “, (f) and (g)”.

\*41. In page 26, to delete lines 26 to 30 and substitute the following:

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

[SECTION 27]

the inspector or member that he or she knows to be false or misleading in any material respect.”.

42. In page 26, line 35, to delete “shall not” and substitute “made to the Inspector after receiving a caution shall”.

—*Senators Gerard Craughwell, Feargal Quinn, Sean D. Barrett.*

SECTION 28

- \*43. In page 27, line 4, to delete “in this Act” and substitute “in this section”.
- \*44. In page 27, line 30, to delete “prescribed manner” and substitute “manner prescribed by rules under subsection (5) of section 20 of the Act of 1946”.
45. In page 27, line 31, to delete “42 days” and substitute “28 days”.

—*Senator David Cullinane.*

- \*46. In page 28, to delete lines 5 to 7.

47. In page 28, line 6, to delete “42 days” and substitute “28 days”.

—*Senator David Cullinane.*

SECTION 29

48. In page 28, after line 37, to insert the following:

**“Liability of a company officer or officers for a breach of employment law**

29. Where a breach of employment law is committed by a body corporate or by a company officer or officers acting on behalf of a body corporate and is determined to have been so committed, with the consent, connivance or approval of, or to have been attributable to any neglect on the part of, a person or persons who, when the breach was committed was a company officer or officers of the body corporate, then that person or persons shall be personally liable for the breach committed.”.

—*Senator David Cullinane.*

SECTION 31

- \*49. In page 30, to delete line 21 and substitute the following:

“(8) In this section—

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

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

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



[SECTION 32]

SECTION 32

50. In page 30, line 35, after “offence” to insert “and for the purpose of the performance of the Commissions functions”.

—*Senator David Cullinane.*

SECTION 33

- \*51. In page 30, after line 35, to insert the following:

**“Disclosure of certain information to or by contracting authority**

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

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

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

“public contracting authority” means—

- (a) a contracting entity within the meaning of the European Communities (Award of Contracts by Utility Undertakings) Regulations 2007 (S.I. No. 50 of 2007),
- (b) a contracting entity to which Directive 2004/17/EC<sup>1</sup> of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors applies, or
- (c) a contracting authority within the meaning of Directive 2004/18/EC<sup>2</sup> of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts;

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

[SECTION 33]

concerned or any other person.”.

<sup>1</sup>OJ No. L134 of 30.4.2004, p.1

<sup>2</sup>OJ No. L134 of 30.4.2004, p.114

*[Acceptance of this amendment involves the deletion of section 33 of the Bill.]*

52. In page 31, line 4, after “contract” to insert “(and the sub-contracting chain)”.

—*Senator David Cullinane.*

SECTION 36

53. In page 33, line 9, to delete “42 days” and substitute “28 days”.

—*Senator David Cullinane.*

54. In page 33, line 11, to delete “€2,000” and substitute the following:

“€4,000, save and except in the case of failing to pay the national minimum wage under section 23 of the National Minimum Wage Act 2000 a sum not exceeding €20,000 per employee”.

—*Senator David Cullinane.*

55. In page 33, line 11, after “€2,000,” to insert the following:

“save and except in the case of failing to pay the national minimum wage under section 23 of the National Minimum Wage Act 2000 a sum not exceeding €20,000 per employee,”.

—*Senators Gerard Craughwell, David Norris.*

56. In page 33, line 15, to delete “42 days” and substitute “28 days”.

—*Senator David Cullinane.*

57. In page 33, line 19, to delete “42 days” and substitute “28 days”.

—*Senator David Cullinane.*

58. In page 33, between lines 32 and 33, to insert the following:

“(5) If the fixed notice payment applies to a company registered with less than 10 employees (as per the Income Tax (Employments) (Consolidated) Regulations, 2001), then a fixed notice payment of an amount of not more than €500 may be applied.”.

—*Senators Feargal Quinn, Sean D. Barrett.*

SECTION 39

- \*59. In page 34, line 27, to delete “the complaint or dispute” and substitute “a complaint or dispute”.

- \*60. In page 34, line 28, to delete “complaint” and substitute “complaint or dispute”.

- \*61. In page 35, line 5, to delete “dispute” and substitute “complaint or dispute”.

62. In page 35, line 5, after “dispute” to insert “, but only by teleconference in exceptional circumstances and when agreed to by the compliant”.

—*Senator David Cullinane.*

[SECTION 39]

63. In page 36, between lines 2 and 3, to insert the following:

“(9) Where the provision of *subsection (5)* applies the case resolution officer may direct either or both parties to produce such documents, statements or particulars to the other party as the case resolution officer shall determine to include but not limited to an outline of any evidence, witness or documents either party intends to rely upon.”

