



DÁIL ÉIREANN

AN BILLE UM CHOITHROMAÍOCHT OIBRE AGUS SAOIL AGUS FORÁLACHA ILGHNÉITHEACHA, 2022 WORK LIFE BALANCE AND MISCELLANEOUS PROVISIONS BILL 2022

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM CHOTHROMAÍOCHT OIBRE AGUS SAOIL AGUS FORÁLACHA ILGHNÉITHEACHA, 2022 —AN TUARASCÁIL

WORK LIFE BALANCE AND MISCELLANEOUS PROVISIONS BILL 2022 —REPORT

Leasuithe Amendments

1. In page 3, line 8, after “purpose” to insert “and other purposes”.
—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.
2. In page 3, line 9, to delete “entitle” and substitute “provide for the entitlement of”.
—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.
3. In page 3, line 9, after “purposes” to insert “and domestic violence leave”.
—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.
4. In page 3, line 10, after “purposes;” to insert “to provide for the entitlement of employees to request remote working arrangements;”.
—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.
5. In page 3, lines 13 and 14, to delete all words from and including “and” in line 13 down to and including line 14 and substitute the following:
“, the Adoption Act 2010, the Irish Human Rights and Equality Commission Act 2014, the Workplace Relations Act 2015 and the Birth Information and Tracing Act 2022; and to provide for related matters.”.
—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.
6. In page 3, between lines 15 and 16, to insert the following:

“PART 1

PRELIMINARY AND GENERAL

Short title, collection citation and commencement

1. (1) This Act may be cited as the Work Life Balance and Miscellaneous Provisions Act 2022.
(2) The Parental Leave Acts 1998 to 2019 and *Part 2* may be cited together as the

Parental Leave Acts 1998 to 2022.

- (3) This Act, other than *Parts 3** and *4*** and *sections 22**** and *23****, shall come into operation on such day or days as the Minister for Children, Equality, Disability, Integration and Youth may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.
- (4) *Part 3** shall come into operation on such day or days as the Minister for Enterprise, Trade and Employment may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.
- (5) *Part 4*** and *section 22**** shall come into operation on such day or days as the Minister for Enterprise, Trade and Employment, in consultation with the Minister for Children, Equality, Disability, Integration and Youth, may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

[*This is a reference to a Part proposed to be inserted by amendment No. 30.]

**This is a reference to a Part proposed to be inserted by amendment No. 31.]

***This is a reference to a section proposed to be inserted by amendment No. 30.]

7. In page 3, line 17, to delete “In this Act” and substitute “In this Part”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

8. In page 3, line 22, to delete “ “ ‘adopting parent’ ” and substitute the following:

“ “ ‘Act of 2015’ means the Workplace Relations Act 2015;

‘adopting parent’ ”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

9. In page 4, lines 2 and 3, to delete “section 13C(1)(a)” and substitute “section 13C(1)(b)(i)”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

10. In page 4, between lines 6 and 7, to insert the following:

“ ‘code of practice’ means any code of practice for the time being standing approved in accordance with *Part 4** of the *Work Life Balance and Miscellaneous Provisions Act 2022*;”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

[*This is a reference to a Part proposed to be inserted by amendment No. 31.]

11. In page 8, line 16, to delete “5 days” and substitute “10 days”.

—Louise O’Reilly, Holly Cairns.

12. In page 12, line 5, to delete “section 13C(1)(a)” and substitute “section 13C(1)(b)(i)”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

13. In page 12, to delete lines 21 to 41, and in page 13, to delete lines 1 to 42 and substitute the following:

“Obligation on employer to consider request under section 13B

13C. (1) An employer who receives a request for a flexible working arrangement submitted in accordance with section 13B(6) shall—

(a) consider that request, having regard to his or her needs and the employee’s needs, and

(b) as soon as reasonably practicable but, subject to subsection (2), not later than 4 weeks after receipt of the request—

(i) approve the request, which approval shall include an agreement prepared and signed by the employer and employee setting out—

(I) the details of the flexible working arrangement, and

(II) the date of the commencement and the date of expiration of the flexible working arrangement,

(ii) provide a notice in writing informing the employee that the request has been refused and of the reasons for the refusal, or

(iii) where subsection (2) applies, provide a notice in writing to the employee that the employer has extended the 4 week period under this subsection for a further period specified in the notice.

(2) Where an employer is having difficulty assessing the viability of the request for a flexible working arrangement, the employer may extend the 4 week period referred to in subsection (1) by a further period not exceeding 8 weeks.

