Changes to Legislation: as of 6 October 2026, this Act is up to date with all changes known to be in force.

Number 13 *of* 2012

PROTECTION OF EMPLOYEES (TEMPORARY AGENCY WORK) ACT 2012

REVISED

Updated to 14 October 2020

This Revised Act is an administrative consolidation of the *Protection of Employees (Temporary Agency Work) Act 2012*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Regulated Professions (Health and Social Care) (Amendment) Act 2020* (16/2020), enacted 14 October 2020, and all statutory instruments up to and including the *Employment Affairs and Employment Law (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 438 of 2020), made 13 October 2020, were considered in the preparation of this Revised Act.

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Number 13 *of* 2012

PROTECTION OF EMPLOYEES (TEMPORARY AGENCY WORK) ACT 2012

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ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title and commencement.
2. Interpretation.
3. Application of Act.
4. Publicly funded work placement schemes, etc.
5. Expenses.

PART 2

AGENCY WORKERS

6. Basic working and employment conditions of agency workers.
7. Anti-avoidance.
8. Certain collective agreements.
9. Restriction of certain enactments.
10. Statement of terms of employment of agency workers.
11. Access to employment by hirer.
12. Voidance of certain provisions.
13. Offence to charge fees to certain individuals.
14. Obligations of hirers to agency workers.
15. Duty of hirer to provide information to employment agency.

PART 3

AMENDMENT OF ENACTMENTS

16. Amendment of Employment Agency Act 1971.

17. Amendment of section 10 of Protection of Employment Act 1977.

18. Amendment of section 3 of Transnational Information and Consultation of Employees Act 1996.

19. Amendment of Employees (Provision of Information and Consultation) Act 2006.

20. Amendment of certain statutory instruments.

PART 4

PROTECTION OF EMPLOYEES AND REDRESS

21. Protection for persons who report breaches of Act.

22. False statements.

23. Prohibition on penalisation by employer.

24. Prohibition on penalisation by hirer.

25. Complaints in respect of certain contraventions of Act.

SCHEDULE 1

Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on Temporary Agency Work

SCHEDULE 2

Redress for certain contraventions of Act

ACTS REFERRED TO

Bankruptcy Act 1988	1988, No. 27
Civil Service Regulation Act 1956	1956, No. 46
Companies Act 1963	1963, No. 33
Companies Act 1990	1990, No. 33
Companies (Amendment) Act 1982	1982, No. 10
Corporation Tax Act 1976	1976, No. 7
Courts Act 1981	1981, No. 11
Employees (Provision of Information and Consultation) Act 2006	2006, No. 9
Employment Agency Act 1971	1971, No. 27
Employment Equality Act 1998	1998, No. 21
Interpretation Act 2005	2005, No. 23
Local Government Act 2001	2001, No. 37
National Minimum Wage Act 2000	2000, No. 5
Organisation of Working Time Act 1997	1997, No. 20
Protection of Employees (Employers' Insolvency) Act 1984	1984, No. 21
Protection of Employees (Part-Time Work) Act 2001	2001, No. 45

Protection of Employment Act 1977	1977, No. 7
Redundancy Payments Act 1967	1967, No. 21
Safety, Health and Welfare at Work Act 2005	2005, No. 10
Terms of Employment (Information) Act 1994	1994, No. 5
Trade Union Act 1941	1941, No. 22
Transnational Information and Consultation of Employees Act 1996	1996, No. 20
Unfair Dismissals Acts 1977 to 2007	

Number 13 *of* 2012

PROTECTION OF EMPLOYEES (TEMPORARY AGENCY WORK) ACT 2012

REVISED

Updated to 14 October 2020

AN ACT TO GIVE EFFECT TO DIRECTIVE 2008/104/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 19 NOVEMBER 2008 [1] ON TEMPORARY AGENCY WORK; FOR THAT PURPOSE TO AMEND CERTAIN ENACTMENTS; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH.

[16*th May*, 2012]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

Preliminary and General

Short title and commencement.

1.— (1) This Act may be cited as the Protection of Employees (Temporary Agency Work) Act 2012.

(2) *Sections 2*, *3*, *4*, *5*, *6* (other than *subsection (1)*), *8*, *9* and *13* (other than *subsections (2)* and *(3)*) shall be deemed to have come into operation on 5 December 2011.

(3) *Subsection (1)* of *section 6* shall be deemed to have come into operation on 5 December 2011 in so far only as it relates to pay.

(4) *Subsections (2)* and *(3)* of *section 13* and *section 22* shall come into operation on the day immediately following the passing of this Act.

Interpretation.

2.— (1) In this Act—

"Act of 1971" means the Employment Agency Act 1971;

"Act of 1997" means the Organisation of Working Time Act 1997;

"Act of 2000" means the National Minimum Wage Act 2000;

"agency worker" means an individual employed by an employment agency under a contract of employment by virtue of which the individual may be assigned to work for, and under the direction and supervision of, a person other than the employment agency;

[1] O.J. No. L327 of 5.12.2008, p.9

"basic working and employment conditions" means terms and conditions of employment required to be included in a contract of employment by virtue of any enactment or collective agreement, or any arrangement that applies generally in respect of employees, or any class of employees, of a hirer, and that relate to—

(*a*) pay,

(*b*) working time,

(*c*) rest periods,

(*d*) rest breaks during the working day,

(*e*) night work,

(*f*) overtime,

(*g*) annual leave, or

(*h*) public holidays;

"contract of employment" means—

(*a*) a contract of service, or

(*b*) a contract under which an individual agrees with an employment agency to do any work for another person (whether or not that other person is a party to the contract),

whether the contract is express or implied and, if express, whether it is oral or in writing;

"Directive" means Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work, the text of which is set out in *Schedule 1*;

"employee" means a person who has entered into or works (or, where the employment has ceased, entered into or worked) under a contract of employment and references, in relation to an employer, to an employee shall be construed as references to an employee employed by that employer;

"employer" means, in relation to an employee, the person with whom the employee has entered into or for whom the employee works (or, where the employment has ceased, entered into or worked) under a contract of employment;

"employment agency" means a person (including a temporary work agency) engaged in an economic activity who employs an individual under a contract of employment by virtue of which the individual may be assigned to work for, and under the direction and supervision of, a person other than the first-mentioned person;