—*Senator David Cullinane.*

64. In page 36, between lines 6 and 7, to insert the following:

“(10) Where the provision of *subsection (4)* applies the case resolution officer may direct either or both parties to produce such documents, statements or particulars to the other party as the case resolution officer shall determine to include but not limited to an outline of any evidence, witness or documents either party intends to rely upon.”

—*Senators Gerard Craughwell, David Norris.*

SECTION 40

\* *Section proposed to be deleted.*

65. In page 36, between lines 17 and 18, to insert the following:

“(3) A complainant may, in proceedings before a mediation officer in respect of a complaint presented, or dispute reverted by an adjudication officer, by the complainant under this Part, be accompanied and represented by—

- (a) a trade union official within the meaning of section 11 of the Act of 1990,
- (b) an official of a body in respect of which the mediation officer, is satisfied represents the interests of employers,
- (c) a practising barrister or practising solicitor,
- (d) in the case of a complainant who is less than 18 years of age, the complainant’s parent or guardian in addition to a person specified in *paragraph (a), (b) or (c)*, and
- (e) any other person with the permission of the mediation officer, as may be appropriate.”

—*Senator David Cullinane.*

66. In page 36, to delete lines 36 to 38, and substitute the following:

“(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, in whole or in part, to the terms of the resolution then on an application for enforcement the District Court may make an order directing that person to carry out those terms, or as the case may be the terms to which the application relates; but the District Court shall not by virtue of this subsection, direct any person to pay any sum or do any other thing which (had the matter been dealt with otherwise than mediation) could not have been provided for.”

—*Senator David Cullinane.*

[SECTION 40]

67. In page 37, between lines 13 and 14, to insert the following:

“(10) Where the provision of *subsection (4)* applies the case mediation officer may direct either or both parties to produce such documents, statements or particulars to the other party as the mediation officer shall determine to include but not limited to an outline of any evidence, witness or documents either party intends to rely upon.”.

—*Senator Gerard Craughwell*

SECTION 41

68. In page 37, between lines 32 and 33, to insert the following:

“(c) Any person appointed as an adjudication officer immediately after the commencement of this Part will be required to be adequately trained in the area of equality legislation, in addition to all relevant industrial relations and employment law.”.

—*Senator David Cullinane.*

SECTION 42

\*69. In page 38, line 27, to delete “*sections 37 and 40*” and substitute “*section 39*”.

\*70. In page 38, line 33, to delete “*sections 37 and 40*” and substitute “*section 39*”.

71. In page 38, lines 36 and 37, to delete “any trade union of which the agency worker is a member” and substitute “specified persons”.

—*Senators Gerard Craughwell, David Norris.*

72. In page 38, line 37, after “member,” to insert the following:

“or a practising barrister or practising barrister or solicitor, or in the case of a complainant who is less than 18 years of age, the complainant’s parent or guardian”.

—*Senator David Cullinane.*

\*73. In page 39, line 1, to delete “*sections 37 and 40*” and substitute “*section 39*”.

\*74. In page 39, between lines 6 and 7, to insert the following:

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

[#This is a reference to the paragraph proposed to be inserted by amendment 95.]

75. In page 39, between lines 15 and 16, to insert the following:

“(iv) make a decision that a separate hearing for an employment equality case is required, in addition to a general employment rights decision,”.

—*Senator David Cullinane.*

76. In page 39, between lines 21 and 22, to insert the following:

“(iii) in relation to the disposal of goods and provision of services and the disposal

[SECTION 42]

of premises and provision of accommodation as set out in the Act of 2000.”.

—*Senator David Cullinane.*

77. In page 39, between lines 23 and 24, to insert the following:

“(5) Where the claimant and respondent agree the adjudication officer may revert the dispute for mediation by a mediation officer.”.

—*Senator David Cullinane.*

78. In page 39, line 26, to delete “6 months” and substitute “2 years”.

—*Senator David Cullinane.*

79. In page 40, line 1, to delete “6 months” and substitute “2 years”.

—*Senator David Cullinane.*

80. In page 40, line 5, to delete “6 months” and substitute “2 years”.

—*Senator David Cullinane.*

81. In page 40, line 13, to delete “6 months” and substitute “2 years”.

—*Senator David Cullinane.*

\*82. In page 41, between lines 2 and 3, to insert the following:

“(9) An adjudication officer may, by giving notice in that behalf in writing to any person, require such person to attend at such time and place as is specified in the notice to give evidence in proceedings under this section or to produce to the adjudication officer any documents in his or her possession, custody or control that relate to any matter to which those proceedings relate.

