



SEANAD ÉIREANN

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

**LEASUITHE TUARASCÁLA
REPORT AMENDMENTS**

SEANAD ÉIREANN

AN BILLE UM CHAIDREAMH SAN ÁIT OIBRE, 2014 —AN TUARASCÁIL

WORKPLACE RELATIONS BILL 2014 —REPORT

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

***1.** In page 11, between lines 6 and 7, to insert the following:

“ “excepted body” has the same meaning as it has in section 6 of the Trade Union Act 1941;”.

***2.** In page 12, line 14, to delete “relevant enactment” and substitute “relevant enactment or provision thereof”.

***3.** In page 12, line 16, to delete “relevant enactment” and substitute “relevant enactment or provision”.

***4.** In page 12, line 24, to delete “the Act of 1994” and substitute “Part V of the Act of 1994”.

***5.** In page 12, line 28, to delete “the Act of 1995” and substitute “Part V of the Act of 1995”.

***6.** In page 12, to delete lines 35 to 38, and in page 13, to delete lines 1 and 2.

***7.** In page 13, line 5, to delete “2004 (S.I. No. 494 of 2004)” and substitute “2006 (S.I. No. 507 of 2006)”.

***8.** In page 13, between lines 7 and 8, to insert the following:

“(8) For the purpose of the operation of this Act, and to the extent only that this Act applies, in relation to the European Communities (European Public Limited - Liability Company) (Employee Involvement) Regulations 2006 (S.I. No. 623 of 2006)—

(a) references in this Act to employer shall be construed as references to SE within the meaning of those Regulations or relevant undertaking within the meaning of Part 3 of those Regulations, as may be appropriate, and

(b) references in this Act to employee shall be construed as references to a person referred to in subparagraph (a), (b), (c) or (d) of Regulation 19(1) of those Regulations.”.

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

“(a) references in this Act to employer shall be construed as references to SCE within the meaning of those Regulations or relevant undertaking within the meaning of Part 3 of those Regulations, as may be appropriate, and”.

- *10. In page 13, line 15, to delete “clause” and substitute “subparagraph”.
- *11. In page 13, line 20, to delete “of those Regulations” and substitute “of Chapter 4 of Part 3 of those Regulations”.
- *12. In page 13, line 22, to delete “clause” and substitute “subparagraph”.

13. In page 14, line 13, to delete “address;” 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 David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

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

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 David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

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 David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

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

[#This is a reference to section 53 inserted by amendment 104 at Committee Stage.]

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

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

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

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

extent specified in *column (4)* of that Part.

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

[For the information of Senators, the text proposed to be deleted above was amended by amendment 1 on the list of committee amendments made by the Seanad.]

- *19. In page 15, line 18, to delete “This section” and substitute “This section and *Schedule 2*”.
- *20. In page 16, line 9, to delete “such”.
- *21. In page 16, lines 14 and 15, to delete “(within the meaning of section 6 of the Trade Union Act 1941)”.

[For the information of Senators, the text proposed to be deleted above was amended by amendment 2 on the list of committee amendments made by the Seanad.]

- *22. In page 17, to delete line 32 and substitute the following:

“(f) is the subject of an order under section 160 of the Companies Act 1990 or a disqualification order within the meaning of Chapter 4 of Part 14 of the Companies Act 2014.”.

- *23. In page 19, line 5, to delete “decision” and substitute “determination”.
- *24. In page 19, line 10, to delete “decision” and substitute “determination”.
- *25. In page 21, between lines 38 and 39, to insert the following:

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

- *26. In page 22, line 7, to delete “another” and substitute “other”.

27. 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.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

28. 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.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

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

- “(5) The Minister may authorise other persons, including designated union officials, to carry out inspections and monitoring of Registered Employment Agreements, Registered Employment Orders and Employment Regulation Orders.
- (6) The Minister may make regulations providing access, for union officials, to the workplace and employees for the purpose of this section.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

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

“Union entitled to represent members’ interests

27. (1) A trade union, at the request of the employee, may represent the employee in relation to the employee’s rights and entitlements under a Registered Employment Agreement, Registered Employment Order or an Employment Regulation Order.
- (2) A union is entitled to represent its members in relation to any matter involving the discipline or grievance procedure.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

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

“Access to workplaces

27. (1) A trade union official is entitled, in accordance with this section to enter a workplace for purposes related to—
- (a) monitoring compliance with the operation of a Registered Employment Agreement, Registered Employment Order or an Employment Regulation Order,
 - (b) monitoring compliance with other Acts dealing with employment-related rights of trade union members,