(3) When the agreement referred to in subsection (1)(b)(i) is signed by the employer and the employee, the employer shall retain the agreement and provide a copy of the agreement to the employee who shall retain it.”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

14. In page 13, line 43, to delete “**proposed**”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

15. In page 13, line 44, to delete “**13E.**” and substitute “**13D.**”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

16. In page 13, lines 44 and 45, to delete “section 13C(1)(a)” and substitute “section 13C(1)(b)(i)”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

17. In page 14, line 9, to delete “section 13C(1)(a)” and substitute “section 13C(1)(b)(i)”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

18. In page 14, lines 11 and 12, to delete “section 13C(1)(a)” and substitute “section 13C(1)(b)(i)”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

19. In page 14, lines 21 and 22, to delete “section 13C(1)(a)” and substitute “section 13C(1)(b)(i)”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

20. In page 14, between lines 35 and 36, to insert the following:

“Termination in certain circumstances of flexible working arrangement

13E. (1) If, after the date on which an agreement referred to in section 13C(1)(b)(i) is signed by the employer and the employee (whether or not the approved flexible working arrangement to which it relates has commenced), the employer is satisfied that the flexible working arrangement would have, or is having, a substantial adverse effect on the operation of his or her business, profession or occupation, by reason of—

- (a) seasonal variations in the volume of the work concerned,
- (b) the unavailability of a person to carry out the duties of the employee in the employment,
- (c) the nature of the duties of the employee in the employment,
- (d) the number of employees in the employment,
- (e) the number of employees in the employment whose periods, or parts of whose periods, of an approved flexible working arrangement will fall within the period specified in the employee’s approved flexible working arrangement, or
- (f) any other matters relevant to the substantial adverse effect on the operation of his or her business, profession or occupation,

the employer may, having regard to his or her needs, the employee’s needs and the requirements of the code of practice, by notice in writing terminate the arrangement and the notice shall specify the day (being a day not later than the date of the end of the period of the arrangement specified in the agreement referred to in section 13C(1)(b)(i), nor, subject to the foregoing requirement, earlier than 4 weeks after the date of the receipt by the employee concerned of the notice) on which the employee must return to work.

- (2) Where an approved flexible working arrangement is terminated under subsection (1), the employee concerned shall return to the employee’s original working arrangement on the day specified in the notice under that subsection.
- (3) A notice under subsection (1) shall contain a statement in summary form of the grounds for terminating the flexible working arrangement concerned.

- (4) Where an employer proposes to give a notice under subsection (1) to an employee of his or hers, the employer shall, before giving the notice, give notice in writing of the proposal to the employee and the notice shall contain a statement in summary form of the grounds for terminating the flexible working arrangement concerned and a statement that the employee may within 7 days of the receipt of the notice make representation to the employer in relation to the proposal, and any such representations made by an employee to an employer within the period aforesaid shall be considered by the employer before he or she decides whether to give a notice under subsection (1) to the employee.
- (5) A person shall retain a notice under this section given to him or her and a copy of a notice under this section given by him or her.
- (6) Where a flexible working arrangement is terminated under subsection (1), the agreement referred to in section 13C(1)(b)(i) shall be deemed to be revoked accordingly.”

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

21. In page 14, line 37, to delete “section 13C(1)(a)” and substitute “section 13C(1)(b)(i)”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

22. In page 15, to delete lines 4 to 12 and substitute the following:

“(3) An employer who receives a request referred to in subsection (1) shall consider that request, having regard to his or her needs and the employee’s needs and, as soon as reasonably practicable but not later than 4 weeks after receipt of the request, shall provide a notice in writing informing the employee that—

(a) the request has been approved, or

(b) the request has been refused and of the reasons for the refusal.

(4) If the employer agrees to the early return to the original working arrangements but refuses to agree to the proposed date of return set out in the notice referred to in subsection (1), the notice under subsection (3) by the employer shall propose an alternative date for the return.”

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

23. In page 15, line 28, to delete “section 13C(1)(a)” and substitute “section 13C(1)(b)(i)”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

24. In page 15, line 30, to delete “notice).” and substitute “notice) on which the employee must return to work.”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

25. In page 16, line 2, to delete “her.” and substitute the following:

“her.

Review of Part

13H. The Minister shall, not earlier than one year and not later than 2 years after the commencement of this Part, after consultation with the Minister for Enterprise, Trade and Employment, the Workplace Relations Commission, persons whom he or she considers to be representative of employers generally and persons whom he or she considers to be representative of employees generally, conduct a review of the operation of this Part, having regard to Directive (EU) 2019/1158, and shall prepare a report in writing of the findings of the review and shall cause copies of the report to be laid before each House of the Oireachtas.”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

26. In page 18, lines 3 and 4, to delete “section 21A(1),” and substitute “section 21A,”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

27. In page 18, to delete lines 6 to 29 and substitute the following:

“Decision under section 41 or 44 of Act of 2015 in relation to dispute under sections 13C, 13D, 13E, 13F or 13G

12. The Principal Act is amended by the insertion of the following section after section 21:

“**21A.**(1) A decision of an adjudication officer under section 41 of the Act of 2015, or a decision of the Labour Court under section 44 of that Act on appeal from the first mentioned decision, in relation to a dispute between an employee and his or her employer relating to the fulfilment by the employer of his or her obligations under section 13C(1) may—

(a) direct that the employer comply with paragraph (a) of section 13C(1),

(b) direct that the employer comply with any of the requirements of paragraph (b) of section 13C(1) as if the reference in that subsection to the date that is 4 weeks after the receipt of the employee’s request under section 13B was a reference to such date as may be specified in the direction,

(c) award compensation in favour of the employee concerned to be paid by the employer concerned, or

(d) specify both a direction referred to in paragraph (a) or (b), or both, and an award referred to in paragraph (c).