(10) A person to whom a notice under *subsection (9)#* is given shall be entitled to the same immunities and privileges as those to which he or she would be entitled if he or she were a witness in proceedings before the High Court.

(11) A person to whom a notice under *subsection (9)#* has been given who—

(a) fails or refuses to comply with the notice, or

(b) refuses to give evidence in proceedings to which the notice relates or fails or refuses to produce any document to which the notice relates,

shall be guilty of an offence and shall be liable, on summary conviction, to a class E fine.”.

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

83. In page 41, line 4, to delete “otherwise than in public” and substitute the following:

“in public save:

(a) where the Adjudication Officer considers it appropriate to hear the matter otherwise than in public; or

[SECTION 42]

(b) where both of the parties agree that it shall be heard in private”.

—*Senators Gerard Craughwell, David Norris.*

**84.** In page 41, line 8, after “section” to insert the following:

“and shall keep a register of all decisions available for inspection for such fee as shall be determined by the Minister”.

—*Senators Gerard Craughwell, David Norris.*

**\*85.** In page 41, to delete lines 9 to 20 and substitute the following:

“(11) (a) In proceedings before an adjudication officer in respect of a complaint presented, or dispute referred, under this Part, the complainant or respondent to the complaint or dispute (including a complainant or such a respondent to whom *paragraph (b)* applies) may be accompanied and represented by—

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

(b) In proceedings before an adjudication officer in respect of a complaint presented, or dispute referred, under this Part, the complainant or respondent to the complaint or dispute may, if he or she has not yet attained the age of 18 years, be accompanied and represented by his or her parent or guardian.”.

**86.** In page 41, to delete lines 9 to 20.

—*Senators Gerard Craughwell, David Norris.*

**87.** In page 41, line 9, after “officer” to insert “, at mediation”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson, Gerard Craughwell.*

**88.** In page 41, line 27, after “appropriate” to insert the following:

“without prejudice to the forgoing the Minister may in consultation with the Chairman of the Labour Court make such regulations relating to representatives of a complainant or a respondent to include the terms of engagement but not limited to contingency fees or percentage fees, evidence of indemnity insurance of a minimum figure as specified by the Minister per complainant or respondent represented and as to the standard of conduct of such representative or representatives in cases before an adjudication officer or the Labour Court and such other matters as he or she in consultation with the Chairman of the Labour Court considers appropriate”.

—*Senators Gerard Craughwell, David Norris.*

[SECTION 42]

**89.** In page 41, between lines 27 and 28, to insert the following:

“(14) Without prejudice to *subsection (13)* the provision of *subsection (13)* shall not apply to a counsel or solicitor or trade union or employer representative body having a negotiating licence not to any person, body or entity not providing their services for gain or profit.

—*Senators Gerard Craughwell, David Norris.*

**90.** In page 41, between lines 27 and 28, to insert the following:

“(15) The Chairman of the Labour Court may on his or her own volition or having received a complaint from an adjudicating officer may refer any counsel or solicitor to such regulatory body responsible for regulating any counsel or solicitor if the Chairman of the Labour Court considers it appropriate. In respect of any other body or entity the Chairman may issue an admonishment either in private or by doing so in public to include a statement on the internet in respect of any matters the Chairman considers breached any provision of any regulation made by the Minister.”.

—*Senators Gerard Craughwell, David Norris.*

**91.** In page 41, between lines 27 and 28, to insert the following:

“(16) Any regulation made by the Minister shall include a procedure for a complaint against any representative of a complainant of representative being made, heard and adjudicated upon.”.

—*Senators Gerard Craughwell, David Norris.*

**92.** In page 41, between lines 36 and 37, to insert the following:

“(c) for the avoidance of doubt a specified person shall include a barrister, solicitor, trade union or employer representative body having a negotiating licence.”.

—*Senators Gerard Craughwell, David Norris.*

**93.** In page 41, between lines 36 and 37, to insert the following:

“(15) In the event of a party issuing a complaint under section 4 of the Data Protection Act 1988 (as amended) and the other party failing to provide any documentation in whole or in part which the party who failed to supply such documentation subsequently wishes to rely on in any case before an adjudicating office or on appeal to the Labour Court that party shall be precluded from producing or relying on such documentation.”.

—*Senators Gerard Craughwell, David Norris.*

SECTION 43

**\*94.** In page 42, to delete lines 11 and 12 and substitute the following:

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

[SECTION 44]

SECTION 44

- 95.** In page 42, lines 31 to 33, to delete all words from and including “but” in line 31 down to and including “1977” in line 33.