- (c) to seek compliance with relevant requirements in any case where non-compliance is detected,
 - (d) discuss trade union business with trade union members,
 - (e) to seek to recruit employees as trade union members,
 - (f) to provide information on the trade union and trade union membership to any employee on the premises.
- (2) A discussion in a workplace between an employee and a trade union official who is entitled under this section to enter the workplace for the purpose of the discussion must not exceed a reasonable duration.
- (3) An employer must not penalise or threaten to penalise a worker for invoking *section 27* of this Act or for discussing matters relating to this Section nor may the employer deduct from an employee's wages any amount in respect of the time the employee is engaged in a discussion referred to in *subsection (1)(d)*."

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

*32. In page 25, line 19, to delete “which” and substitute “that”.

*33. In page 25, line 28, to delete “detain” and substitute “retain”.

34. 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 to 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, Gerard P Craughwell.*

*35. In page 26, line 16, to delete “any place or premises” and substitute “any dwelling”.

*36. In page 28, line 15, to delete “notice;” and substitute “notice; or”.

37. 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.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

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

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

“(1) Subject to *subsection (3)* of *section 27*, the Labour Court may, upon the hearing of an

appeal under *section 45*, direct the Director General to arrange for an inspector to enter any place or premises belonging to an employer who is a party to the appeal and perform such functions under *section 27* at, or in relation to, that place or premises as are specified in the direction concerned.”.

*40. In page 29, line 26, to delete “Schedule 5 of” and substitute “Schedule 5 to”.

41. In page 30, line 35, after “offence” to insert “and for the purpose of the performance of the Commission’s functions”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

42. 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”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

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

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

*44. In page 35, line 30, to delete “*subsection (5)*” and substitute “*subsection (4)*”.

*45. In page 35, line 33, to delete “*subsection (5)*” and substitute “*subsection (4)*”.

*46. In page 36, line 2, to delete “*subsection (5)*” and substitute “*subsection (4)*”.

47. 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.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

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

49. 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.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

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

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

- (b) In this subsection “relevant claim” means—
- (i) a complaint or dispute to which *subsection (2)*# or *(4)*# of *section 8* or *subsection (2)* of *section 53* applies,
 - (ii) a claim for redress to which *subsection (2)* of *section 81* applies,
 - (iii) a case to which *subsection (2)*## of *section 84* applies, or
 - (iv) a case to which *subsection (2)*### of *section 85* applies.”.

[#This is a reference to the subsection proposed to be inserted by amendment 18.]

[##This is a reference to the subsection proposed to be inserted by amendment 109.]

[###This is a reference to the subsection proposed to be inserted by amendment 114.]

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

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

[For the information of Senators, the text proposed to be deleted above was amended by amendment 3 on the list of committee amendments made by the Seanad.]

- 52.** 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,”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

- *53.** In page 39, to delete lines 17 to 23 and substitute the following:

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

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

- 54.** 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 of premises and provision of accommodation as set out in the Act of 2000,”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

55. 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.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

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

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

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

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

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

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

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

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

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

61. 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.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

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

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

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

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

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

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

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

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

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

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

provision of that enactment specified in *Part 2 of Schedule 6#*,

- (ii) in relation to an appeal from a decision of an adjudication officer under *section 42* relating to a dispute as to the entitlements of an employee under an enactment specified in *Part 3 of Schedule 5*, the provision of that enactment specified in *Part 2 of Schedule 6#*, and
- (iii) in relation to an appeal from a decision of an adjudication officer under *section 42* relating to a complaint under *subsection (3)* of that section, paragraph 2 of Schedule 2 to the Act of 2012.”.

[#This is a reference to Schedule 6 inserted by amendment 127.]

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

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

***66.** In page 45, to delete lines 1 to 13.

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

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

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

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

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

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

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

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

71. In page 47, after line 36, to insert the following:

“Safeguarding Employees

55. In addition to existing provisions in enactments that 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.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

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

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

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

*74. In page 51, lines 19 to 21, to delete the text inserted by amendment 109 at Seanad Committee.

[For the information of Senators, the text proposed to be deleted above is shown as amendment 4 on the list of committee amendments made by the Seanad.]

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

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

- (a) in so far as it relates to a function transferred to the Commission by *section 67*, be carried on or completed on or after the dissolution day by the Commission, and
- (b) in so far as it relates to a function transferred to the Labour Court by that section, be carried on or completed on or after the dissolution day by the Labour Court.

