



An Bille um Chonarthaí Uaireanta Bandáilte, 2016
Banded Hours Contract Bill 2016

Mar a tionscnaíodh

As initiated



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CONTENTS

Section

1. Interpretation
2. Regulations
3. Provision of banded hour contracts
4. Complaints by a worker
5. Obligation to provide information of overall availability of working hours
6. Short title and commencement

SCHEDULE

ACTS REFERRED TO

Industrial Relations Act 1946 (No. 26)

Industrial Relations Act 1990 (No. 19)

Terms of Employment (Information) Act 1994 (No. 5)

Workplace Relations Act 2015 (No. 16)



AN BILLE UM CHONARTHAÍ UAIREANTA BANDÁILTE, 2016
BANDED HOURS CONTRACT BILL 2016

Bill

entitled

An Act to provide for banded hour contracts, the right for a worker to request increased hours and a corresponding obligation on an employer to consider such a request, to permit refusal only on objectively justified grounds and an obligation on employers to provide information to workers on the overall availability of working hours in the employment. 5

Be it enacted by the Oireachtas as follows: 10

Interpretation

1. In this Act—

“adjudication officer” means a person appointed under section 40 of the Workplace Relations Act 2015;

“Director General” has the meaning assigned to it by section 12 of the Workplace Relations Act 2015; 15

“Minister” means the Minister for Jobs, Enterprise and Innovation;

“trade union” has the same meaning as it has in the Industrial Relations Act 1946;

“worker” has the same meaning as it has in Part III of the Industrial Relations Act 1990;

“employer” has the same meaning as it has in the Terms of Employment (Information) Act 1994. 20

Regulations

2. The Minister may by regulations, provide for any matter referred to in this Act as prescribed or to be prescribed.

Provision of banded hour contracts

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3. (1) A worker, or his or her trade union or a representative acting on his or her behalf, shall be entitled after a period of no less than 6 months of continuous employment with his or her employer, to request in writing of his or her employer to be moved to an increased weekly band of hours, as per the banding of hours set out in the *Schedule* where the band requested exceeds the hours average worked weekly in the previous 30

six month period.

- (2) Where a worker or his or her trade union or a representative makes a request pursuant to *subsection (1)* there will be an obligation on the employer to consider the request and to provide a reasoned decision in response to the request in writing not later than 21 days from receipt of the request. 5
- (3) Where an employer grants a request pursuant to *subsection (1)* the worker shall be informed in writing as soon as practicable by the employer, and shall henceforth be offered hours of work by that employer of at least the minimum number of hours in that band.
- (4) The employer may refuse a request made pursuant to *subsection (1)* if he or she can demonstrate that the employer's business is experiencing severe financial difficulties such that there is a substantial risk that— 10
 - (a) the workers concerned would be laid off or made redundant;
 - (b) the sustainability of the employer's business would be significantly adversely affected; or 15
 - (c) that the employer's business could not sustain the giving of an increased level of banded hours to the worker.

Complaints by a worker

- 4. (1) A worker may present a complaint in writing to the Director General of the Workplace Relations Commission, such complaint to be heard by an adjudication officer, that the worker's employer has contravened *section 3* in relation to him or her and, if in doing so, the adjudication officer shall give the parties an opportunity to be heard and to present any evidence relevant to the complaint, and shall give a decision in writing in relation to it and shall communicate the decision to the parties. 20
- (2) Where an adjudication officer decides, in respect of a complaint under this section in relation to a decision made by an employer to refuse to move a worker to a higher number of banded hours, that the employer has failed to give a properly reasoned decision as required by *section 2*, or that the complaint is well founded with regard to the adequacy of the reasons given, the adjudication officer shall order the employer to increase the worker's hours to the next band as set out in the *Schedule*. 25 30
- (3) Subject to *subsection (4)*, an adjudication officer shall not entertain a complaint under this section unless such complaint is submitted to the Director General within the period of 6 months beginning on the date of the contravention to which the complaint relates.
- (4) An adjudication officer may entertain a complaint to which this section applies if submitted to the Director General after the expiration of the period referred to in *subsection (3)*, but within 12 months beginning on the date of the contravention to which the complaint relates, only if he or she is satisfied that the failure to present the complaint or refer the dispute within the period referred to in *subsection (3)* was due to reasonable cause. 35 40
- (5) A complaint to which this section applies shall be presented to the Director General by giving notice thereof in writing to the Director General and the notice shall contain

such particulars and be in such form as is specified in the Workplace Relations Act 2015 and as may be specified from time to time by the Minister.

- (6) Any party to proceedings under this section may appeal a decision of an adjudication officer given in those proceedings to the Labour Court as provided for by section 44 of the Workplace Relations Act 2015.

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Obligation to provide information of overall availability of working hours

5. (1) Every employer shall display on a weekly or monthly basis in a prominent position or positions in or at the place of work, being a prominent position to which workers have regular access and in such a position that it may be read easily by workers, a notice or notices in a form and manner, appropriate language and in English and Irish, and in other languages where required, such that the notice is reasonably likely to be understood by the workers concerned. 10
- (2) The notice shall contain the number of working hours being allocated to workers in the forthcoming week or month and which band those hours fall under per week.

Short title and commencement

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6. (1) This Act may be cited as the Banded Hours Contract Act 2016.
- (2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions. 20

Section 4

Band A 11.5 hours or more, but less than 15 hours;

Band B 15 hours or more, but less than 20 hours;

Band C 20 hours or more, but less than 25 hours;

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Band D 25 hours or more, but less than 30 hours;

Band E 30 hours or more, but less than 35 hours;

Band F 35 hours or more, but less than 37 hours;

Band G 37 hours or more.

An Bille um Chonarthaí Uaireanta Bandáilte,
2016

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú maidir le conarthaí uaireanta bandáilte, maidir le ceart oibrí chun uaireanta méadaithe a iarraidh agus maidir le hoibleagáid chomhfhreagrach a bheith ar fhostóir iarraidh den sórt sin a bhreithniú, do cheadú diúltú ar fhorais is inchosanta go hoibiachtúil, agus sa chás sin amháin, agus maidir le hoibleagáid a bheith ar fhostóirí faisnéis a sholáthar d'oibrithe i dtaobh infhaighteacht fhoriomlán na n-uaireanta oibre san fhostaíocht.

*An Teachta David Cullinane a thug isteach,
14 Meitheamh, 2016*

Banded Hours Contract Bill 2016

BILL

(as initiated)

entitled

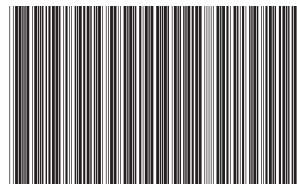
An Act to provide for banded hour contracts, the right for a worker to request increased hours and a corresponding obligation on an employer to consider such a request, to permit refusal only on objectively justified grounds and an obligation on employers to provide information to workers on the overall availability of working hours in the employment.

*Introduced by Deputy David Cullinane,
14th June, 2016*

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
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