—*Senator David Cullinane.*

SECTION 45

- \*96.** In page 43, line 18, to delete “under *subsection (6)*” and substitute “in accordance with rules under subsection (5) of section 20 of the Act of 1946”.
- \*97.** In page 43, to delete lines 32 to 41, and in page 44, to delete lines 1 to 5.
- \*98.** In page 44, to delete line 6 and substitute the following:

“(11) Proceedings under this section shall be conducted in public unless the Labour Court, upon the application of a party to the appeal, determines that, due to the existence of special circumstances, the proceedings (or part thereof) should be conducted otherwise than in public.”.

- 99.** In page 44 line 6 after the word “public” to insert the following:

“save;

- (a) where the Labour Court considers it appropriate to hear the matter otherwise than in public; or
- (b) where both of the parties agree that it shall be heard in private”.

—*Senators Gerard Craughwell, David Norris.*

- 100.** In page 44, between lines 6 and 7, to insert the following:

“(12) The Labour Court may remit a case to a different adjudication officer on such terms as the Labour Court shall determine to include directing an adjudicating officer to rehear the case applying the law to the facts as determined by the Labour Court.”.

—*Senators Gerard Craughwell, David Norris.*

- \*101.** In page 44, to delete lines 10 and 11 and substitute the following:

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

- (i) a trade union official within the meaning of section 11 of the Act of 1990,
- (ii) an official of a body that, in the opinion of the Labour Court, represents the interests of employers,
- (iii) a practising barrister or practising solicitor, or
- (iv) any other person, if the Labour Court so permits.
- (b) In proceedings before the Labour Court under this section, the appellant or respondent may, if he or she has not yet attained the age of 18 years, be accompanied and represented by his or her parent or guardian.”.



[SECTION 50]

SECTION 50

- 102.** In page 46, line 2, after “out” to insert “having given the party a period of 30 days to pursue the complaint”.

—*Senators Gerard Craughwell, David Norris.*

SECTION 52

- \*103.** In page 47, line 8, to delete “under the said *Part 4*” and substitute “under *section 28* of that Act or the said *Part 4*”.

SECTION 53

- \*104.** In page 47, between lines 16 and 17, to insert the following:

**“Offence to fail or refuse to pay compensation**

- 53.** (1) It shall be an offence for a person to fail to comply with an order under *section 44* or *46* directing an employer to pay compensation to an employee.
- (2) It shall be a defence to proceedings for an offence under this section for the defendant to prove on the balance of probabilities that he or she was unable to comply with the order due to his or her financial circumstances.
- (3) A person guilty of an offence under this section shall be liable, on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months or both.”.
- \*105.** In page 47, lines 21 and 22, to delete “a rights commissioner” and substitute “a rights commissioner or the Employment Appeals Tribunal”.

SECTION 55

- 106.** In page 47, after line 36, to insert the following:

**Safeguarding Employees**

- “55.** In addition to existing provisions in enactments that to safeguard workers from penalisation and victimisation, an employer or any person acting on behalf of an employer shall not penalise an employee for seeking to exercise or having exercised any entitlement under employment legislation including availing or cooperating with the Workplace Relations Commission.”.

—*Senator David Cullinane.*

SECTION 67

- \*107.** In page 50, to delete lines 33 and 34 and in page 51, to delete lines 1 to 3 and substitute the following:

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

[SECTION 67]

they relate to appeals determined by the Employment Appeals Tribunal under an employment enactment before that day.

- (2) (a) References in any enactment or instrument under an enactment to the Employment Appeals Tribunal in so far as they relate to a function transferred by *paragraph (a) of subsection (1)* shall be construed as references to the Commission.
- (b) References in any enactment or instrument under an enactment to the Employment Appeals Tribunal in so far as they relate to a function transferred by *paragraph (b) of subsection (1)* shall be construed as references to the Labour Court.”.

**\*108.** In page 51, to delete lines 5 and 6.

SECTION 68

**\*109.** In page 51, to delete lines 19 to 21 and substitute the following:

“(4) All records relating to proceedings under an employment enactment, that, immediately before that day, were records of the Employment Appeals Tribunal shall be records of the Labour Court and, accordingly, shall be transferred to the Labour Court.”.