(2) A decision of an adjudication officer under section 41 of the Act of 2015, or a decision of the Labour Court under section 44 of that Act on appeal from the first mentioned decision, in relation to a dispute between an employee and his or her employer relating to the fulfilment

by the employer of his or her obligations under sections 13D or 13E, may award compensation in favour of the employee concerned to be paid by the employer concerned.

- (3) A decision of an adjudication officer under section 41 of the Act of 2015, or a decision of the Labour Court under section 44 of that Act on appeal from the first mentioned decision, in relation to a dispute between an employee and his or her employer relating to the fulfilment by the employer of his or her obligations under section 13F, may—
 - (a) direct that the employer comply with any of the requirements of section 13F(3) as if the reference in that subsection to the date that is 4 weeks after the receipt of the employee's request under section 13F(1) was a reference to such date as may be specified in the direction,
 - (b) award compensation in favour of the employee concerned to be paid by the employer concerned, or
 - (c) specify both a direction referred to in paragraph (a) and an award referred to in paragraph (b).
- (4) A decision of an adjudication officer under section 41 of the Act of 2015, or a decision of the Labour Court under section 44 of that Act on appeal from the first mentioned decision, in relation to a dispute between an employee and his or her employer relating to the entitlements of the employee under section 13G may award compensation in favour of the employee concerned to be paid by the employer concerned.
- (5) An award of compensation referred to in subsections (1)(c), (2), (3) or (4) shall be of such amount as the adjudication officer or the Labour Court, as the case may be, considers just and equitable having regard to all the circumstances but shall not exceed 20 weeks' remuneration in respect of the employee's employment calculated in the manner as may be prescribed.
- (6) In making a decision referred to in subsection (1), (2) or (3), an adjudication officer or the Labour Court, as the case may be, shall not assess the merits of—
 - (a) the decision of the employer reached following his or her consideration of the employee's request under section 13C(1)(a),
 - (b) the refusal by the employer under section 13C(1)(b)(ii) or the reasons for such refusal given under that provision,
 - (c) the decision of the employer to terminate, under section 13E, a flexible working arrangement or the grounds given by the employer under that section for such termination,
 - (d) the refusal by the employer under section 13F(3)(b) or the reasons

for such refusal given under that provision, or

(e) the refusal by the employer under section 13F(4) or the alternative date proposed under that provision.

(7) In this section, ‘remuneration’ includes allowances in the nature of pay and benefits in lieu of or in addition to pay.”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

28. In page 18, between lines 29 and 30, to insert the following:

“Amendment of section 22A of Principal Act

13. Section 22A of the Principal Act is amended in subsection (1), by the insertion of “other than Part IIA” after “this Act”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

29. In page 19, line 6, to delete “3 years.” and substitute “3 years,”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

30. In page 19, between lines 9 and 10, to insert the following:

“PART 3

REQUESTS FOR REMOTE WORKING ARRANGEMENTS

Interpretation (Part 3)

14. (1) In this Part—

“Act of 1998” means the Parental Leave Act 1998;

“Act of 2015” means the Workplace Relations Act 2015;

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

“approved remote working arrangement” means a remote working arrangement, the request for which has been approved under *section 21(1)(a)*;

“code of practice” means, in relation to a provision of this Part, any code of practice for the time being standing approved in accordance with *Part 4**;

“Commission” means the Workplace Relations Commission;

“continuous employment” includes employment completed by an employee under 2 or more continuous fixed-term contracts with the same employer;

“contract of employment” means, subject to *subsection (2)*—

(a) a contract of service or apprenticeship, or

(b) any other contract whereby an individual agrees with another person, who is carrying on the business of an employment agency (within the meaning of the

Employment Agency Act 1971), and is acting in the course of that business, to do or perform personally any work or service for another person (whether or not that other person is a party to the contract);

“employee” means a person of any age who has entered into or works under (or, where the employment has ceased, entered into or worked under) a contract of employment and includes a part-time employee and a fixed-term employee and references, in relation to an employer, to an employee shall be construed as references to an employee employed by that employer; and for the purposes of this Part, a person holding office under, or in the service of, the State (including a member of the Garda Síochána or the Defence Forces or a civil servant within the meaning of the Civil Service Regulation Act 1956) shall be deemed to be an employee employed by the head (within the meaning of the Freedom of Information Act 2014), of the public body (within the meaning aforesaid) in which he or she is employed and an officer or servant of a local authority for the purposes of the Local Government Act 2001 (as amended by the Local Government Reform Act 2014), or of a harbour authority, the Health Service Executive or a member of staff of an education and training board shall be deemed to be an employee employed by the authority, Executive or board, as the case may be;