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

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

76. In page 52, to delete lines 31 to 36.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

*77. In page 53, to delete the text inserted by amendment 110 at Seanad Committee and substitute the following:

“Amendment of section 21 of Act of 1946

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

(a) in subsection (1), by—

(i) the substitution of “The Court may, for the purposes of any proceedings before it under this Act, the Unfair Dismissals Act 1977 or *Part 4* of the *Workplace Relations Act 2014*, or any investigation under the Industrial Relations (Amendment) Act 2001, do all or any of the following things” for “The Court may for the purposes of any proceedings before it under this Act or any investigation under the Industrial Relations (Amendment) Act 2001 do all or any of the following things”, and

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

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

and

(b) by the insertion of the following subsection:

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

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

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

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

[For the information of Senators, the text proposed to be deleted above is shown as amendment 5 on the list of committee amendments made by the Seanad.]

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

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

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

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

- *80. In page 56, line 24, to delete “shall,” and substitute “shall”.
- *81. In page 56, line 38, to delete “this” and substitute “that”.
- *82. In page 57, to delete line 9 and substitute the following:
“(d) by the insertion of the following section:”.
- *83. In page 57, line 25, to delete “the substitution” and substitute “by the substitution”.
- *84. In page 57, line 26, to delete “Act of 1967” and substitute “Redundancy Payments Act 1971”.
- *85. In page 59, lines 17 and 18, to delete “*Workplace Relations Act 2014*” and substitute “*Act of 2014*”.
- *86. In page 60, to delete lines 13 to 20 and substitute the following:
“(v) the substitution, in subsection (2), of—
(I) “the Director General” for “a rights commissioner or the Tribunal, as the case may be”, and
(II) “the Director General” for “the rights commissioner or the Tribunal,” in each place that it occurs,
(vi) the deletion, in subsection (2), of “, as the case may be,” in each place that it occurs,”.
- *87. In page 60, line 24, to delete “by”.
- *88. In page 60, line 26, to delete “by”.
- *89. In page 60, line 29, to delete “by”.
- *90. In page 60, to delete lines 33 to 36 and substitute the following:
“(xi) the substitution, in subsection (8), of “Labour Court” for “Tribunal” in each place that it occurs,
(xii) the deletion, in paragraph (g) of subsection (8), of “claims and”,”.
91. 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:
“(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.”.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

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

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

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

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

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

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

“(i) the decision or recommendation, as appropriate, of the rights commissioner, or the decision of the adjudication officer under *Part 4 of the Act of 2014*,” and”.

94. In page 63, between lines 4 and 5, to insert the following:

“(g) by the insertion of the following new 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) 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.”.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

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

“(b) by the insertion of the following new 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.”.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

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

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

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

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

(b) the substitution of “Director General of the Workplace Relations Commission”

for “Director” in each place that it occurs, and”.

- *99. In page 64, line 35, to delete “the insertion” and substitute “by the insertion”.
- *100. In page 65, line 13, to delete “*Section 40*” and substitute “*Section 39*”.
- *101. In page 65, line 18, to delete “*section 40*” and substitute “*section 39*”.
- *102. In page 65, line 21, to delete “the substitution” and substitute “by the substitution”.
- *103. In page 65, line 29, to delete “to”.
- *104. In page 66, line 27, to delete “the Act of 1998” and substitute “this Act”.
- *105. In page 66, line 38, to delete “the word”.
- *106. In page 66, line 39, to delete “of “an inspector” and substitute “of “, an inspector”.
- *107. In page 66, to delete the text inserted by amendment 126 at Seanad Committee and substitute the following:

“(m) in section 101, by—

- (i) the insertion, in paragraph (a), of “, or” after “begun”,
- (ii) the substitution of the following paragraph for paragraph (b) of subsection (4):

“(b) an adjudication officer has made a decision to which subsection (1) (inserted by paragraph (c) of subsection (1) of *section 8I* of the *Act of 2014*) of section 8 of the Act of 1977 applies in respect of the dismissal.”,

and

- (iii) the insertion of the following subsection:

“(4A) (a) Where an employee refers—

- (i) a complaint under section 77, and
- (ii) a claim for redress under the Act of 1977,

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

- (b) In this subsection—

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

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

‘relevant date’ means such date—

- (i) as may be prescribed, or

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

[For the information of Senators, the text proposed to be deleted above is shown as amendment 6 on the list of committee amendments made by the Seanad.]