SECTION 72

*Section opposed.*

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson, Gerard Craughwell, Feargal Quinn, Sean D. Barrett, David Cullinane.*

SECTION 75

**\*110.** In page 53, between lines 31 and 32, to insert the following:

**“Amendment of section 21 of Act of 1946**

**75.** Section 21 of the Act of 1946 is amended, in subsection (1), by—

- (a) the substitution 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 2015* do all or any of the following things” for “The Court may for the purposes of any proceedings before it under this Act or any investigation under the Industrial Relations (Amendment) Act 2001 do all or any of the following things”, and
- (b) the substitution of the following paragraph for paragraph (b):

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

*[Acceptance of this amendment involves the deletion of section 75 of the Bill.]*

[SECTION 76]

SECTION 76

**111.** In page 55, after line 42, to insert the following:

- “(e) the Chairman of the Labour Court for the purposes of having any particular case dealt with may—
- (i) appoint a person or persons to be a temporary member of the Labour Court,
  - (ii) appoint a person or persons to be a temporary Deputy Chairman of the Labour Court,
  - (iii) the Minister shall from time to time nominate a body of persons who may be appointed as a temporary member of the Labour Court or a temporary Deputy member of the Labour Court on such terms and conditions as he or she may determine,
  - (iv) any person who may be nominated as a temporary member of the Labour Court or temporary Deputy Chairman of the Labour Court shall be appointed to a list of persons whom shall be reviewed every five years. Any person nominated by the Minister shall be subject to a nomination from the Public Appointment Service and the production by the 31st March in each year of a certificate from the Revenue Commissioners confirming compliance with the Taxes Consolidation Act 1997 (as amended).”.

—*Senators Gerard Craughwell, David Norris.*

SECTION 80

**\*112.** In page 58, line 33, to delete “person.”,” and substitute “person.”.

**\*113.** In page 58, between lines 33 and 34, to insert the following:

“(1C) Where a person—

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

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

- (1D) If a deputy chairman dies, resigns, ceases to be qualified for office and ceases to hold office or is removed from office, or a deputy chairman’s term of office expires and he is not reappointed under subsection (1B), the Minister may appoint a person to be a deputy chairman to fill the

[SECTION 80]

vacancy so occasioned pending the appointment of a deputy chairman to fill that vacancy in accordance with subsection (1), and the person so appointed shall hold office subject to such terms and conditions as the Minister, with the consent of the Minister for Public Expenditure and Reform, determines.””.

SECTION 81

**\*114.** In page 59, between lines 20 and 21, to insert the following:

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

**\*115.** In page 59, to delete line 27 and substitute the following:

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

**\*116.** In page 59, to delete lines 29 to 33 and substitute the following:

- “(1) (a) A claim by an employee against an employer for redress under this Act for unfair dismissal may be referred by the employee to the Director General and, where such a claim is so referred the Director General shall, subject to *section 39* of the *Act of 2015*, refer the claim to an adjudication officer for adjudication by the adjudication officer.
- (b) *Section 39* of the *Act of 2015* shall apply to a claim for redress referred to the Director General under paragraph (a) as it applies to a complaint presented or dispute referred to the Director General under *section 42* of that Act, subject to the modification that references, in the said *section 39*, to a complaint or dispute shall be construed as references to a claim so referred.””.

**\*117.** In page 60, to delete lines 21 to 23.

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

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

[SECTION 81]

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

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

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

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

(a) by delivering it to the person;

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

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

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

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

and

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

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

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

SECTION 82

121. In page 62, between lines 25 and 26, to insert the following:

“(2) Section 1(3) of the Act of 1984 is amended by the insertion of the following paragraph:

“(e) the employer is deemed to be insolvent in circumstances where he has ceased trading and payments to employees have been determined by the Minister to have *de facto* been stopped on a permanent basis for a period of six weeks or more;”,

(3) Section 4 of the Act of 1984 is amended by the insertion of the following paragraph:

[SECTION 82]

“(g) where following notification in writing by the employee, employees or a representative body to the Minister the employer is deemed to be insolvent in circumstances where he has ceased trading and payments to employees have been determined by the Minister to have *de facto* been stopped on a permanent basis for a period of six weeks or more;”

(4) Section 6 of the Act of 1984 is amended by the insertion of the following subsections:

“(11) Without prejudice to subsections (5), (6) and (7) and section 8, the Minister shall make a decision on an application without delay but in any event no later than 60 days after the application is made.

(12) (a) If the time limit provided in subsection (11) expires before the Minister makes a decision on an application the Minister shall, not later than 30 days after the expiry of the time limit, publish a statement containing the reasons for the delay in making a decision.”.

—*Senator David Cullinane.*

**122.** In page 63, between lines 16 and 17, to insert the following:

“(b) by the insertion of the following subsection:

“(1A) A person who has applied for payment under section 6 of this Act of a debt or an award and to whom no decision of the Minister has been communicated may 60 days after the application is made present a complaint to the Tribunal that the Minister has failed to process their application.”.

—*Senator David Cullinane.*

SECTION 84

**\*123.** In page 66, line 8, to delete “Equality Authority or the Commission” and substitute “Irish Human Rights and Equality Commission”.

