



SEANAD ÉIREANN

**AN BILLE FOSTAÍOCHTA (FORÁLACHA
ILGHNÉITHEACHA), 2017
EMPLOYMENT (MISCELLANEOUS PROVISIONS) BILL
2017**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

AN BILLE FOSTAÍOCHTA (FORÁLACHA ILGHNÉITHEACHA), 2017 —AN COISTE

EMPLOYMENT (MISCELLANEOUS PROVISIONS) BILL 2017 —COMMITTEE STAGE

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

SECTION 1

*1. In page 5, to delete lines 20 to 24 and substitute the following:

“(2) Subject to *subsection (3)*, 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.

(3) This Act, except insofar as it is already in operation pursuant to an order or orders under *subsection (2)*, shall come into operation no later than 6 months after the date of its passing.”.

SECTION 10

2. In page 8, lines 17 to 20, to delete all words from and including “(1) An” in line 17 down to and including line 20.

—*Senator Catherine Ardagh.*

3. In page 8, lines 26 and 27, to delete “or imprisonment for a term not exceeding 12 months or to both”.

—*Senator Catherine Ardagh.*

4. In page 9, between lines 10 and 11, to insert the following:

“(9) The Minister shall lay a report before both Houses of the Oireachtas within 12 months of the commencement of this Act on the operation of section 6B of the Act of 1994, as inserted by this section, and the offences and penalties contained therein.”.

—*Senator Catherine Ardagh.*

SECTION 13

*5. In page 11, to delete lines 3 to 8 and substitute the following:

“ ‘collective bargaining’ shall be construed in accordance with the Industrial Relations Acts 1946 to 2015.”.

[SECTION 16]

SECTION 16

6. In page 15, between lines 8 and 9, to insert the following:

“(15) In the event of hours becoming available an employer shall be required to offer any surplus hours appropriate to their qualifications to existing part-time employees first.”.

—*Senator Lynn Ruane.*

*7. In page 15, to delete lines 11 to 19 and substitute the following:

“

Band	From	To
A	3 hours	6 hours
B	6 hours	11 hours
C	11 hours	16 hours
D	16 hours	21 hours
E	21 hours	26 hours
F	26 hours	31 hours
G	31 hours	36 hours
H	36 hours and over	

”.

SECTION 20

8. In page 17, between lines 28 and 29, to insert the following:

“Continuity of employment

20. (1) Subject to *subsections (2) and (3)*, the First Schedule to the Minimum Notice and Terms of Employment Act 1973 applies for the purposes of determining the period of service of an employee, and whether that service has been continuous, in any case in which such a determination is to be made.

(2) (a) For the purposes of such a determination, service as a casual employee shall be included if—

(i) the employee was employed as a casual employee on a regular and systematic basis, and

(ii) during the period of service, the employee had a reasonable expectation of ongoing employment by the employer on a regular and systematic basis.

(b) In determining for the purposes of paragraph (a) whether a casual employee’s employment was on a regular and systematic basis, regard shall be had to—

(i) whether the employee was offered work regularly,

(ii) whether the employee generally accepted work when it was offered, and

(iii) whether, although the amount of work offered might vary, there was a pattern or system to the work that the employee was offered each week.

(3) Where—

(a) an employee was engaged as a fixed-term employee (within the meaning of the

[SECTION 20]

Protection of Employees (Fixed-Term Work) Act 2003),

- (b) on the determination of the contract of employment the circumstances gave rise to a reasonable expectation on the employee's part that he or she would be re-engaged by the employer to do work of the same or a similar nature, and
- (c) he or she was subsequently employed by the same employer to do work of the same or a similar nature,

the period between the two periods of service may, for the purposes of the said First Schedule, be deemed to have been a period of lay-off.”.

—*Senators Gerald Nash, Ivana Bacik, Kevin Humphreys, Aodhán Ó Riordáin.*

* *Section proposed to be deleted.*