“employer” means, in relation to an employee, the person with whom the employee has entered into or for whom the employee works under (or, where the employment has ceased, entered into or worked under) a contract of employment subject to the qualification that the person who under a contract of employment referred to in *paragraph (b)* of the definition of “contract of employment” is liable to pay the wages of the individual concerned in respect of the work or service concerned shall be deemed to be the individual’s employer and includes, where appropriate, an associated employer of the employer;

“fixed-term employee” has the same meaning as it has in the Protection of Employees (Fixed-Term Work) Act 2003;

“Minister” means the Minister for Enterprise, Trade and Employment;

“part-time employee” has the same meaning as it has in the Protection of Employees (Part-Time Work) Act 2001;

“request for a remote working arrangement” means a request referred to in *section 20(1)*;

“remote working arrangement” means an arrangement whereby some or all of the work ordinarily carried out by an employee at an employer’s place of business under a contract of employment is provided at a location other than at the employer’s place of business without change to the employee’s ordinary working hours or duties;

- (2) For the purposes of this Part, 2 employers shall be taken to be associated if one is a body corporate of which the other (whether directly or indirectly) has control or if both are bodies corporate of which a third person (whether directly or indirectly) has control and “associated employer” shall be construed accordingly.

Voidance or modification of certain provisions in agreements

- 15.** (1) A provision in any agreement shall be void in so far as it purports to exclude or limit the application of any provision of this Part or is inconsistent with any provision of this Part.
- (2) A provision in any agreement which is or becomes less favourable in relation to an employee than a similar or corresponding entitlement conferred on the employee by this Part shall be deemed to be so modified as to be not less favourable.
- (3) Nothing in this Part shall be construed as prohibiting the inclusion in an agreement of a provision more favourable to an employee than any provision in this Part.
- (4) References in this section to an agreement are to any agreement, whether a contract of employment or not and whether made before or after the coming into operation of this section.

Regulations and orders

- 16.** (1) The Minister may by regulations provide for any matter referred to in this Part or *Part 4** as prescribed or to be prescribed for the purposes of the regulations.
- (2) Before making a regulation under this Part, the Minister shall consult with persons whom he or she considers to be representative of employers generally and persons whom he or she considers to be representative of employees generally in relation to the regulation.
- (3) Without prejudice to any provision of this Act, a regulation under this Part may contain such consequential, supplementary and ancillary provisions as appear to the Minister to be necessary or expedient.
- (4) Every regulation made under this Part shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House sits after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Expenses

- 17.** The expenses incurred by the Minister or the Minister for Children, Equality, Disability, Integration and Youth in the administration of this Part and *Part 4** shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of monies provided by the Oireachtas.

Right to request a remote working arrangement

- 18.** (1) An employee may, in accordance with this Part, request approval from his or her employer for a remote working arrangement.
- (2) An employee's approved remote working arrangement shall not commence before a time when the employee concerned has completed 6 months continuous employment

with the employer concerned.

- (3) A request for a remote working arrangement referred to in *subsection (1)* shall—
 - (a) be in writing and signed by the employee,
 - (b) specify the details of the remote working arrangement requested and the proposed date of commencement and, where applicable, expiration of the remote working arrangement,
 - (c) specify, having regard to the code of practice—
 - (i) the reasons why he or she is requesting approval of the remote working arrangement (in this Part referred to as “the employee’s needs”),
 - (ii) details of the proposed remote working location, and
 - (iii) information as may be specified in the code of practice on the suitability of the proposed remote working location,and
 - (d) be submitted to his or her employer as soon as reasonably practicable but not later than 8 weeks before the proposed commencement of the remote working arrangement.
- (4) An employee who has submitted a request in accordance with *subsection (3)* to his or her employer shall, if the employer so requests, furnish to the employer such further information as the employer may reasonably require in relation to the request.
- (5) Before the date on which an agreement referred to in *section 21(1)(b)(i)* is signed by the employer and the employee, the employee may, by notice in writing signed by him or her and given to the employer, withdraw a request submitted in accordance with *subsection (3)*.
- (6) For the purposes of this section, where an employee ceases to be the employee of an employer and, not more than 26 weeks after the date of cesser, the employee again becomes the employee of the employer, the period of service of that employee with that employer before the date of cesser shall be deemed to be continuous with the period of service of that employee with that employer after again becoming such employee.

Obligation on employer to consider request under *section 20*

19. (1) An employer who receives a request for a remote working arrangement submitted in accordance with *section 20(3)* shall—
 - (a) consider that request, having regard to—
 - (i) his or her needs,
 - (ii) the employee’s needs, and
 - (iii) the requirements of the code of practice,and

- (b) as soon as reasonably practicable but, subject to *subsection (2)*, not later than 4 weeks after receipt of the request—
 - (i) approve the request, which approval shall include an agreement prepared and signed by the employer and employee setting out—
 - (I) the details of the remote working arrangement, and
 - (II) the date of the commencement and the expiration, if any, of the remote working arrangement,
 - (ii) refuse a request, which refusal shall include a notice in writing informing of the reasons for the refusal, or
 - (iii) where *subsection (2)* applies, provide a notice in writing to the employee that the employer has extended the 4 week period under this subsection for a further period specified in the notice.
- (2) Where an employer is having difficulty assessing the viability of the request for a remote working arrangement, the employer may extend the 4 week period referred to in *subsection (1)* by a further period not exceeding 8 weeks.
- (3) When the agreement referred to in *subsection (1)(b)(i)* is signed by the employer and the employee, the employer shall retain the agreement and provide a copy of the agreement to the employee who shall retain it.