**\*124.** In page 66, line 36, to delete “Equality Authority” and substitute “Irish Human Rights and Equality Commission”.

**\*125.** In page 66, line 42, to delete “and”.

**\*126.** In page 66, after line 42, to insert the following:

“(m) by the substitution of the following subsection for subsection (4) of section 101:

“(4) An employee who has been dismissed shall not be entitled to seek redress under this Part in respect of the dismissal if—

(a) the employee has instituted proceedings for damages at common law for wrongful dismissal and the hearing of the case concerned has begun, or

(b) an adjudication officer has made a decision to which subparagraph (i) of paragraph (c) of subsection (1B) (inserted by *subparagraph*

[SECTION 84]

*(iv) of paragraph (c) of subsection (1) of section 81 of the Act of 2015) of section 8 of the Unfair Dismissals Act 1977 applies in respect of the dismissal.”,*

and”.

\*127. In page 67, line 4, to delete “subsection (1)” and substitute “subsection (2)”.

\*128. In page 67, between lines 9 and 10, to insert the following:

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

SECTION 85

\*129. In page 67, line 11, to delete “Equal Status Act 2000” and substitute “Act of 2000”.

\*130. In page 68, line 16, to delete “Equality Authority” and substitute “Irish Human Rights and Equality Commission”.

\*131. In page 68, line 38, to delete “Equality Authority” and substitute “Irish Human Rights and Equality Commission”.

\*132. In page 69, between lines 9 and 10, to insert the following:

“(2) The amendments to the Act of 2000 effected by this section shall not apply in relation to a case referred to the Director General under section 21 of that Act before the commencement of this section.”.

SECTION 87

133. In page 69, between lines 19 and 20, to insert the following:

**“Accessibility of hearings for those with a disability**

87. Any premises used for the purposes of a hearing by an adjudication officer of the Labour Court or for the purposes of any mediation or case resolution meeting shall be suitable for access by persons with a disability.”.

—*Senators Gerard Craughwell, David Norris, David Cullinane.*

\*134. In page 69, to delete line 30.

\*135. In page 70, line 6, to delete “year.” and substitute

“year.”,

and”.

\*136. In page 70, between lines 6 and 7, to insert the following:

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

“(1) (a) Where—

(i) an employee ceases to be employed, and

(ii) the whole or any portion of the annual leave in respect of the

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

(b) In this subsection—

‘relevant period’ means—

- (i) in relation to a cessation of employment of an employee to whom subparagraph (i) of paragraph (c) of subsection (1) of section 20 applies, the current leave year,
- (ii) in relation to a cessation of employment of an employee to whom subparagraph (ii) of the said paragraph (c) applies, that occurs during the first 6 months of the current leave year—
  - (I) the current leave year, and
  - (II) the leave year immediately preceding the current leave year,
- (iii) in relation to a cessation of employment of an employee to whom subparagraph (iii) of the said paragraph (c) applies, that occurs during the first 12 months of the period of 15 months referred to in the said subparagraph (iii)—
  - (I) the current leave year, and
  - (II) the leave year immediately preceding the current leave year,or
- (iv) in relation to a cessation of employment of an employee to whom subparagraph (iii) of the said paragraph (c) applies that occurs during the final 3 months of the period of 15 months referred to in the said subparagraph (iii)—
  - (I) the current leave year, and
  - (II) the 2 leave years immediately preceding the current leave year.”.”.

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

“(c) in section 26 in line one, after the word “penalised”, to insert “or threaten to penalise”.”.

—*Senators Gerard Craughwell, David Norris.*

**\*138.** In page 70, line 7, to delete “Industrial Relations Act 1990” and substitute “Act of 1990”.

**139.** In page 70, after line 12, to insert the following:

“(4) Section 7(2)(b) of the Payment of Wages Act 1991 shall be deleted.



[SECTION 87]

(5) The National Minimum Wage Act 2000 is amended:

(a) in section 24(2) by the deletion of the words “referred to or” after the word “be”,

(b) in section 24 by the insertion of a new subsection after subsection (2):

“(2A)(a) In the event of an employee referring to an adjudicating officer a complaint and being unable to prove to the Director General evidence of having obtained under section 23 a statement of his or her average hourly rate of pay in respect of a relevant pay reference period, or

(b) having requested the statement has not been provided with it within the time limit by that section for the employer to supply the information,

(c) the Director General shall advise the employee of the requirement to request a statement under section 23 and shall advise the said employee that the said complaint shall be placed on hold for a period of 90 days to enable the employee to furnish evidence under paragraph (a) or (b). For the avoidance of doubt any request made under section 23 within 90 days of receipt by the employee of a request from the Director General under paragraph (c) shall be a valid request under section 23 for the purposes of subsection (2) thereof.”,

(c) in section 36(1) by the insertion after the word cause of “or threaten to cause”.”.