- *108. In page 67, line 7, to delete “paragraph (c)” and substitute “paragraph (c) of subsection (3)”.
- *109. In page 67, to delete the text inserted by amendment 128 at Seanad Committee and substitute the following:

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

[For the information of Senators, the text proposed to be deleted above is shown as amendment 7 on the list of committee amendments made by the Seanad.]

- *110. In page 67, line 22, to delete “the substitution” and substitute “by the substitution”.
- *111. In page 67, line 25, to delete “the substitution” and substitute “by the substitution”.
- *112. In page 68, to delete lines 4 to 7.
- *113. In page 68, line 8, to delete “the substitution” and substitute “by the substitution”.
- *114. In page 69, to delete the text inserted by amendment 132 at Seanad Committee and substitute the following:

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

[For the information of Senators, the text proposed to be deleted above is shown as amendment 8 on the list of committee amendments made by the Seanad.]

115. 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 David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

- *116. In page 71, to delete line 28 and substitute the following:

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

- *117. In page 72, between lines 2 and 3, to insert the following:

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

- *118. In page 72, between lines 6 and 7, to insert the following:

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

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

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

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

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

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

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

“

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

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

“

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

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

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

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

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

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

*126. In page 82, to delete line 33.

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

“SCHEDULE 6

Sections 42 and 45

RELEVANT REDRESS PROVISIONS

Part 1

DECISIONS OF ADJUDICATION OFFICERS

Acts of Oireachtas

1. Section 45A of the Industrial Relations Act 1946
2. Section 12 of the Minimum Notice and Terms of Employment Act 1973
3. Section 11A of the Protection of Employment Act 1977

4. Section 6 of the Payment of Wages Act 1991
5. Section 7(2) of the Terms of Employment (Information) Act 1994
6. Section 32(1) of the Maternity Protection Act 1994
7. Section 33(1) of the Adoptive Leave Act 1995
8. Section 18 of the Protection of Young Persons (Employment) Act 1996
9. Section 17A of the Transnational Information and Consultation of Employees Act 1996
10. Section 27(3) of the Organisation of Working Time Act 1997
11. Section 21(1) of the Parental Leave Act 1998
12. Section 4(5) of the Protections for Persons Reporting Child Abuse Act 1998
13. Section 26 of the National Minimum Wage Act 2000
14. Section 21(1) of the Carer's Leave Act 2001
15. Paragraph 1(3) of Schedule 1 to the Prevention of Corruption (Amendment) Act 2001
16. Section 16 of the Protection of Employees (Part-Time Work) Act 2001
17. Paragraph 5 of Schedule 3 to the Competition Act 2002
18. Section 14 of the Protection of Employees (Fixed-Term Work) Act 2003
19. Section 9(5) of the Industrial Relations (Miscellaneous Provisions) Act 2004
20. Section 55M(6) of the Health Act 2004
21. Section 28 of the Safety, Health and Welfare at Work Act 2005
22. Paragraph 1 of Schedule 3 to the Employees (Provision of Information and Consultation) Act 2006
23. Paragraph 1 of Schedule 2 to the Employment Permits Act 2006
24. Paragraph 2 of Schedule 6 to the Consumer Protection Act 2007
25. Section 26(5) of the Chemicals Act 2008
26. Section 62(5) of the Charities Act 2009
27. Paragraph 1 of Schedule 2 to the National Asset Management Agency Act 2009
28. Paragraph 1 of Schedule 4 to the Inland Fisheries Act 2010
29. Paragraph 1 of Schedule 2 to the Criminal Justice Act 2011
30. Paragraph 1 of Schedule 4 to the Property Services (Regulation) Act 2011
31. Paragraph 1 of Schedule 2 to the Protection of Employees (Temporary Agency Work) Act 2012
32. Paragraph 1 of the Schedule to the Further Education and Training Act 2013

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

Statutory Instruments

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

Part 2

DECISIONS OF LABOUR COURT
Acts of Oireachtas

1. Section 45B of the Industrial Relations Act 1946
2. Section 12A of the Minimum Notice and Terms of Employment Act 1973
3. Section 11B of the Protection of Employment Act 1977
4. Section 7 of the Payment of Wages Act 1991
5. Section 8 of the Terms of Employment (Information) Act 1994
6. Section 32(2) of the Maternity Protection Act 1994
7. Section 33(2) of the Adoptive Leave Act 1995
8. Section 19 of the Protection of Young Persons (Employment) Act 1996
9. Section 17B of the Transnational Information and Consultation of Employees Act 1996
10. Section 28 of the Organisation of Working Time Act 1997