Termination in certain circumstances of remote working arrangement

20. (1) If, after the date on which an agreement referred to in *section 21(1)(b)(i)* is signed by the employer and the employee (whether or not the approved remote working arrangement to which it relates has commenced), the employer is satisfied that the remote working arrangement would have, or is having, a substantial adverse effect on the operation of his or her business, profession or occupation, by reason of—
- (a) seasonal variations in the volume of the work concerned,
 - (b) the unavailability of a person to carry out the duties of the employee in the employer’s place of business,
 - (c) the nature of the duties of the employee in the employment, or
 - (d) any other matters relevant to the substantial adverse effect on the operation of his or her business, profession or occupation,
- the employer may, having regard to his or her needs, the employee’s needs and the requirements of the code of practice, by notice in writing terminate the arrangement and the notice shall specify the day (being a day not later than the date of the end of the period of the arrangement specified in the agreement referred to in *section 21(1)(b)(i)*, if any, nor, subject to the foregoing requirement, earlier than 4 weeks after the date of the receipt by the employee concerned of the notice) on which the employee must return to work.
- (2) Where an approved remote working arrangement is terminated under *subsection (1)*, the employee concerned shall return to the employee’s original working arrangement on

the day specified in the notice under that subsection.

- (3) A notice under *subsection (1)* shall contain a statement in summary form of the grounds for terminating the remote working arrangement concerned.
- (4) Where an employer proposes to give a notice under *subsection (1)* to an employee of his or hers, the employer shall, before giving the notice, give notice in writing of the proposal to the employee and the notice shall contain a statement in summary form of the grounds for terminating the remote working arrangement concerned and a statement that the employee may, within 7 days of the receipt of the notice, make representation to the employer in relation to the proposal, and any such representations made by an employee to an employer within the period aforesaid shall be considered by the employer before he or she decides whether to give a notice under *subsection (1)* to the employee.
- (5) A person shall each retain a notice under this section given to him or her and a copy of a notice under this section given by him or her.
- (6) Where a remote working arrangement is terminated under *subsection (1)*, the agreement referred to in *section 21(1)(b)(i)* shall be deemed to be revoked accordingly.

Changes to remote working arrangements

21. If, after the date on which an agreement referred to in *section 21(1)(b)(i)* is signed by the employer and the employee (whether or not the approved remote working arrangement to which it relates has commenced), the employer and the employee so agree, in writing—
 - (a) the remote working arrangement may be postponed to such time as may be agreed to,
 - (b) the period of the remote working arrangement, if any, may be curtailed in such manner and to such extent as may be agreed to, or
 - (c) the form of the remote working arrangement may be varied in such manner as may be agreed to,

and in such a case the agreement referred to in *section 21(1)(b)(i)* shall be deemed to be amended accordingly.

Return to previous working arrangement

22. (1) After the date on which an agreement referred to in *section 21(1)(b)(i)* is signed and prior to the expiration of the employee's approved remote working arrangement, if any, the employee may by notice in writing signed by him or her and given to the employer, request to return to the original working arrangements that he or she held immediately before the approval of the remote working arrangement.
- (2) The notice referred to in *subsection (1)* shall set out the reasons for the return to the original working arrangements and the proposed date for the return.
- (3) An employer who receives a request referred to in *subsection (1)* shall—

- (a) consider that request, having regard to his or her needs, the employee's needs and the code of practice, and
 - (b) as soon as reasonably practicable but not later than 4 weeks after receipt of the request, by notice in writing, respond to the employee to inform him or her that—
 - (i) the request has been approved, or
 - (ii) the request has been refused and the reasons for the refusal.
- (4) If the employer agrees to the early return to the original working arrangements but refuses to agree to the proposed date of return set out in the notice referred to in *subsection (1)*, the response under *subsection (3)(b)* from the employer shall propose an alternative date for the return.
- (5) On the expiration of the employee's approved remote working arrangement, if any, the employee concerned shall be entitled to return to the original working arrangement that he or she held immediately before the approval of the remote working arrangement.

