



**An Bille um Eagrú Ama Oibre (Saoire chun críoch
Braitheoireachta Sláinte), 2025**
**Organisation of Working Time (Leave for Health
Screening Purposes) Bill 2025**

Meabhrán Míniúcháin
Explanatory Memorandum



**AN BILLE UM EAGRÚ AMA OIBRE (SAOIRE CHUN
CRÍOCH BRAITHEOIREACHTA SLÁINTE), 2025
ORGANISATION OF WORKING TIME (LEAVE FOR
HEALTH SCREENING PURPOSES) BILL 2025**

EXPLANATORY MEMORANDUM

Purpose of the Bill

The purpose of the Bill is to amend the Organisation of Working Time Act 1997 so as to create a statutory entitlement to paid leave for employees in order to take part in health screening programmes.

Provisions of the Bill

Section 1 defines the “Principal Act” as the Organisation of Working Time Act 1997.

Section 2 amends section 2 of the Principal Act (the definition section) by inserting a new definition of “health screening leave”. The term is to be interpreted in accordance with section 23B, which is inserted into the Principal Act by section 5 of this Bill.

Section 3 amends section 15 of the Principal Act by adding health screening leave to the types of paid leave that are not included in the reference period applied when calculating weekly working hours for the purpose of the application of the 48 weekly working hours cap that is provided for under this section.

Section 4 amends section 16 of the Principal Act, which deals with nightly working hours, by adding “health screening leave” to the list of days that are to be excluded when calculating a reference period for nightly working hours.

Section 5 inserts a new Part IIIA into the Principal Act. The Part is headed “Additional Leave on Health Screening Grounds” and consists of sections 23A to 23H.

These new sections set out the basis on which an employee is entitled to health screening leave; the manner in which the leave is taken and notification given to the employer; the pay entitlement of the employee; the employee’s employment rights protections when taking this leave; the limited circumstances in which the employer may terminate or refuse health screening leave to an employee and the role of the Workplace Relations Commission in adjudicating in a dispute between an employee and employer in relation to entitlements of the employee under this Bill.

“Health screening leave” is defined as leave with pay from employment in order to enable an employee to avail of a cervical, breast or colon cancer screening programme provided by the HSE for the benefit of persons of the employee’s age, gender and general health status, or any

other screening programme recommended to the employee by his or her medical practitioner, having regard to the employee's age, gender and general health status.

Section 6 amends Schedule 3 of the Redundancy Payments Act 1967 to add health screening leave to the periods that should be included when calculating continuity of service for redundancy purposes.

Section 7 amends section 6 of the Unfair Dismissals Act 1997 so as to include a dismissal resulting from the exercise of the right to health screening leave among the list of dismissals presumed to be unfair for the purposes of that Act.

Section 8 amends the Workplace Relations Act 2015 so as to include complaints and disputes about health screening leave among the matters to be dealt with under that Act.

Section 9 provides for the short title of the Bill when passed, its construction and collective citations, and commencement provisions.

Duncan Smith TD,
Iúil, 2025.