—*Senators Gerard Craughwell, David Norris.*

SCHEDULE 2

\*140. In page 74, between lines 14 and 15, to insert the following:

“

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

\*141. In page 74, to delete lines 31 to 33.

\*142. In page 75, to delete lines 28 and 29.

SCHEDULE 4

\*143. In page 80, between lines 5 and 6, to insert the following:

“

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

[SCHEDULE 4]

**\*144.** In page 80, to delete lines 10 to 13 and substitute the following:

“

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

**\*145.** In page 80, to delete line 14.

SCHEDULE 5

**\*146.** In page 82, line 6, to delete “Regulations 4(4)(a) and 13” and substitute “Regulation 4(4)(a)”.

**\*147.** In page 82, to delete line 26.

SCHEDULE 6

**\*148.** In page 83, to delete lines 26 to 36 and substitute the following:

“

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

**\*149.** In page 83, to delete lines 37 to 44.

**\*150.** In page 85, to delete lines 23 to 33 and substitute the following:

“

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

[SCHEDULE 6]

\*151. In page 85, to delete lines 34 to 41.

\*152. In page 88, to delete lines 4 to 6 and substitute the following:

“

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

\*153. In page 88, to delete lines 43 to 45 and in page 89, to delete lines 4 to 11 and substitute the following:

“

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

”

\*154. In page 89, to delete lines 12 to 20.

\*155. In page 93, to delete lines 34 to 38 and substitute the following:

“

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

”

\*156. In page 93, to delete lines 39 to 46.

\*157. In page 94, to delete lines 30 to 35 and substitute the following:

“

			(c) order the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the
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[SCHEDULE 6]

			circumstances.”.
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”.

**\*158.** In page 94, to delete lines 36 to 43.

**\*159.** In page 95, to delete lines 26 to 32 and substitute the following:

“

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

**\*160.** In page 95, to delete lines 33 to 41.

**\*161.** In page 101, to delete lines 15 to 34 and substitute the following:

“

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

**\*162.** In page 101, to delete lines 35 to 47 and in page 102, to delete lines 4 to 6.

**\*163.** In page 102, to delete lines 10 to 21 and substitute the following:

“

[SCHEDULE 6]

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

**\*164.** In page 106, to delete lines 4 to 12 and substitute the following:

“

14.	No. 19 of 2001	Carer’s Leave Act 2001	<p>Section 2 is amended, in subsection (1), by the substitution of the following definition for the definition of Minister:</p> <p>“ ‘Minister’ means the Minister for Justice and Equality;”.</p> <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>
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”.

**\*165.** In page 107, to delete lines 41 to 45 and in page 108, to delete lines 4 to 10 and substitute the following:

“

			<p>“(1) In proceedings under <i>Part 4</i> of the <i>Workplace Relations Act 2015</i> in respect of a complaint of a contravention of <i>section 8A(5)</i>, it shall not be necessary for the</p>
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[SCHEDULE 6]

employee to show that he or she has at least one year's continuous service with the employer concerned.”,

”.

**\*166.** In page 108, to delete lines 40 to 46 and in page 109, to delete lines 4 to 32 and substitute the following:

“

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

”.

**\*167.** In page 109, to delete lines 33 to 47 and on page 110, to delete line 4 and substitute the following:

“

(b) by the substitution of the following paragraph for paragraph 2:

“2 A decision of the Labour Court under *section 45* of the *Workplace Relations Act 2015*, on appeal from a decision of an adjudication officer referred to in paragraph

[SCHEDULE 6]

			1(3), shall affirm, vary or set aside the decision of the adjudication officer.”,
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”

**\*168.** In page 110, to delete lines 5 to 23 and substitute the following:

“

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

”

**\*169.** In page 110, to delete lines 24 to 36 and substitute the following:

“

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

”

[SCHEDULE 6]

**\*170.** In page 110, to delete lines 37 to 46 and in page 111, to delete lines 4 and 5 and substitute the following:

“

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

”.

**\*171.** In page 111, to delete lines 25 to 32, and substitute the following:

“

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

**\*172.** In page 111, to delete lines 33 to 40.

**\*173.** In page 112, to delete lines 43 to 45 and page 113, to delete lines 4 to 34 substitute the following:

“

			(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances, but not exceeding 104 weeks’ remuneration
--	--	--	--



[SCHEDULE 6]

			in respect of the employee's employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977.”,
--	--	--	---

”

**\*174.** In page 114, to delete lines 21 to 28 and substitute the following:

“

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

**\*175.** In page 114, to delete lines 29 to 36.

**\*176.** In page 118, to delete lines 26 to 40 and substitute the following:

“

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

”

**\*177.** In page 118, to delete lines 41 to 46 and page 119, to delete lines 4 to 10.

**\*178.** In page 120, to delete lines 4 to 13 and substitute the following:

“

[SCHEDULE 6]

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

”.

**\*179.** In page 120, to delete lines 14 to 26.

**\*180.** In page 121, to delete lines 20 to 40 and substitute the following:

“

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

**\*181.** In page 121, to delete lines 41 to 47 and in page 122, to delete lines 4 to 9.

[SCHEDULE 6]

\*182. In page 125, to delete lines 11 to 31 and substitute the following:

“

			<p>(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances, but not exceeding 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>
--	--	--	--

”

\*183. In page 125, to delete lines 35 to 46 and substitute the following:

“

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

”

[SCHEDULE 6]

**\*184.** In page 129, to delete lines 18 to 38 and substitute the following:

“

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

**\*185.** In page 129, to delete lines 39 to 47 and in page 130, to delete lines 4 to 9.

**\*186.** In page 130, to delete lines 26 to 45, to delete page 131, and in page 132, to delete lines 4 to 36 and substitute the following:

“

30.	No. 40 of 2011	Property Services (Regulation) Act 2011	<p>Schedule 4 is amended—</p> <p>(a) in paragraph 1, by—</p> <p>(i) the substitution of the following subparagraph for subparagraph (1):</p> <p>“(1) In proceedings under <i>Part 4</i> of the <i>Workplace Relations Act 2015</i> in respect of a complaint of a contravention of section 67(5), it shall not be necessary for the employee to show that</p>
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”.

				<p>he or she has at least one year's continuous service with the employer concerned.”,</p> <p>(ii) the substitution of the following subparagraph for subparagraph (3):</p> <p>“(3) A decision of an adjudication officer under <i>section 42</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of <i>section 67(5)</i> 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 take a specified course of action, which may include, in a case where the penalisation constitutes a dismissal, reinstatement or reengagement, or</p> <p>(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances, but not exceeding 104 weeks' remuneration in respect of the employee's</p>
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			<p>employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977.”,</p> <p>(b) by the substitution of the following paragraph for paragraph 2:</p> <p>“2. A decision of the Labour Court under <i>section 45</i> of the <i>Workplace Relations Act 2015</i>, on appeal from a decision of an adjudication officer referred to in paragraph 1(3), shall affirm, vary or set aside the decision of the adjudication officer.”,</p> <p>and</p> <p>(c) in paragraph 3, by—</p> <p>(i) the substitution, in subparagraph (7), of “<i>Part 4</i> of the <i>Workplace Relations Act 2015</i>” for “this Schedule before a rights commissioner or the Labour Court”,</p> <p>(ii) the substitution, in clause (a) of subparagraph (8), of “an adjudication officer under <i>section 42</i> of the <i>Workplace Relations Act 2015</i>” for “a rights commissioner under paragraph 1(1)”, and</p> <p>(iii) the substitution, in clause (b) of subparagraph (8), of “an adjudication officer under <i>section 42</i> of the <i>Workplace Relations Act 2015</i>” for “a rights commissioner under paragraph 1(1)”.</p>
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”

[SCHEDULE 6]

\*187. In page 133, to delete lines 29 to 46 and substitute the following:

“

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

\*188. In page 134, to delete lines 4 to 18.

\*189. In page 139, to delete lines 30 to 45 and substitute the following:

“

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

\*190. In page 140, to delete lines 40 to 49 and substitute the following:

“

[SCHEDULE 6]

			in respect of the employee's employment calculated in accordance with regulations made under section 17 of the Unfair Dismissals Act 1977."
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”

\*191. In page 141, to delete lines 4 to 20.

\*192. In page 142, to delete lines 14 to 29 and substitute the following:

“

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

\*193. In page 142, to delete lines 30 to 42.

\*194. In page 145, to delete lines 15 to 30 and substitute the following:

“

			(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances but
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[SCHEDULE 6]

			not exceeding 2 years' remuneration in respect of the employee's employment."
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”

**\*195.** In page 145, to delete lines 31 to 43.

**\*196.** In page 148, to delete lines 5 to 13 and substitute the following:

“

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

**\*197.** In page 148, to delete lines 14 to 21.

**\*198.** In page 149, to delete lines 8 to 19 and substitute the following:

“

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

**\*199.** In page 149, to delete lines 20 to 27.

TITLE

**\*200.** In page 9, line 12, to delete “functions first instance” and substitute “first instance functions”.