Abuse of remote working arrangement

- 23.** (1) An approved remote working arrangement is subject to the condition that the employee continues to discharge all of their duties of employment in accordance with the agreement referred to in *section 21(1)(b)(i)*.
- (2) Where an employer has reasonable grounds for believing that an employee who is on an approved remote working arrangement is not discharging all of their duties of employment in accordance with the agreement referred to in *section 21(1)(b)(i)*, the employer may, by notice in writing given to the employee, terminate the approved remote working arrangement and the notice shall contain a statement in summary form of the grounds for terminating the arrangement and shall specify the day (being a day not later than the date of the end of the period of the arrangement, if any, specified in the agreement referred to in *section 21(1)(b)(i)*, nor, subject to the foregoing requirement, earlier than 7 days after the date of the receipt by the employee concerned of the notice) on which the employee must return to work.
- (3) Where an approved remote working arrangement is terminated under *subsection (2)*, the employee concerned shall return to the employee's original working arrangement on the day specified in the notice under that subsection.
- (4) Where an employer proposes to give a notice under *subsection (2)* to an employee, the employer shall, before giving the notice, give notice in writing of the proposal to the employee and the notice shall contain a statement in summary form of the grounds for terminating the remote working arrangement concerned and a statement that the employee may within 7 days of the receipt of the notice make representation to the employer in relation to the proposal, and any such representations made by an employee to an employer within the period aforesaid shall be considered by the employer before he or she decides whether to give a notice under *subsection (2)* to the employee.
- (5) A person shall retain a notice under this section given to him or her and a copy of a

notice under this section given by him or her.

Protection of employees from penalisation

- 24.** (1) An employer shall not penalise an employee for proposing to exercise or having exercised his or her entitlement to make a request referred to in *section 20(1)* or *24(1)*.
- (2) In this section, “penalisation” means any act or omission by an employer or a person acting on behalf of an employer that affects an employee to his or her detriment with respect to any term or condition of his or her employment, and, without prejudice to the generality of the foregoing, includes—
- (a) suspension, lay-off or dismissal (including a dismissal within the meaning of the Unfair Dismissals Acts 1977 to 2015), or the threat of suspension, lay-off or dismissal,
 - (b) demotion or loss of opportunity for promotion,
 - (c) transfer of duties, change of location of place of work, reduction in wages or change in working hours,
 - (d) imposition or the administering of any discipline, reprimand or other penalty (including a financial penalty), and
 - (e) coercion or intimidation.
- (3) If a penalisation of an employee, in contravention of *subsection (1)*, constitutes a dismissal of the employee within the meaning of the Unfair Dismissals Acts 1977 to 2015, relief may not be granted to the employee in respect of the penalisation both under this Part and under those Acts.

Decision under section 41 or 44 of Act of 2015

- 25.** (1) A decision of an adjudication officer under section 41 of the Act of 2015, or a decision of the Labour Court under section 44 of that Act on appeal from the first mentioned decision in relation to a dispute between an employee and his or her employer relating to the fulfilment by the employer of his or her obligations under *section 21(1)* may—
- (a) direct that the employer comply with *paragraph (a)* of *section 21(1)*,
 - (b) direct that the employer comply with any of the requirements of *paragraph (b)* of *section 21(1)* as if the reference in that subsection to the date that is 4 weeks after the receipt of the employee’s request under *section 20* was a reference to such date as may be specified in the direction,
 - (c) award compensation in favour of the employee concerned to be paid by the employer concerned, or
 - (d) specify both a direction referred to in *paragraph (a)* or *(b)*, or both, and an award referred to in *paragraph (c)*.
- (2) A decision of an adjudication officer under section 41 of the Act of 2015, or a

decision of the Labour Court under section 44 of that Act on appeal from the first mentioned decision in relation to a dispute between an employee and his or her employer relating to the fulfilment by the employer of his or her obligations under *section 22* may award compensation in favour of the employee concerned to be paid by the employer concerned.

- (3) A decision of an adjudication officer under section 41 of the Act of 2015, or a decision of the Labour Court under section 44 of that Act on appeal from the first mentioned decision in relation to a dispute between an employee and his or her employer relating to the fulfilment by the employer of his or her obligations under *section 24(3)* may—
 - (a) direct that the employer comply with *paragraph (a)* of *section 24(3)*,
 - (b) direct that the employer comply with any of the requirements of *paragraph (b)* of *section 24(3)* as if the reference in that subsection to the date that is 4 weeks after the receipt of the employee's request under *section 24(1)* was a reference to such date as may be specified in the direction,
 - (c) award compensation in favour of the employee concerned to be paid by the employer concerned, or
 - (d) specify both a direction referred to in *paragraph (a)* or *(b)*, or both, and an award referred to in *paragraph (c)*.
- (4) A decision of an adjudication officer under section 41 of the Act of 2015, or a decision of the Labour Court under section 44 of that Act on appeal from the first mentioned decision in relation to a dispute between an employee and his or her employer relating to the entitlements of the employee under this Part (other than *sections 21, 22* and *24*) may award compensation in favour of the employee concerned to be paid by the employer concerned.
- (5) An award of compensation referred to in *subsections (1)(c), (2), (3)(c)* or *(4)* shall be of such amount as the adjudication officer or the Labour Court, as the case may be, considers just and equitable having regard to all the circumstances but shall not exceed 4 weeks' remuneration in respect of the employee's employment calculated in such manner as may be prescribed.
- (6) In making a decision referred to in *subsection (1), (2)* or *(3)*, an adjudication officer or the Labour Court, as the case may be, shall not assess the merits of—
 - (a) the decision of the employer reached following his or her consideration under *section 21(1)(a)* of the employee's request,
 - (b) the refusal by the employer under *section 21(1)(b)(ii)* or the reasons for such refusal given under that provision,
 - (c) the decision of the employer to terminate, under *section 22*, a remote working arrangement or the grounds given by the employer under that section for such termination,
 - (d) the refusal by the employer under *section 24(3)(b)(ii)* or the reasons for such refusal given under that provision, or