"enactment" has the same meaning as it has in the Interpretation Act 2005;

"hirer" means a person engaged in an economic activity for whom, and under the direction and supervision of whom, an agency worker carries out work pursuant to an agreement (whether in writing or not) between the employment agency by whom the agency worker is employed and the first-mentioned person or any other person;

"Minister" means the Minister for Jobs, Enterprise and Innovation;

"overtime" means any hours worked in excess of normal working hours;

"pay" means—

(*a*) basic pay, and

(*b*) any pay in excess of basic pay in respect of—

(i) shift work,

(ii) piece work,

(iii) overtime,

(iv) unsocial hours worked, or

(v) hours worked on a Sunday,

but does not include sick pay, payments under any pension scheme or arrangement or payments under any scheme to which the second sentence of the second subparagraph of paragraph 4 of Article 5 of the Directive applies;

"place of work" has the same meaning as it has in the Safety, Health and Welfare at Work Act 2005;

"work" includes service, and references to the doing or carrying out of work include references to the provision or performance of a service;

"working hours" shall be construed in accordance with section 8 of the Act of 2000.

(2) A word or expression used in this Act that is also used in the Directive has, unless the contrary intention appears, the same meaning in this Act as it has in the Directive.

(3) For the purposes of this Act—

(*a*) a person holding office under, or in the service of, the State (including a civil servant within the meaning of the Civil Service Regulation Act 1956) shall be deemed to be an employee employed under a contract of employment by the State or Government, as the case may be, and

(*b*) an officer or servant of a local authority within the meaning of the Local Government Act 2001, a harbour authority F1**[**or the Health Service Executive or a member of staff of an education and training board**]** shall be deemed to be an employee employed under a contract of employment by that local authority, the Health Service Executive, that harbour authority or F1**[**that board**]**, as the case may be.

(4) For the purposes of this Act, a 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 an individual in respect of work done by that individual shall be deemed to be the individual's employer.

Application of Act.

3.— This Act applies to agency workers temporarily assigned by an employment agency to work for, and under the direction and supervision of, a hirer.

Publicly funded work placement schemes, etc.

4.— This Act shall not apply to work carried out pursuant to a placement under—

(*a*) the work placement programme administered by An Foras Áiseanna Saothair,

(*b*) the scheme administered by An Foras Áiseanna Saothair known as the national internship scheme,

(*c*) any variation, extension or replacement of the programme referred to in *paragraph (a)* or scheme referred to in *paragraph (b)*, or

(*d*) any vocational training, integration or retraining scheme or programme financed out of public moneys that the Minister may specify by order, after consultation with—

(i) such other Minister of the Government as he or she considers appropriate,

(ii) such bodies representative of employers as he or she considers appropriate, and

(iii) such bodies representative of employees as he or she considers appropriate.

Expenses.

5.— The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

PART 2

Agency Workers

Basic working and employment conditions of agency workers.

6.— (1) Subject to any collective agreement for the time being standing approved under *section 8*, an agency worker shall, for the duration of his or her assignment with a hirer, be entitled to the same basic working and employment conditions as the basic working and employment conditions to which he or she would be entitled if he or she were employed by the hirer under a contract of employment to do work that is the same as, or similar to, the work that he or she is required to do during that assignment.

(2) *Subsection (1)* shall not, in so far only as it relates to pay, apply to an agency worker employed by an employment agency under a permanent contract of employment, provided that—

(*a*) before the agency worker enters into that contract of employment, the employment agency notifies the agency worker in writing that, if the agency worker enters into that contract of employment, *subsection (1)*, in so far as it relates to pay, shall not apply to the agency worker, and

(*b*) in respect of the period between assignments and subject to—

(i) Part 3 of the Act of 2000, and

(ii) any other enactment or any collective agreement that makes provision in relation to terms and conditions of employment relating to pay,

the agency worker is paid by the employment agency an amount equal to not less than half of the pay to which he or she was entitled in respect of his or her most recent assignment.

(3) Where the assignment of an agency worker commenced before 5 December 2011 and ended or ends on or after that date, that assignment shall, for the purpose of determining the agency worker's basic working and employment conditions in accordance with *subsection (1)*, be deemed to have commenced on that date.

(4) This section shall not operate to affect any arrangement provided for under an enactment, a collective agreement or otherwise whereby an agency worker is entitled to basic working and employment conditions that are better than the basic working and employment conditions to which he or she would be entitled under this section.

(5) In this section "permanent contract of employment" means a contract of employment of indefinite duration.

Anti-avoidance.

7.— (1) (*a*) Assignments forming part of the same series of assignments shall, for the purposes of the determination of the basic working and employment conditions of an agency worker, be treated as a single assignment.

(*b*) For the avoidance of doubt, the period between the expiration of an assignment in a series of assignments and the commencement of the assignment immediately following it in the series shall not be taken into account in determining the basic working and employment conditions of an agency worker.

(2) For the purposes of this section, two or more assignments (in this subsection referred to as "relevant assignments") constitute a series of assignments if—

(*a*) the hirer, in relation to a relevant assignment (other than the relevant assignment first occurring), is—

(i) the same person as the hirer in relation to the relevant assignment immediately preceding it, or

(ii) a person who is connected with the hirer referred to in *subparagraph (i)*,

(*b*) in relation to each relevant assignment, the agency worker is the same person as the agency worker in relation to the other relevant assignments,

(*c*) in relation to the relevant assignments—

(i) the agency worker works in whole or in part at the same place of work, or

(ii) the agency worker's work is directed and supervised from the same place (in circumstances where the agency worker works or is required to work at different locations),

and

(*d*) in relation to the relevant assignments, the agency worker does the same or similar work under the same or similar conditions, and any difference in the work done or the conditions under which it is done as between any relevant assignment and any other relevant assignment is of minor significance when viewed as a whole or occurs with such irregularity as not to be significant,

but shall not constitute such a series if the period between the commencement of any relevant assignment and the expiration of the immediately preceding relevant assignment exceeds 3 months.

(3) For the purposes of this section, a person is connected with another person if—

(*a*) in the case of an individual, he or she is—

(i) the spouse, child, parent, brother or sister of that individual, or

(ii) a business partner of that individual where the work to which the assignment concerned relates is carried out for the purposes of that business,

(*b*) in relation to a company or partnership, he or she is a person who exercises control (within the meaning of section 158 of the Corporation Tax Act 1976) of that company or partnership,

(*c*) in relation to a company he or she is—

(i) a company that is a holding company or subsidiary (within the meaning of section 155 of the Companies Act 1963) of the company first-mentioned in this paragraph, or

(ii) a company, the holding company (within the meaning of the said section 155) of which is also the holding company of the company first-mentioned in this paragraph.

Certain collective agreements.

8.— (1) An agreement (in this section referred to as a "collective agreement") may be made by or on behalf of an employer or hirer, or an association representing employers or hirers, on the one hand, and by or on behalf of a body or bodies representative of employees on the other hand providing for working and employment conditions that differ from the basic employment and working conditions applicable by virtue of *section 6* as respects agency workers.

(2) The Labour Court may, upon the application by or on behalf of any of the parties to a collective agreement, approve that collective agreement.

(3) The Labour Court shall, upon receiving an application under this section, consult such representatives of employees and such representatives of employers as it considers are likely to have an interest in the matters to which the collective agreement concerned relates.

(4) The Labour Court shall not approve a collective agreement under this section unless the following conditions are fulfilled:

(*a*) the Labour Court is satisfied that it would be appropriate to approve the agreement having regard to paragraph 3 of Article 5 of the Directive;

(*b*) the agreement has been concluded in a manner usually employed in determining the pay or other conditions of employment of employees in the employment concerned;

(*c*) the body that negotiated the agreement on behalf of employees (or, in circumstances where the agreement was negotiated on behalf of employees by more than one body, each such body) is the holder of a negotiation licence under the Trade Union Act 1941, or is an excepted body within the meaning of that Act;

(*d*) the body or bodies that negotiated the agreement on behalf of employees is or are, in the opinion of the Labour Court, sufficiently representative of agency workers; and

(*e*) the agreement is in such form as appears to the Labour Court to be suitable for the purposes of its being approved under this section.

(5) Where the Labour Court is not satisfied that the condition referred to in *paragraph (a)* or *(e)* of *subsection (4)* is fulfilled but is satisfied that the other conditions referred to in that subsection are fulfilled, it may request the parties to the collective agreement concerned to vary the agreement in such manner as will result in the said condition being fulfilled and, where the agreement is so varied, the Labour Court shall approve the agreement as so varied.

(6) Where a collective agreement approved under this section is subsequently varied by the parties thereto, any of the said parties may apply to the Labour Court for approval by the Labour Court of the agreement as so varied under this section.

(7) The Labour Court may, if it is satisfied that there are substantial grounds for so doing, withdraw its approval of a collective agreement under this section.

(8) The Labour Court shall determine the procedures to be followed by—

(*a*) a person making an application under this section,

(*b*) the Labour Court in considering any such application or otherwise performing any of its functions under this section, and

(*c*) persons generally in relation to matters falling to be dealt with under this section.

(9) The Labour Court shall publish particulars of the procedures referred to in *subsection (8)* in such manner as it thinks fit.

(10) The Labour Court shall establish and maintain a register of collective agreements standing approved under this section and that register shall be made available for inspection by members of the public at all reasonable times.

Restriction of certain enactments.

9.— The following provisions shall, in so far only as they are inconsistent with this Act, not apply to an agency worker to whom this Act applies:

(*a*) sections 7 and 8 of the Employment Equality Act 1998; and

(*b*) subsection (4) of section 7 of the Protection of Employees (Part-Time Work) Act 2001.

Statement of terms of employment of agency workers.

10.— (1) The Act of 1994 is amended, in subsection (1) of section 1, by the substitution of the following definition for the definition of "contract of employment":

" 'contract of employment' means—

(*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 either the Employment Agency Act 1971 or the *Protection of Employees (Temporary Agency Work) Act 2012* and is acting in the course of that business, to do or perform personally any work or service for a third person (whether or not the third person is a party to the contract),

whether the contract is express or implied and if express, whether it is oral or in writing;".

(2) The Minister may, for the purposes of the Act of 1994, make regulations that make provision in relation to the giving of information by hirers to employment agencies for the purposes of enabling employment agencies to comply with that Act.

(3) Every regulation 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 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.

(4) In this section "Act of 1994" means the Terms of Employment (Information) Act 1994.

Access to employment by hirer.

11.— A hirer shall, when informing his or her employees of any vacant position of employment with the hirer, also inform any agency worker for the time being assigned to work for the hirer of that vacant position for the purpose of enabling the agency worker to apply for that position.

Voidance of certain provisions.

12.— (1) Any provision of an agreement (whether a contract of employment or not, and whether made before, on or after the coming into operation of this Act) that purports to prohibit or restrict the conclusion by a hirer with an agency worker,

assigned to work for that hirer, of a contract of employment after the assignment concerned has concluded shall be void.

(2) *Subsection (1)* shall not operate to prevent an employment agency from obtaining reasonable recompense from a hirer for services rendered by the employment agency to the hirer in respect of the recruitment, training and assignment of an agency worker who is subsequently employed by the hirer under a contract of employment.

Offence to charge fees to certain individuals.

13.— (1) An employment agency shall not charge an individual a fee in respect of the making of any arrangement for the purpose of that individual's being employed, subsequent to the conclusion of his or her assignment with a hirer, under a contract of employment with that hirer.

(2) A person who contravenes this section shall be guilty of an offence and shall be liable, on summary conviction, to a class A fine.

(3) Summary proceedings for an offence under this section may be brought and prosecuted by the Minister.

(4) This section is in addition to, and not in substitution for, subsection (2) of section 7 of the Act of 1971.

Obligations of hirers to agency workers.

14.— (1) A hirer shall, as respects access to collective facilities and amenities at a place of work, treat an agency worker no less favourably than an employee of the hirer unless there exist objective grounds that justify less favourable treatment of the agency worker.

(2) In this section "collective facilities and amenities" includes—

(*a*) canteen or other similar facilities,

(*b*) child care facilities, and

(*c*) transport services.

Duty of hirer to provide information to employment agency.

15.— (1) It shall be the duty of the hirer of an agency worker to provide the employment agency that employs that agency worker with all such information in the possession of the hirer as the employment agency reasonably requires to enable the employment agency to comply with its obligations under this Act in relation to the agency worker.

(2) Where proceedings in respect of a contravention of this Act are brought by an agency worker against an employment agency and the contravention is attributable to the failure by the hirer of the agency worker to comply with this section, the hirer shall indemnify the employment agency in respect of any loss incurred by the employment agency that is attributable to such failure.

PART 3

Amendment of Enactments

Amendment of Employment Agency Act 1971.

16.— The Act of 1971 is amended by the insertion of the following definition in subsection (1) of section 1:

" 'employment agency' includes an employment agency within the meaning of the *Protection of Employees (Temporary Agency Work) Act 2012*;".

Amendment of section 10 of Protection of Employment Act 1977.

17.— Section 10 of the Protection of Employment Act 1977 is amended, in subsection (2) (amended by Article 9 of the Protection of Employment Order 1996 (S.I. No. 370 of 1996)), by the insertion of the following paragraph:

"(*cc*) (i) the number (if any) of agency workers to which the *Protection of Employees (Temporary Agency Work) Act 2012* applies engaged to work for the employer,

(ii) those parts of the employer's business in which those agency workers are, for the time being, working, and

(iii) the type of work that those agency workers are engaged to do,

and".

Amendment of section 3 of Transnational Information and Consultation of Employees Act 1996.

18.— Section 3 of the Transnational Information and Consultation of Employees Act 1996 (amended by the European Communities (Transnational Information and Consultation of Employees Act 1996 (Amendment) Regulations 2011 (S.I. No. 380 of 2011)) is amended by—

(*a*) the insertion of the following definitions in subsection (1):

" 'agency worker' means an agency worker to whom the *Protection of Employees (Temporary Agency Work) Act 2012* applies;

'relevant information' means information as respects—

(*a*) the number of agency workers temporarily engaged to work for the employer,

(*b*) those parts of the employer's business in which those agency workers are, for the time being, working, and

(*c*) the type of work that those agency workers are engaged to do;",

(*b*) the insertion, in paragraph (*a*) of subsection (1A), of "(including relevant information)" after "data", and

(*c*) the insertion of the following subsection:

"(1B) For the purposes of this Act, an agency worker to whom the *Protection of Employees (Temporary Agency Work) Act 2012* applies shall, for the duration of the agency worker's assignment with a hirer (within the meaning of that Act), be treated as being employed by the employment agency concerned and, accordingly, references in this Act to contract of employment shall, as respects any such agency worker, be construed as including references to contract of employment within the meaning of that Act.".

Amendment of Employees (Provision of Information and Consultation) Act 2006.

19.— The Employees (Provision of Information and Consultation) Act 2006 is amended—

(*a*) in section 1, by—

(i) the insertion of the following definitions in subsection (1):

" 'agency worker' means an agency worker to whom the *Protection of Employees (Temporary Agency Work) Act 2012* applies;

'relevant information' means information as respects—

(*a*) the number of agency workers temporarily engaged to work for the employer,

(*b*) those parts of the employer's business in which those agency workers are, for the time being, working, and

(*c*) the type of work that those agency workers are engaged to do;",

and

(ii) the insertion of the following subsection:

"(1A) For the purposes of this Act, an agency worker to whom the *Protection of Employees (Temporary Agency Work) Act 2012* applies shall, for the duration of the agency worker's assignment with a hirer (within the meaning of that Act), be treated as being employed by the employment agency concerned, and accordingly references in this Act to contract of employment shall, as respects any such agency worker, be construed as including references to contract of employment within the meaning of that Act.",

and

(*b*) in section 8, by the insertion of "(including relevant information)" after "information" in paragraph (*b*) of subsection (5).

Amendment of certain statutory instruments.

20.— (1) Regulation 8 of the European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 (S.I. No. 131 of 2003) is amended by the insertion of the following paragraph:

"(1A) The transferor and transferee concerned shall include, with the information being provided under paragraph (1), information as respects—

(*a*) the number of agency workers temporarily engaged in the undertaking concerned,

(*b*) those parts of the undertaking in which those agency workers are, for the time being, working, and

(*c*) the type of work that those agency workers are engaged to do.".

(2) The European Communities (European Public Limited-Liability Company) (Employee Involvement) Regulations 2006 (S.I. No. 623 of 2006) are amended—

(*a*) in Regulation 2, by—

(i) the insertion of the following definitions in paragraph (1):

" 'agency worker' means an agency worker to whom the *Protection of Employees (Temporary Agency Work) Act 2012* applies;

'relevant information' means information as respects—

(*a*) the number of agency workers temporarily engaged to work for the employer,

(*b*) those parts of the employer's business in which those agency workers are, for the time being, working, and

(*c*) the type of work that those agency workers are engaged to do;",

and

(ii) the insertion of the following paragraphs:

"(1A) References in these Regulations to information shall include references to relevant information.

(1B) For the purposes of these Regulations, an agency worker to whom the *Protection of Employees (Temporary Agency Work) Act 2012* applies shall, for the duration of the agency worker's assignment with a hirer (within the meaning of that Act), be treated as being employed by the employment agency concerned, and accordingly references in these Regulations to contract of employment shall, as respects any such agency worker, be construed as including references to contract of employment within the meaning of that Act.",

and

(*b*) in paragraph 11 of Schedule 1, by the insertion of the following paragraph:

"(5) The following matters shall also be the subject of discussion at the meeting:

(*a*) the number of agency workers temporarily engaged to work for the employer;

(*b*) those parts of the employer's enterprise in which those agency workers are, for the time being, working; and

(*c*) the type of work that those agency workers are engaged to do.".

(3) The European Communities (European Cooperative Society) (Employee Involvement) Regulations 2007 (S.I. No. 259 of 2007) are amended—

(*a*) in Regulation 2, by—

(i) the insertion of the following definitions in paragraph (1):

" 'agency worker' means an agency worker to whom the *Protection of Employees (Temporary Agency Work) Act 2012* applies;

'relevant information' means information as respects—

(*a*) the number of agency workers temporarily engaged to work for the employer,

(*b*) those parts of the employer's business in which those agency workers are, for the time being, working, and

(*c*) the type of work that those agency workers are engaged to do;",

and

(ii) the insertion of the following paragraphs:

"(1A) References in these Regulations to information shall include references to relevant information.

(1B) For the purposes of these Regulations, an agency worker to whom the *Protection of Employees (Temporary Agency Work) Act 2012* applies shall, for the duration of the agency worker's assignment with a hirer (within the meaning of that Act), be treated as being employed by the employment agency concerned, and accordingly references in these Regulations to contract of employment shall, as respects any such agency worker, be construed as including references to contract of employment within the meaning of that Act.",

and

(*b*) in paragraph 12 of Schedule 1, by the insertion of the following paragraph:

"(5) The following matters shall also be the subject of discussion at the meeting:

(*a*) the number of agency workers temporarily engaged to work for the employer;

(*b*) those parts of the employer's enterprise in which those agency workers are, for the time being, working; and

(*c*) the type of work that those agency workers are engaged to do.".

(4) The European Communities (Cross-Border Mergers) Regulations 2008 (S.I. No. 157 of 2008) are amended—

(*a*) in Regulation 2, by—

(i) the insertion of the following definitions in paragraph (1)—

" 'agency worker' means an agency worker to whom the *Protection of Employees (Temporary Agency Work) Act 2012* applies;

'relevant information' means information as respects—

(*a*) the number of agency workers temporarily engaged to work for the employer,

(*b*) those parts of the employer's business in which those agency workers are, for the time being, working, and

(*c*) the type of work that those agency workers are engaged to do;",

and

(ii) the insertion of the following paragraph:

"(3) For the purposes of these Regulations, an agency worker to whom the *Protection of Employees (Temporary Agency Work) Act 2012* applies shall, for the duration of the agency worker's assignment with a hirer (within the meaning of that Act), be treated as being employed by the employment agency concerned, and accordingly references in these Regulations to contract of employment shall, as respects any such agency worker, be construed as including references to contract of employment within the meaning of that Act.",

(*b*) the insertion, in paragraph (2) of Regulation 5, of the following subparagraph:

"(ii) all relevant information in relation to each of the merging companies,",

(*c*) the insertion, in the definition of "information" in Regulation 22, of "(including relevant information)" after "content", and

(*d*) in paragraph 11 of Schedule 1, by the insertion of the following paragraph:

"(5) The following matters shall also be the subject of discussion at the meeting:

(*a*) the number of agency workers temporarily engaged to work for the employer;

(*b*) those parts of the employer's enterprise in which those agency workers are, for the time being, working; and

(*c*) the type of work that those agency workers are engaged to do.".

PART 4

Protection of Employees and Redress

Protection for persons who report breaches of Act.

21.—F2**[**(1)**]** Where a person communicates his or her opinion, whether in writing or otherwise, to a member of the Garda Síochána or the Minister that—

(*a*) an offence under this Act has been or is being committed, or

(*b*) any provision of this Act has been contravened,

then, unless the person acts in bad faith, he or she shall not be regarded as having committed any breach of duty towards any other person, and no person shall have a cause of action against the first-mentioned person in respect of that communication.

F2**[**(2) Subsection (1) does not apply to a communication that is a protected disclosure within the meaning of the Protected Disclosures Act 2014.**]**

False statements.

22.— (1) A person who states to the Minister or a member of the Garda Síochána that—

(*a*) an offence under this Act has been or is being committed, or

(*b*) any provision of this Act has been or is being contravened,

knowing that statement to be false shall be guilty of an offence.

F3**[**(1A) This section does not apply to the making of a statement that is a protected disclosure within the meaning of the Protected Disclosures Act 2014.**]**

(2) A person guilty of an offence under this section shall be liable—

(*a*) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months or both, or

(*b*) on conviction on indictment, to a fine not exceeding €100,000 or imprisonment for a term not exceeding 3 years or both.

Prohibition on penalisation by employer.

23.— (1) An employer shall not penalise or threaten penalisation of an employee for—

(*a*) invoking any right conferred on him or her by this Act,

(*b*) having in good faith opposed by lawful means an act that is unlawful under this Act,

(*c*) making a complaint to a member of the Garda Síochána or the Minister that a provision of this Act has been contravened,

(*d*) giving evidence in any proceedings under this Act, or

(*e*) giving notice of his or her intention to do any of the things referred to in the preceding paragraphs.

F4**[**(1A) Subsection (1) does not apply to the making of a complaint that is a protected disclosure within the meaning of the Protected Disclosures Act 2014.**]**

(2) 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 2007, relief may not be granted to the employee in respect of that penalisation both under *Schedule 2* and under those Acts.

(3) 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 2007), 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.

Prohibition on penalisation by hirer.

24.— (1) A hirer shall not penalise or threaten penalisation of an agency worker for—

(*a*) invoking any right conferred on him or her by this Act,

(*b*) having in good faith opposed by lawful means an act that is unlawful under this Act,

(*c*) making a complaint to a member of the Garda Síochána or the Minister that a provision of this Act has been contravened,

(*d*) giving evidence in any proceedings under this Act, or

(*e*) giving notice of his or her intention to do any of the things referred to in the preceding paragraphs.

F5**[**(1A) Subsection (1) does not apply to the making of a complaint that is a protected disclosure within the meaning of the Protected Disclosures Act 2014.**]**

(2) If a penalisation of an agency worker, in contravention of *subsection (1)*, constitutes a dismissal within the meaning of the Unfair Dismissals Acts 1977 to 2007, relief may not be granted to the agency worker in respect of that penalisation both under *Schedule 2* and under those Acts.

(3) In this section "penalisation" means any act or omission by a hirer or a person acting on behalf of a hirer that affects an agency worker 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 or dismissal (within the meaning of the Unfair Dismissals Acts 1977 to 2007), or the threat of suspension or such dismissal,

(*b*) loss of opportunity to apply for a position of employment with the hirer,

(*c*) transfer of duties, change of location of place of work 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.

Complaints in respect of certain contraventions of Act.

25.— *Schedule 2* shall have effect for the purposes of this Act.

Section 2.

SCHEDULE 1

DIRECTIVE 2008/104/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 19 NOVEMBER 2008 ON TEMPORARY AGENCY WORK

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 137(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee [(1)],

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty [(2)],

Whereas:

(1) This Directive respects the fundamental rights and complies with the principles recognised by the Charter of Fundamental Rights of the European Union [(3)]. In particular, it is designed to ensure full compliance with Article 31 of the Charter, which provides that every worker has the right to working conditions which respect his or her health, safety and dignity, and to limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave.

(2) The Community Charter of the Fundamental Social Rights of Workers provides, in point 7 thereof, *inter alia,* that the completion of the internal market must lead to an improvement in the living and working conditions of workers in the European Community; this process will be achieved by harmonising progress on these conditions, mainly in respect of forms of work such as fixed-term contract work, part-time work, temporary agency work and seasonal work.

(3) On 27 September 1995, the Commission consulted management and labour at Community level in accordance with Article 138(2) of the Treaty on the course of action to be adopted at Community level with regard to flexibility of working hours and job security of workers.

(4) After that consultation, the Commission considered that Community action was advisable and on 9 April 1996, further consulted management and labour in accordance with Article 138(3) of the Treaty on the content of the envisaged proposal.

(5) In the introduction to the framework agreement on fixed-term work concluded on 18 March 1999, the signatories indicated their intention to consider the need for a similar agreement on temporary agency work and decided not to include temporary agency workers in the Directive on fixed-term work.

(6) The general cross-sector organisations, namely the Union of Industrial and Employers' Confederations of Europe (UNICE) [(1)], the European Centre of Enterprises with Public Participation and of Enterprises of General Economic

[(1)] OJ C 61, 14.3.2003, p. 124.

[(2)] Opinion of the European Parliament of 21 November 2002 (OJ C 25 E, 29.1.2004, p. 368), Council Common Position of 15 September 2008 and Position of the European Parliament of 22 October 2008 (not yet published in the Official Journal).

[(3)] OJ C 303, 14.12.2007, p. 1.

[(1)] UNICE changed its name to BUSINESSEUROPE in January 2007.

Interest (CEEP) and the European Trade Union Confederation (ETUC), informed the Commission in a joint letter of 29 May 2000 of their wish to initiate the process provided for in Article 139 of the Treaty. By a further joint letter of 28 February 2001, they asked the Commission to extend the deadline referred to in Article 138(4) by one month. The Commission granted this request and extended the negotiation deadline until 15 March 2001.

(7) On 21 May 2001, the social partners acknowledged that their negotiations on temporary agency work had not produced any agreement.

(8) In March 2005, the European Council considered it vital to relaunch the Lisbon Strategy and to refocus its priorities on growth and employment. The Council approved the Integrated Guidelines for Growth and Jobs 2005-2008, which seek, *inter alia,* to promote flexibility combined with employment security and to reduce labour market segmentation, having due regard to the role of the social partners.

(9) In accordance with the Communication from the Commission on the Social Agenda covering the period up to 2010, which was welcomed by the March 2005 European Council as a contribution towards achieving the Lisbon Strategy objectives by reinforcing the European social model, the European Council considered that new forms of work organisation and a greater diversity of contractual arrangements for workers and businesses, better combining flexibility with security, would contribute to adaptability. Furthermore, the December 2007 European Council endorsed the agreed common principles of flexicurity, which strike a balance between flexibility and security in the labour market and help both workers and employers to seize the opportunities offered by globalisation.

(10) There are considerable differences in the use of temporary agency work and in the legal situation, status and working conditions of temporary agency workers within the European Union.

(11) Temporary agency work meets not only undertakings' needs for flexibility but also the need of employees to reconcile their working and private lives. It thus contributes to job creation and to participation and integration in the labour market.

(12) This Directive establishes a protective framework for temporary agency workers which is non-discriminatory, transparent and proportionate, while respecting the diversity of labour markets and industrial relations.

(13) Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship [(1)] establishes the safety and health provisions applicable to temporary agency workers.

(14) The basic working and employment conditions applicable to temporary agency workers should be at least those which would apply to such workers if they were recruited by the user undertaking to occupy the same job.

(15) Employment contracts of an indefinite duration are the general form of employment relationship. In the case of workers who have a permanent contract with their temporary-work agency, and in view of the special protection such a contract offers, provision should be made to permit exemptions from the rules applicable in the user undertaking.

(16) In order to cope in a flexible way with the diversity of labour markets and industrial relations, Member States may allow the social partners to define

[(1)] OJ L 206, 29.7.1991, p. 19.

working and employment conditions, provided that the overall level of protection for temporary agency workers is respected.

(17) Furthermore, in certain limited circumstances, Member States should, on the basis of an agreement concluded by the social partners at national level, be able to derogate within limits from the principle of equal treatment, so long as an adequate level of protection is provided.

(18) The improvement in the minimum protection for temporary agency workers should be accompanied by a review of any restrictions or prohibitions which may have been imposed on temporary agency work. These may be justified only on grounds of the general interest regarding, in particular the protection of workers, the requirements of safety and health at work and the need to ensure that the labour market functions properly and that abuses are prevented.

(19) This Directive does not affect the autonomy of the social partners nor should it affect relations between the social partners, including the right to negotiate and conclude collective agreements in accordance with national law and practices while respecting prevailing Community law.

(20) The provisions of this Directive on restrictions or prohibitions on temporary agency work are without prejudice to national legislation or practices that prohibit workers on strike being replaced by temporary agency workers.

(21) Member States should provide for administrative or judicial procedures to safeguard temporary agency workers' rights and should provide for effective, dissuasive and proportionate penalties for breaches of the obligations laid down in this Directive.

(22) This Directive should be implemented in compliance with the provisions of the Treaty regarding the freedom to provide services and the freedom of establishment and without prejudice to Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services [(1)].

(23) Since the objective of this Directive, namely to establish a harmonised Community-level framework for protection for temporary agency workers, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the action, be better achieved at Community level by introducing minimum requirements applicable throughout the Community, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER I

GENERAL PROVISIONS

Article 1

Scope

1. This Directive applies to workers with a contract of employment or employment relationship with a temporary-work agency who are assigned to user undertakings to work temporarily under their supervision and direction.

[(1)] OJ L 18, 21.1.1997, p. 1.

2. This Directive applies to public and private undertakings which are temporary-work agencies or user undertakings engaged in economic activities whether or not they are operating for gain.

3. Member States may, after consulting the social partners, provide that this Directive does not apply to employment contracts or relationships concluded under a specific public or publicly supported vocational training, integration or retraining programme.

Article 2

Aim

The purpose of this Directive is to ensure the protection of temporary agency workers and to improve the quality of temporary agency work by ensuring that the principle of equal treatment, as set out in Article 5, is applied to temporary agency workers, and by recognising temporary-work agencies as employers, while taking into account the need to establish a suitable framework for the use of temporary agency work with a view to contributing effectively to the creation of jobs and to the development of flexible forms of working.

Article 3

Definitions

1. For the purposes of this Directive:

(*a*) 'worker' means any person who, in the Member State concerned, is protected as a worker under national employment law;

(*b*) 'temporary-work agency' means any natural or legal person who, in compliance with national law, concludes contracts of employment or employment relationships with temporary agency workers in order to assign them to user undertakings to work there temporarily under their supervision and direction;

(*c*) 'temporary agency worker' means a worker with a contract of employment or an employment relationship with a temporary-work agency with a view to being assigned to a user undertaking to work temporarily under its supervision and direction;

(*d*) 'user undertaking' means any natural or legal person for whom and under the supervision and direction of whom a temporary agency worker works temporarily;

(*e*) 'assignment' means the period during which the temporary agency worker is placed at the user undertaking to work temporarily under its supervision and direction;

(*f*) 'basic working and employment conditions' means working and employment conditions laid down by legislation, regulations, administrative provisions, collective agreements and/or other binding general provisions in force in the user undertaking relating to:

(i) the duration of working time, overtime, breaks, rest periods, night work, holidays and public holidays;

(ii) pay.

2. This Directive shall be without prejudice to national law as regards the definition of pay, contract of employment, employment relationship or worker.

Member States shall not exclude from the scope of this Directive workers, contracts of employment or employment relationships solely because they relate to part-time

workers, fixed-term contract workers or persons with a contract of employment or employment relationship with a temporary-work agency.

Article 4

Review of restrictions or prohibitions

1. Prohibitions or restrictions on the use of temporary agency work shall be justified only on grounds of general interest relating in particular to the protection of temporary agency workers, the requirements of health and safety at work or the need to ensure that the labour market functions properly and abuses are prevented.

2. By 5 December 2011, Member States shall, after consulting the social partners in accordance with national legislation, collective agreements and practices, review any restrictions or prohibitions on the use of temporary agency work in order to verify whether they are justified on the grounds mentioned in paragraph 1.

3. If such restrictions or prohibitions are laid down by collective agreements, the review referred to in paragraph 2 may be carried out by the social partners who have negotiated the relevant agreement.

4. Paragraphs 1, 2 and 3 shall be without prejudice to national requirements with regard to registration, licensing, certification, financial guarantees or monitoring of temporary-work agencies.

5. The Member States shall inform the Commission of the results of the review referred to in paragraphs 2 and 3 by 5 December 2011.

CHAPTER II

EMPLOYMENT AND WORKING CONDITIONS

Article 5

The principle of equal treatment

1. The basic working and employment conditions of temporary agency workers shall be, for the duration of their assignment at a user undertaking, at least those that would apply if they had been recruited directly by that undertaking to occupy the same job.

For the purposes of the application of the first subparagraph, the rules in force in the user undertaking on:

(*a*) protection of pregnant women and nursing mothers and protection of children and young people; and

(*b*) equal treatment for men and women and any action to combat any discrimination based on sex, race or ethnic origin, religion, beliefs, disabilities, age or sexual orientation;

must be complied with as established by legislation, regulations, administrative provisions, collective agreements and/or any other general provisions.

2. As regards pay, Member States may, after consulting the social partners, provide that an exemption be made to the principle established in paragraph 1 where temporary agency workers who have a permanent contract of employment with a temporary-work agency continue to be paid in the time between assignments.

3. Member States may, after consulting the social partners, give them, at the appropriate level and subject to the conditions laid down by the Member States, the option of upholding or concluding collective agreements which, while respecting the overall protection of temporary agency workers, may establish arrangements

concerning the working and employment conditions of temporary agency workers which may differ from those referred to in paragraph 1.

4. Provided that an adequate level of protection is provided for temporary agency workers, Member States in which there is either no system in law for declaring collective agreements universally applicable or no such system in law or practice for extending their provisions to all similar undertakings in a certain sector or geographical area, may, after consulting the social partners at national level and on the basis of an agreement concluded by them, establish arrangements concerning the basic working and employment conditions which derogate from the principle established in paragraph 1. Such arrangements may include a qualifying period for equal treatment.

The arrangements referred to in this paragraph shall be in conformity with Community legislation and shall be sufficiently precise and accessible to allow the sectors and firms concerned to identify and comply with their obligations. In particular, Member States shall specify, in application of Article 3(2), whether occupational social security schemes, including pension, sick pay or financial participation schemes are included in the basic working and employment conditions referred to in paragraph 1. Such arrangements shall also be without prejudice to agreements at national, regional, local or sectoral level that are no less favourable to workers.

5. Member States shall take appropriate measures, in accordance with national law and/or practice, with a view to preventing misuse in the application of this Article and, in particular, to preventing successive assignments designed to circumvent the provisions of this Directive. They shall inform the Commission about such measures.

Article 6

Access to employment, collective facilities and vocational training

1. Temporary agency workers shall be informed of any vacant posts in the user undertaking to give them the same opportunity as other workers in that undertaking to find permanent employment. Such information may be provided by a general announcement in a suitable place in the undertaking for which, and under whose supervision, temporary agency workers are engaged.

2. Member States shall take any action required to ensure that any clauses prohibiting or having the effect of preventing the conclusion of a contract of employment or an employment relationship between the user undertaking and the temporary agency worker after his assignment are null and void or may be declared null and void.

This paragraph is without prejudice to provisions under which temporary agencies receive a reasonable level of recompense for services rendered to user undertakings for the assignment, recruitment and training of temporary agency workers.

3. Temporary-work agencies shall not charge workers any fees in exchange for arranging for them to be recruited by a user undertaking, or for concluding a contract of employment or an employment relationship with a user undertaking after carrying out an assignment in that undertaking.

4. Without prejudice to Article 5(1), temporary agency workers shall be given access to the amenities or collective facilities in the user undertaking, in particular any canteen, child-care facilities and transport services, under the same conditions as workers employed directly by the undertaking, unless the difference in treatment is justified by objective reasons.

5. Member States shall take suitable measures or shall promote dialogue between the social partners, in accordance with their national traditions and practices, in order to:

(*a*) improve temporary agency workers' access to training and to child-care facilities in the temporary-work agencies, even in the periods between

their assignments, in order to enhance their career development and employability;

(*b*) improve temporary agency workers' access to training for user undertakings' workers.

Article 7

Representation of temporary agency workers

1. Temporary agency workers shall count, under conditions established by the Member States, for the purposes of calculating the threshold above which bodies representing workers provided for under Community and national law and collective agreements are to be formed at the temporary-work agency.

2. Member States may provide that, under conditions that they define, temporary agency workers count for the purposes of calculating the threshold above which bodies representing workers provided for by Community and national law and collective agreements are to be formed in the user undertaking, in the same way as if they were workers employed directly for the same period of time by the user undertaking.

3. Those Member States which avail themselves of the option provided for in paragraph 2 shall not be obliged to implement the provisions of paragraph 1.

Article 8

Information of workers' representatives

Without prejudice to national and Community provisions on information and consultation which are more stringent and/or more specific and, in particular, Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community [(1)], the user undertaking must provide suitable information on the use of temporary agency workers when providing information on the employment situation in that undertaking to bodies representing workers set up in accordance with national and Community legislation.

CHAPTER III

FINAL PROVISIONS

Article 9

Minimum requirements

1. This Directive is without prejudice to the Member States' right to apply or introduce legislative, regulatory or administrative provisions which are more favourable to workers or to promote or permit collective agreements concluded between the social partners which are more favourable to workers.

2. The implementation of this Directive shall under no circumstances constitute sufficient grounds for justifying a reduction in the general level of protection of workers in the fields covered by this Directive. This is without prejudice to the rights of Member States and/or management and labour to lay down, in the light of changing circumstances, different legislative, regulatory or contractual arrangements to those prevailing at the time of the adoption of this Directive, provided always that the minimum requirements laid down in this Directive are respected.

Article 10

Penalties

[(1)] OJ L 80, 23.3.2002, p. 29.

1. Member States shall provide for appropriate measures in the event of non-compliance with this Directive by temporary-work agencies or user undertakings. In particular, they shall ensure that adequate administrative or judicial procedures are available to enable the obligations deriving from this Directive to be enforced.

2. Member States shall lay down rules on penalties applicable in the event of infringements of national provisions implementing this Directive and shall take all necessary measures to ensure that they are applied. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify these provisions to the Commission by 5 December 2011. Member States shall notify to the Commission any subsequent amendments to those provisions in good time. They shall, in particular, ensure that workers and/or their representatives have adequate means of enforcing the obligations under this Directive.

Article 11

Implementation

1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive by 5 December 2011, or shall ensure that the social partners introduce the necessary provisions by way of an agreement, whereby the Member States must make all the necessary arrangements to enable them to guarantee at any time that the objectives of this Directive are being attained. They shall forthwith inform the Commission thereof.

2. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Article 12

Review by the Commission

By 5 December 2013, the Commission shall, in consultation with the Member States and social partners at Community level, review the application of this Directive with a view to proposing, where appropriate, the necessary amendments.

Article 13

Entry into force

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Union.*

Article 14

Addressees

This Directive is addressed to the Member States.

Done at Strasbourg, 19 November 2008.

For the European Parliament	For the Council
The President	The President
H.-G. PÖTTERING	J.-P. JOUYET

Section 25.

SCHEDULE 2

Redress for certain contraventions of Act

F6**[** *Decision under section 41 of Workplace Relations Act 2015*

1. A decision of an adjudication officer under section 41 of the Workplace Relations Act 2015 in relation to a complaint of a contravention of section 6, 11, 13(1), 14, 23 or 24 shall do one or more of the following, namely—

(a) declare that the complaint was or, as the case may be, was not well founded,

(b) require the employer or hirer, as the case may be, to take a specified course of action (including reinstatement or reengagement of the employee or agency worker in circumstances where the employee or agency worker was dismissed by the employer or hirer), or

(c) require the employer or hirer, as the case may be, to pay to the employee or agency worker compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances, but not exceeding 2 years' remuneration in respect of the employee's or agency worker's employment.**]**

F6**[** *Decision of Labour Court on appeal from decision referred to in paragraph 1*

2. A decision of the Labour Court under section 44 of the Workplace Relations Act 2015, on appeal from a decision of an adjudication officer referred to in paragraph 1, shall affirm, vary or set aside the decision of the adjudication officer.**]**

Paragraphs 1 and 2: supplemental provisions.

3. F7**[**...**]**

Enforcement of determinations of Labour Court.

4. F7**[**...**]**

Provisions relating to winding up and bankruptcy.

5. F7**[**...**]**

Amendment of Protection of Employees (Employers' Insolvency) Act 1984.

6. Section 6 of the Protection of Employees (Employers' Insolvency) Act 1984 is amended, in paragraph (*a*) of subsection (2), by the substitution of the following subparagraph for subparagraph (xxvi):

"(xxvi) any amount that an employer is required to pay by virtue of a decision of a rights commissioner under *paragraph 1 (2)* of *Schedule 2* to the *Protection of Employees (Temporary Agency Work) Act 2012* or a determination by the Labour Court under *paragraph 2(1)* of that Schedule.".

Number 13 *of* 2012

PROTECTION OF EMPLOYEES (TEMPORARY AGENCY WORK) ACT 2012

REVISED

Updated to 14 October 2020

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at

www.irishstatutebook.ie.