



An Bille um Chothromaíocht Oibre is Saoil, 2026
Work Life Balance Bill 2026

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Explanatory Memorandum



**AN BILLE UM CHOTHROMAÍOCHT OIBRE IS SAOIL, 2026
WORK LIFE BALANCE BILL 2026**

EXPLANATORY MEMORANDUM

Purpose of the Bill

The purpose of this bill is to provide certainty for employees and employers on the right to request remote and flexible working arrangements, to ensure that requests are assessed in a fair and transparent manner, and to provide for related matters.

Under current legislation, employees have the right to request remote and flexible working arrangements from their employer. However these requests may be refused by the employer, without having regard to objective criteria. The limited scope for employees to exercise a right to flexible and remote working arrangements has a particular impact on those with caring responsibilities and parents in the workforce. This bill seeks to create an entitlement to employees to request certain flexible working arrangements, and to give further effect to Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and to provide for related matters.

Furthermore, the right to request remote and flexible working arrangements is subject to 6 months service with the employer. This bill aims to introduce a day one entitlement to remote and flexible working arrangements. This bill still allows employers to refuse on a grounds of training needs, intended to facilitate any in-person onboarding which may be necessary for business reasons, while also acknowledging that this is not a business requirement for all workplaces and a day one entitlement strengthens the ability of employees and employers to establish mutually beneficial working patterns as soon as possible, minimising any disruption to their working arrangements.

Provisions of the Bill

Part 1

Preliminary and general

Part 1 provides for standard preliminary matters such as the short title of the proposed Act, definitions of terms used in the Bill and repeals of existing legal provisions.

Section 1 is a standard form provision and provides for the short title of the proposed Act, collective citations, collective constructions and a commencement provision.

Section 2 is a standard form provision and defines key terms and concepts used in the Bill.

Section 3 provides for the modification or voidance of agreements which would have the effect of preventing a person from availing of the provisions of this Act.

Section 4 is a standard form provision concerning expenses incurred in the administration of the Bill.

Section 5 repeals the Work Life Balance and Miscellaneous Provisions Act 2023 and Part IIA of the Parental Leave Act 1998. The section also provides for a number of consequential amendments that are specified in the Schedule.

Part 2

Flexible working arrangements

Part 2 provides for the general right of employees to request a flexible working arrangement. The Part makes further provision in relation to the process for making such requests, the process for consideration of such requests by employers and amendment or termination of approved flexible working arrangements in certain circumstances.

Section 6 gives employees a right to request a flexible working arrangement. The section specifies the form in which a request must be made and also provides that the employee may, where a flexible working arrangement has not yet been agreed with the employer, withdraw such a request.

Section 7 specifies the procedure for considering a request made in accordance with *section 6*. The employer must generally approve or reject a request for a flexible working arrangement within 4 weeks of receipt of the request. The employer may not reject a request for a flexible working arrangement unless one or more specified grounds for refusal, relating to the needs of the employer, exist. Where an employer approves a request for a flexible working arrangement, the details of the arrangement will be specified in an agreement signed by the employer and the employee.

Section 8 makes provision for the amendment, with the agreement of both the employer and employee concerned, of an approved flexible working arrangement.

Section 9 permits an employer to terminate an approved flexible working arrangement on one or more of the grounds specified in *section 7*. Where the employer proposes to terminate the flexible working arrangement, they must notify the employee of that proposal, including in the notification the grounds for the proposed termination. The employee may make representations in relation to a proposed termination and where such representations are made, the employer must consider those representations before making a final decision to terminate the flexible work arrangement.

Section 10 gives an employee who is working under an approved flexible working arrangement a right to request a return to their original working arrangement. The employer may not reject a request to return to an original working arrangement unless one or more specified grounds for refusal, relating to the employer's needs, exist.

Section 11 permits an employer to terminate an approved flexible working arrangement where an employee is not discharging all duties of the employment in accordance with the agreed flexible working arrangement. Where the employer proposes to terminate the flexible

working arrangement, they must notify the employee of that proposal, including in the notification the grounds for the proposed termination. The employee may make representations in relation to a proposed termination and where such representations are made, the employer must consider those representations before making a final decision to terminate the flexible work arrangement.

Part 3

Employment rights

Part 3 provides for the protection of employment rights relating to this Bill, including by providing for the protection of employees from penalisation and the resolution of disputes relating to entitlements under the Bill.

Section 12 provides for the protection of employees from penalisation on certain grounds, including the exercise or proposed exercise by an employee of a right under this Bill or the exercise of an approved flexible working arrangement by an employee.

Section 13 provides for disputes regarding this Bill and the redress that may be awarded by an adjudication officer or the Labour Court, should an employee be successful in the dispute. Potential remedies include a direction that the employer comply with any provision of this Bill, a direction that particular decisions made by an employer under this Bill be reconsidered and an award of compensation.

Section 14 makes consequential amendments to the Workplace Relations Act 2015.

Part 4

Miscellaneous provisions

Part 4 provides for a number of miscellaneous provisions including amendments that are consequential to the provision for approved flexible working arrangements by *Part 2* and transitional provisions in respect of enactments repealed by this Bill.

Section 15 amends paragraphs 5 and 8A of Schedule 3 to the Redundancy Payments Act 1967. These amendments ensure that periods of absence from an employment in accordance with an approved flexible working arrangement do not affect continuity of employment for the purpose of that Act and that such periods are counted as reckonable service for the purpose of that Act.

Section 16 amends section 6 of the Unfair Dismissals Act 1977. This amendment ensures that a dismissal will be deemed to be unfair if it results wholly or mainly from a request for a flexible working arrangement made under this Bill or the exercise of an approved flexible working arrangement under this Bill.

Section 17 amends sections 15 and 16 of the Organisation of Working Time Act 1997. Sections 15 and 16 specify maximum weekly working hours and maximum nightly working hours, being a maximum average number of such hours calculated over a specified reference period. These amendments ensure that, for the purpose of applying that reference period, any period during which an employee is absent from an employment in accordance with an approved flexible working arrangement will be disregarded.

Section 18 requires an employer to make a record of certain information relating to approved flexible working arrangements exercised

by employees and specifies the period for which it must be retained. The section also specifies the period for which any notice that is required to be retained under this Bill, must be so retained.

Section 19 makes provision for a review of the provisions of the Bill to be commenced no later than 12 months after the proposed Act comes into operation.

Section 20 provides for a number of transitional provisions in respect of matters concerning the Work Life Balance and Miscellaneous Provisions Act 2023 and Part IIA of the Parental Leave Act 1998.

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Bealtaine, 2026.*