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

Statutory Instruments

1. Regulation 11 of the European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 (S.I. No. 131 of 2003)
2. Regulation 16 of the European Communities (Organisation of Working Time) (Mobile Staff in Civil Aviation) Regulations 2006 (S.I. No. 507 of 2006)
3. Paragraph 3 of Schedule 2 to the European Communities (European Public Limited – Liability Company) (Employee Involvement) Regulations 2006 (S.I. No. 623 of 2006)

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

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

“

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

***129.** In page 92, to delete lines 4 to 7.

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

“

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

*131. In page 96, to delete lines 21 to 23.

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

“



21. (1) A decision of an adjudication officer under *section 42* of the *Workplace Relations Act 2014* in relation to a dispute between an employee and his or her employer relating to the entitlements of the employee under this Act (or any matter arising out of or related to those entitlements or otherwise arising under this Act) or a decision of the Labour Court under *section 45* of the said *Workplace Relations Act 2014* on appeal from the first-mentioned decision, may contain such directions to the parties concerned as the adjudication officer or the Labour Court, as the case may be, considers necessary or expedient for the resolution of the dispute or matter and such other redress as the adjudication officer or the Labour Court, as the case may be, considers appropriate having regard to all of the circumstances and the provisions of this Act, and accordingly may specify—

”

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

“

			(4) Without prejudice to the generality of subsections (1) and (2), a decision of an adjudication officer under <i>section 42</i> of the <i>Workplace Relations Act 2014</i> in relation to a dispute referred to in subsection (1) may contain a direction that the commencement of parental leave be postponed for a specified period (whether or not being the period specified in the relevant notice under section 11(1)), provided that the adjudication officer—
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”

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

“

			(6) Without prejudice to the generality of subsections (1) and (2), a decision of an adjudication officer under <i>section 42</i> of the <i>Workplace Relations Act 2014</i> in relation to a dispute referred to in subsection (1) may contain a direction that—
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”

***135.** In page 100, to delete lines 12 to 20.

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

“

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

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

“

			Section 34 is amended by the insertion of the following subsection: “(6) In this section ‘inspector’ has the same meaning as it has in the <i>Workplace Relations Act 2014</i> .”
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”

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

“

1.	S.I. No. 231 of 2000	European Communities (Parental Leave) Regulations 2000	The following Regulation is substituted for Regulation 8: “8. An adjudication officer within the meaning of the <i>Workplace Relations Act 2014</i> or the Labour Court may, if the adjudication officer or the Labour Court, as the case may be, considers it reasonable to do so, having regard to the illness or other incapacity of an employee entitled to parental leave by virtue of Regulation 3 or any other circumstance, direct that the leave be taken at a time other than a time that accords with Regulation 4.”.
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”

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

“

4.	S.I. No. 623 of 2006	European Communities (European Public Limited – Liability Company) (Employee Involvement) Regulations 2006	Schedule 2 is amended by— (a) the substitution of the following paragraph for paragraph 2: “2. A decision of an adjudication officer under <i>section 42</i> of the <i>Workplace Relations Act 2014</i> in relation to a contravention of Regulation 19(1) shall do one or more of the following: (a) declare that the complaint was or, as the case may be, was not well founded; (b) require the relevant undertaking or the SE to take a specified course of action; (c) require the relevant undertaking or the SE to pay to the person referred to
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			<p>in subparagraph (1) compensation of such amount (if any) as is just and equitable having regard to all the circumstances but not exceeding 2 years remuneration in respect of the person's employment.”,</p> <p>and</p> <p>(b) the substitution of the following paragraph for paragraph 3:</p> <p>“3. A decision of the Labour Court under <i>section 45</i> of the <i>Workplace Relations Act 2014</i> on appeal from a decision of an adjudication officer referred to in paragraph 2 shall affirm, vary or set aside the decision of the adjudication officer.”.</p>
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*140. In page 148, to delete lines 33 to 45 and substitute the following:

“

8.	S.I. No. 36 of 2012	European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations 2012	<p>The following Regulation is substituted for Regulation 18:</p> <p>“Decision of adjudication officer under section 42 of Workplace Relations Act 2014</p> <p>18. A decision of an adjudication officer under <i>section 42</i> of the <i>Workplace Relations Act 2014</i> in relation to a complaint of a contravention of Regulation 5, 8, 9, 10, 11 or 12 shall do one or more of the following, namely—</p>
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”