- (e) the refusal by the employer under *section 24(4)* or the date proposed under that provision.
- (7) In this section, “remuneration” includes allowances in the nature of pay and benefits in lieu of or in addition to pay.

Records

26. (1) An employer shall make a record of approved remote working arrangements taken by each of his or her employees showing the period of employment of each employee and the dates and times upon which each employee was on an approved remote working arrangement.
- (2) A record under this section shall be retained by the employer concerned for a period of 3 years.
- (3) Notices, or copies of notices, required by this Part to be retained by a person shall be retained by the person for a period of one year.
- (4) An employer who contravenes *subsection (1)* or *subsection (2)*, shall be guilty of an offence and shall be liable on summary conviction to a class C fine.
- (5) Proceedings for an offence under this section may be brought and prosecuted by the Minister.

Review of Part

27. The Minister shall, not earlier than one year and not later than 2 years after the commencement of this section, after consultation with the Minister for Children, Equality, Disability, Integration and Youth, the Commission, persons whom he or she considers to be representative of employers generally and persons whom he or she considers to be representative of employees generally, conduct a review of the operation of this Part and shall prepare a report in writing of the findings of the review and shall cause copies of the report to be laid before each House of the Oireachtas.”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

[*This is a reference to a Part proposed to be inserted by amendment No. 31.]

31. In page 19, between lines 9 and 10, to insert the following:

“PART 4

CODE OF PRACTICE

Definitions – Part 4

28. In this Part—

“Act of 1998” means the Parental Leave Act 1998;

“Commission” means the Workplace Relations Commission;

“Minister” means the Minister for Enterprise, Trade and Employment.

Code of practice

29. (1) The Minister may, following consultation with the Minister for Children, Equality, Disability, Integration and Youth, give a direction to the Commission requiring the Commission to prepare and submit to him or her a code of practice for the purpose of practical guidance to employers, employees and any other persons as to the steps that may be taken for complying with one or more provisions of Part IIA of the Act of 1998 or *Part 3**.
- (2) The Commission shall comply with a direction under *subsection (1)* and shall prepare and submit to the Minister a draft code of practice.
- (3) Before submitting a draft code of practice to the Minister under *subsection (2)*, the Commission shall request any person that it considers appropriate, including trade unions and employer representative bodies and the Irish Human Rights and Equality Commission, to make representations to it in relation to the draft code of practice, and the Commission shall consider any such representations made.
- (4) The Minister may, at the request of the Commission or of his or her own volition, after consultation with the Minister for Children, Equality, Disability, Integration and Youth, the Commission and the Irish Human Rights and Equality Commission, give a direction to the Commission to revise the draft code of practice submitted to him or her under *subsection (2)* in such manner as is specified in the direction, and the Commission shall comply with the direction and resubmit to the Minister a revised code of practice.
- (5) The Minister may, following consultation with the Minister for Children, Equality, Disability, Integration and Youth, by order, declare a draft code of practice submitted or resubmitted to him or her in accordance with this section to be an approved code of practice for the purposes of *Part 3** or Part IIA of the Act of 1998, and the text of the approved code of practice shall be set out in the order.
- (6) The Commission shall publish the approved code of practice on its website.
- (7) The Minister may, by order, after consultation with the Minister for Children, Equality, Disability, Integration and Youth, the Commission and the Irish Human Rights and Equality Commission, revoke or amend an approved code of practice.
- (8) Every order under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order has been laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.
- (9) A code of practice standing approved under this section shall be admissible in evidence in proceedings before a court, the Labour Court or an adjudication officer

appointed under section 40 of the Workplace Relations Act 2015.”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

[*This is a reference to a Part proposed to be inserted by amendment No. 30.]

