



# **SEANAD ÉIREANN**

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

### **LEASUITHE TUARASCÁLA REPORT AMENDMENTS**

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# SEANAD ÉIREANN

## AN BILLE FOSTAÍOCHTA (FORÁLACHA ILGHNÉITHEACHA), 2017 —AN TUARASCÁIL

### EMPLOYMENT (MISCELLANEOUS PROVISIONS) BILL 2017 —REPORT

#### *Leasuithe Amendments*

*\*Government amendments are denoted by an asterisk*

1. In page 5, line 23, to delete “six months” and substitute “three months”.

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

2. 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 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 Ríordáin.*

3. In page 19, after line 25, to insert the following:

**“Report on involuntary underemployment**

21. The Minister shall, within twelve months of the passing of this Act and following an appropriate public consultation, prepare and lay before the Houses of the Oireachtas, a report and recommendations on the issue of involuntary underemployment and the advertisement or allocation of additional hours within the workplace.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

4. In page 19, after line 25, to insert the following:

**“Report on involuntary underemployment**

21. The Minister shall, within twelve months of the passing of this Act, and following an appropriate public consultation, prepare and lay before the Houses of the Oireachtas, a report on the issue of involuntary underemployment, to include:

- (a) quantitative and qualitative analysis on involuntary underemployment in Ireland;
- (b) gender analysis and case studies from different sectors;
- (c) analysis of the initial impact of measures in this Act on involuntary underemployment;
- (d) consideration of future policy options in respect of involuntary underemployment and, in particular, regulatory, legal or other proposals in relation to the advertisement or allocation of additional hours in the workplace; and
- (e) such other matters as the Minister considers appropriate.”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*