32. In page 20, between lines 32 and 33, to insert the following:

“Amendment of Adoption Act 2010

20. The Adoption Act 2010 is amended in section 100—

(a) by the substitution of the following for subsection (5):

“(5) Subject to subsection (7), the members present at a meeting called under subsection (4) shall choose one of their number to chair the meeting.”,

and

(b) by the substitution of the following for subsection (6):

“(6) The quorum for a meeting of the Authority is—

(a) the chairperson or deputy chairperson, or

(b) in the case of a meeting called under subsection (4), and where applicable, the member chosen under subsection (5) to chair the meeting who, for that meeting, shall be regarded as the chairperson for the purposes of subsections (9) and (10),

and 2 other members, one of whom may be the deputy chairperson where the chairperson or another member chosen under subsection (5) is presiding.”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

33. In page 20, between lines 32 and 33, to insert the following:

“Amendment of Irish Human Rights and Equality Commission Act 2014

21. The Irish Human Rights and Equality Commission Act 2014 is amended by the insertion of the following section after section 45:

“45A.(1) Subject to section 45, a person who was a member of the staff of the Human Rights Commission and who—

(a) prior to the establishment day, ceased employment with the Human Rights Commission, or

(b) has a preserved superannuation benefit with the Human Rights Commission,

shall, with effect from the date of commencement of this section, be deemed to be a civil servant in the Civil Service of the State in respect of superannuation benefits payable, in accordance with the provisions

of those schemes, as a result of his or her membership of the superannuation schemes created under section 20 of the Human Rights Commission Act 2000.

- (2) With effect from the date of commencement of this section, superannuation benefits referred to in subsection (1) shall be payable by the Minister for Public Expenditure and Reform out of funds provided by the Oireachtas.”.”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

34. In page 21, to delete lines 7 to 9 and substitute the following:

“(b) in section 41(7)—

- (i) by the substitution in paragraph (c)(iii) of “father or other parent” for “father”,
- (ii) by the substitution in paragraph (g) of “the occurrence of the dispute,” for “the occurrence of the dispute, and”,
- (iii) by the substitution in paragraph (h) of “the occurrence of the dispute, and” for “the occurrence of the dispute.”, and
- (iv) by the insertion of the following paragraph after paragraph (g):

“(i) in the case of a dispute relating to the entitlement of an employee or the obligation of the employer, as the case may be, under *Part 3** of the *Work Life Balance and Miscellaneous Provisions Act 2022*, it has been referred to the Director General after the expiration of the period of 6 months beginning on the day immediately following the date of the occurrence of the dispute.”,

- (c) in Schedule 1, by the insertion in Part 2 of the following paragraph after paragraph 19:

“20. *Part 3** of the *Work Life Balance and Miscellaneous Provisions Act 2022*”,

- (d) in Schedule 5 by the insertion in Part 3 of the following paragraph after paragraph 8:

“9. *Part 3** of the *Work Life Balance and Miscellaneous Provisions Act 2022*.”,

and

- (e) in Schedule 6—

- (i) by the insertion in Part 1 of the following paragraphs after paragraph 38:

“39. Section 21A of the Parental Leave Act 1998

40. *Section 26*** of the *Work Life Balance and Miscellaneous Provisions Act 2022*”,

and

(ii) by the insertion in Part 2 of the following paragraphs after paragraph 38:

“39. Section 21A of the Parental Leave Act 1998

40. *Section 26** of the Work Life Balance and Miscellaneous Provisions Act 2022*”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

[*This is a reference to a Part proposed to be inserted by amendment No. 30.]

**This is a reference to a section proposed to be inserted by amendment No. 30.]

35. In page 21, between lines 9 and 10, to insert the following:

“Amendment of Birth Information and Tracing Act 2022

21. The Birth Information and Tracing Act 2022 is amended—

- (a) in section 5(2), by the insertion of “In this section,” before “ ‘public body’ ”,
- (b) in section 25(2), by the insertion of “to section 33A or” after “Without prejudice”,
- (c) in section 31(2), by the insertion of “to section 33A or” after “Without prejudice”,
- (d) in section 32(4), by the substitution of “section 33 or for the purposes of section 33A,” for “section 33,”,
- (e) by the insertion of the following section after section 33:

“Agency and Authority may conduct trace for certain purposes under Part 3 or 4

33A. The Agency or the Authority may—

- (a) where either receives an application under section 21(1), 22(1), 27(1) or 28(1), or
- (b) on the request of another relevant body that receives an application referred to in paragraph (a),

conduct a trace for the purposes of establishing, for the purposes of section 21(3)(b), 22(3)(b), 27(3)(b) or 28(3)(b), as the case may be, whether a person is deceased.”,

(f) in section 34(1)—

- (i) by the insertion of “or where section 33A applies,” after “section 33,”,
- (ii) in paragraph (a), by the substitution of “relates,” for “relates, or”,
- (iii) in paragraph (b), by the substitution of “direction, or” for “direction.”, and
- (iv) by the insertion of the following paragraph after paragraph (b):

“(c) where section 33A applies, trace the person concerned for the

purposes of establishing whether the person is deceased.”,

and

(g) by the insertion of the following subsection after section 34(8)—

“(8A) Where the Agency or Authority, in a case to which section 33A(b) applies and having taken the steps referred to in subsection (1)(c)—

(a) establishes that the person concerned is deceased or not deceased,
or

(b) is unable to establish whether the person concerned is deceased,
it shall, in writing and without delay, inform the relevant body concerned of that fact.”.”.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.

36. In page 21, to delete lines 10 to 18.

—An tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige.