



Number 16 of 2015

WORKPLACE RELATIONS ACT 2015

REVISED

Updated to 6 March 2024

This Revised Act is an administrative consolidation of the *Workplace Relations Act 2015*. 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 *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024 (7/2024)*, enacted 6 March 2024, and all statutory instruments up to and including the *European Communities (Reception Conditions) (Amendment) Regulations 2024 (S.I. No. 118 of 2024)*, made 6 March 2024, were considered in the preparation of this Revised Act.

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An Act to make provision as respects the resolution, mediation and adjudication of disputes and complaints relating to contraventions of, or entitlements under, certain enactments governing the employment relationship between employers and employees; for that purpose, to provide for the establishment of a body to be known as the Workplace Relations Commission; to provide for the dissolution of the Labour Relations Commission and the transfer of its functions to the aforementioned body; to provide for the dissolution of the Employment Appeals Tribunal and the transfer of its first instance functions to the aforementioned body and its appellate functions to the Labour Court; to provide for the transfer of the functions of the Director of the Equality Tribunal to the aforementioned body; to provide for the repeal of certain enactments; to provide for the amendment of certain enactments; and to provide for matters connected therewith.

[20th May, 2015]

Be it enacted by the Oireachtas as follows:

Annotations

Modifications (not altering text):

C1 Act applied with modifications (29.05.2020) by *European Union (Reporting, Analysis and Follow-up of Occurrences in Civil Aviation) Regulations 2020* (S.I. No. 195 of 2020, reg. 7(2)).

Redress for contravention of Article 16(9) of Regulation (EU) No. 376/2014

7. (1)(a) Subject to subparagraph (b) the Schedule applies in respect of a contravention of Article 16 (9) of Regulation (EU) No. 376/2014.

(b) The Schedule shall not apply in respect of a contravention of Article 16 (9) of Regulation (EU) No. 376/2014 where the report in relation to which the contravention of Article 16 (9) is alleged is a protected disclosure within the meaning of the Protected Disclosures Act 2014 (No. 14 of 2014).

(2) The Workplace Relations Act 2015 (No. 16 of 2015) shall, with any necessary modifications, apply in respect of Article 16(9) of Regulation (EU) No. 376/2014 as if that Article was a provision specified in Part 2 of Schedule 1 to that Act and Part 1 of Schedule 5 to that Act and, to the extent that that Act applies in respect of Article 16(9) of Regulation (EU) No. 376/2014, a reference in the Act to employee shall be taken to include a reference to contracted personnel and a reference to employer shall be taken to include a reference to the organisation for which the contracted personnel provide their services and those references shall be construed in accordance with Regulation (EU) No. 376/2014 and section 3 of the Workplace Relations Act 2015 shall be construed accordingly to the extent to which it relates to Article 16(9) of Regulation (EU) No. 376/2014.

PART 1

PRELIMINARY AND GENERAL

Short title and commencement

1. (1) This Act may be cited as the Workplace Relations Act 2015.
- (2) Subject to F1[sections 8(7), 57(3) and 66(3)], this Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Annotations**Amendments:**

- F1** Substituted (1.08.2015) by *National Minimum Wage (Low Pay Commission) Act 2015* (22/2015), s. 22(1)(a), commenced as per subs. (2).

Editorial Notes:

- E1** Power pursuant to section exercised (1.05.2016) by *Workplace Relations Act 2015 (Section 37) (Commencement) Order 2016* (S.I. No. 206 of 2016).

2. The 1st day of May 2016 is appointed as the day upon which section 37 of the Workplace Relations Act 2015 (No. 16 of 2015) shall come into operation.

- E2** Power pursuant to subs. (2) exercised (1.10.2015) by *Workplace Relations Act 2015 (Commencement) (No. 2) Order 2015* (S.I. No. 410 of 2015).

2. The 1st day of October 2015 is appointed as the day upon which the Workplace Relations Act 2015 (No. 16 of 2015) (other than sections 37, 65, 66, 67, 68, 69 and 70) shall, in so far as it is not already in operation, come into operation.

- E3** Power pursuant to subs. (2) exercised (1.08.2015) by *Workplace Relations Act 2015 (Commencement) Order 2015* (S.I. No. 338 of 2015).

2. The 1st day of August 2015 is appointed as the day upon which the following provisions of the Workplace Relations Act 2015 (No. 16 of 2015) shall come into operation:

(a) sections 1, 2, 3, 4, 5, 6, 9, 54, 55, 75, 77, 78, 79;

(b) subsections (1) and (2) of section 40 and subsections (1) and (3) of section 86; and

(c) Schedule 1.

Interpretation

2. In this Act—

“Act of 1946” means the *Industrial Relations Act 1946*;

“Act of 1967” means the *Redundancy Payments Act 1967*;

“Act of 1969” means the *Industrial Relations Act 1969*;

“Act of 1977” means the *Unfair Dismissals Act 1977*;

“Act of 1981” means the *Courts Act 1981*;

F2["Act of 1984" means the Protection of Employees (Employers' Insolvency) Act 1984;]

"Act of 1990" means the Industrial Relations Act 1990;

"Act of 1994" means the Maternity Protection Act 1994;

"Act of 1995" means the Adoptive Leave Act 1995;

"Act of 1998" means the Employment Equality Act 1998;

"Act of 2000" means the Equal Status Act 2000;

"Act of 2004" means the Public Service Management (Recruitment and Appointments) Act 2004;

"Act of 2005" means the Social Welfare Consolidation Act 2005;

"Act of 2007" means the Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007;

"Act of 2012" means the Protection of Employees (Temporary Agency Work) Act 2012;

"adjudication officer" means a person appointed under *section 40*;

"Board" has the meaning assigned to it by *paragraph 2(1) of Schedule 3*;

"Commission" has the meaning assigned to it by *section 10*;

"complainant" has the meaning assigned to it by *section 41*;

"Director General" has the meaning assigned to it by *section 12*;

"employee" and "employer" shall be construed in accordance with *section 3*;

"Employment Appeals Tribunal" means the body established by *section 39* of the Act of 1967;

"employment enactment" means—

(a) an Act of the Oireachtas specified in *Part 1* of *Schedule 1* or an instrument under such an Act of the Oireachtas,

(b) a provision specified in *Part 2* of that Schedule, or

(c) an instrument specified in *Part 3* of that Schedule;

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

F2["equality officer" has the same meaning as it has in Part VII of the Act of 1998;

"equality mediation officer" has the same meaning as it has in Part VII of the Act of 1998;]

"establishment day" shall be construed in accordance with *section 9*;

"excepted body" has the same meaning as it has in *section 6* of the *Trade Union Act 1941*;

F3["expectant father" has the same meaning as it has in the Act of 1994;]

"inspector" means a person appointed under *section 26*;

“Labour Court” means the body established by section 10 of the Act of 1946;

“Labour Relations Commission” means the body established by section 24 of the Act of 1990;

“local authority” has the same meaning as it has in the [Local Government Act 2001](#);

“mediation officer” means a person appointed under [section 38](#);

“Minister” means the Minister for Jobs, Enterprise and Innovation;

“official body” means—

- (a) the Garda Síochána,
- (b) the Revenue Commissioners,
- (c) a Minister of the Government,
- (d) the Director of Corporate Enforcement,
- (e) the Health and Safety Authority,
- (f) the Private Security Authority,
- (g) the Road Safety Authority,
- (h) the Pensions Authority,
- (i) the Pensions Ombudsman,
- (j) the Competition and Consumer Protection Commission,
- (k) a local authority,
- (l) the Labour Court,
- (m) the Employment Appeals Tribunal,
- (n) the Health Information and Quality Authority, or
- (o) any other person charged by law with the detection, investigation or prosecution of offences;

F3[“other parent” has the same meaning as it has in the Act of 1994;]

“prescribed” means prescribed by regulations made by the Minister;

“record” includes, in addition to a record in writing—

- (a) a plan, chart, map, drawing, diagram, pictorial or graphic image,
- (b) a disc, tape, soundtrack or other device in which information, sounds or signals are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in legible or audible form,
- (c) a film, tape or other device in which visual images are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in visual form, and
- (d) a photograph;

“relevant enactment” means—

- (a) an employment enactment,

(b) Part VII (inserted by section 22 of the Social Welfare (Miscellaneous Provisions) Act 2004) of the Pensions Act 1990, or

(c) the Act of 2000.

F2["rights commissioner" means a person appointed under section 13 of the Act of 1969;]

Annotations

Amendments:

- F2** Inserted (1.08.2015) by *National Minimum Wage (Low Pay Commission) Act 2015* (22/2015), s. 20(1)(b), S.I. No. 340 of 2015.
- F3** Inserted (6.03.2024) by *Work Life Balance and Miscellaneous Provisions Act 2023* (8/2023), s. 40(a), S.I. No. 90 of 2024.

Modifications (not altering text):

- C2** Pensions Ombudsman construed (1.01.2018, establishment day) by *Financial Services and Pensions Ombudsman Act 2017* (22/2017), s. 29(3), S.I. Nos. 524, 525 of 2017.

References in enactments

29. ...

- (3) References to the Financial Services Ombudsman, the Deputy Financial Services Ombudsman or the Pensions Ombudsman in any enactment (other than this Act) or any instrument made under such an enactment shall, on and after the establishment day, be construed as references to the Ombudsman.

Construction of references to employer and employee

3. (1) For the purpose of the operation of this Act, and to the extent only that this Act applies, in relation to a relevant enactment or provision thereof—
- (a) references in this Act to employer shall be construed as references to employer within the meaning of the relevant enactment or provision concerned, and
- (b) references in this Act to employee shall be construed as references to employee within such meaning.
- (2) For the purpose of the operation of this Act, and to the extent only that this Act applies, in relation to the Act of 1946, references in this Act to employee shall be construed as references to worker within the meaning of the Act of 1946.
- (3) For the purpose of the operation of this Act, and to the extent only that this Act applies, in relation to the Act of 1994, references in this Act to employer shall be construed as references to relevant employer within the meaning of Part V of the Act of 1994.
- (4) For the purpose of the operation of this Act, and to the extent only that this Act applies, in relation to the Act of 1995—
- (a) references in this Act to employer shall be construed as references to relevant employer within the meaning of Part V of the Act of 1995, and
- (b) references in this Act to employee shall be construed as references to adopting parent within such meaning.

- (5) For the purpose of the operation of this Act, and to the extent only that this Act applies, in relation to the [Inland Fisheries Act 2010](#) (in this subsection referred to as the “Act of 2010”), references in this Act to employer shall be construed as references to IFI within the meaning of the Act of 2010.
- F4[(5A) For the purpose of the operation of this Act, and to the extent only that this Act applies, in relation to Part 2 of the [Industrial Relations \(Amendment\) Act 2015](#), references in this Act to employee shall be construed as references to worker within the meaning of that Part.]
- (6) For the purpose of the operation of this Act, and to the extent only that this Act applies, in relation to the European Communities (Organisation of Working Time) (Mobile Staff in Civil Aviation) Regulations 2006 ([S.I. No. 507 of 2006](#)), references in this Act to employee shall be construed as references to crew member within the meaning of those Regulations.
- (7) For the purpose of the operation of this Act, and to the extent only that this Act applies, in relation to the European Communities (European Public Limited - Liability Company) (Employee Involvement) Regulations 2006 ([S.I. No. 623 of 2006](#))—
- (a) references in this Act to employer shall be construed as references to SE within the meaning of those Regulations or relevant undertaking within the meaning of Part 3 of those Regulations, as may be appropriate, and
- (b) references in this Act to employee shall be construed as references to a person referred to in subparagraph (a), (b), (c) or (d) of Regulation 19(1) of those Regulations.
- (8) For the purpose of the operation of this Act, and to the extent only that this Act applies, in relation to the European Communities (European Cooperative Society) (Employee Involvement) Regulations 2007 ([S.I. No. 259 of 2007](#))—
- (a) references in this Act to employer shall be construed as references to SCE within the meaning of those Regulations or relevant undertaking within the meaning of Part 3 of those Regulations, as may be appropriate, and
- (b) references in this Act to employee shall be construed as references to a person referred to in subparagraph (a), (b), (c) or (d) of Regulation 20(1) of those Regulations.
- (9) For the purpose of the operation of this Act, and to the extent only that this Act applies, in relation to the F5[[European Union \(Cross-Border Conversions, Mergers and Divisions\) Regulations 2023](#) ([S.I. No. 233 of 2023](#))]—
- (a) references in this Act to employer shall be construed as references to relevant company within the meaning of Chapter 4 of F5[[Part 5](#)] of those Regulations, and
- (b) references in this Act to employee shall be construed as references to a person referred to in F5[[subparagraph \(a\), \(b\), \(c\) or \(d\) of Regulation 89\(1\)](#)] of those Regulations.
- (10) For the purpose of the operation of this Act, and to the extent only that this Act applies, in relation to the European Communities (Working Conditions of Mobile Workers engaged in Interoperable Cross Border Services in the Railway Sector) Regulations 2009 ([S.I. No. 377 of 2009](#)), references in this Act to employee shall be construed as references to mobile worker within the meaning of those Regulations.

(11) For the purpose of the operation of this Act, and to the extent only that this Act applies, in relation to the European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations 2012 (S.I. No. 36 of 2012), references in this Act to employee shall be construed as references to mobile worker within the meaning of those Regulations.

Annotations

Amendments:

- F4** Inserted (1.08.2015) by *Industrial Relations (Amendment) Act 2015* (27/2015), s. 24(a), S.I. No. 329 of 2015.
- F5** Substituted (24.05.2023) by *European Union (Cross-Border Conversions, Mergers and Divisions) Regulations 2023* (S.I. No. 233 of 2023), reg. 95 and sch. 4 ref. 2(a), (b), (c).

Regulations

- 4.** (1) The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed.
- (2) Without prejudice to any provision of this Act, regulations under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.
- (3) Every regulation made by the Minister under this Act 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.

Annotations

Editorial Notes:

- E4** Power pursuant to section exercised (29.12.2023) by *Workplace Relations Act 2015 (Fixed Payment Notice) Regulations 2023* (S.I. No. 705 of 2023).
- E5** Previous affecting provision: power pursuant to section exercised (2.02.2017) by *Workplace Relations Act 2015 (Fixed Payment Notice) Regulations 2017* (S.I. No. 32 of 2017); revoked (29.12.2023) by *Workplace Relations Act 2015 (Fixed Payment Notice) Regulations 2023* (S.I. No. 705 of 2023), reg. 5(b).
- E6** Previous affecting provision: power pursuant to section exercised (1.10.2015) by *Workplace Relations Act 2015 (Fixed Payment Notice) Regulations 2015* (S.I. No. 419 of 2015); revoked (29.12.2023) by *Workplace Relations Act 2015 (Fixed Payment Notice) Regulations 2023* (S.I. No. 705 of 2023), reg. 5(a).

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 monies provided by the Oireachtas.

Service of documents

6. (1) A notice or other document that is required to be served on or given to a person under this Act shall be addressed to the person concerned by name, and may be so served on or given to the person in one of the following ways:
- (a) by delivering it to the person;
 - (b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address;
 - (c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address; or
 - (d) by electronic means, in a case in which the person has given notice in writing to the person serving or giving the notice or document concerned of his or her consent to the notice or document (or notices or documents of a class to which the notice or document belongs) being served on, or given to, him or her in that manner.
- (2) For the purpose of this section, a company within the meaning of the Companies Acts or the **Companies Act 2014** shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business.

Offences

7. (1) A person guilty of an offence (other than an offence F6[[under section 41\(12\), 41\(12A\)\(b\) or 51](#)]) under this Act shall be liable—
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months or both, or
 - (b) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 3 years or both.
- (2) Where an offence under this Act is committed by a body corporate and is proved to have been so committed with the consent or connivance of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person shall, as well as the body corporate, be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.
- (3) Summary proceedings for an offence under this Act may be brought and prosecuted by the Commission.
- (4) Where a person is convicted of an offence under this Act the court shall order the person to pay to the Commission the costs and expenses, measured by the court, incurred by the Commission in relation to the investigation, detection and prosecution of the offence unless the court is satisfied that there are special and substantial reasons for not so doing.

Annotations**Amendments:**

- F6** Substituted (29.07.2021) by *Workplace Relations (Miscellaneous Provisions) Act 2021 (29/2021)*, s. 2, S.I. No. 397 of 2021.

Repeals and Revocations

8. (1) The enactments specified in column (3) of *Part 1* of *Schedule 2* are repealed to the extent specified in column (4) of that Part.
- (2) The repeals effected by *subsection (1)* shall not apply in respect of complaints or disputes made, presented or referred to a rights commissioner under an enactment specified in column (3) of *Part 1* of *Schedule 2* before the commencement of *Part 4*.
- (3) The enactments specified in column (3) of *Part 2* of *Schedule 2* are revoked to the extent specified in column (4) of that Part.
- (4) The revocations effected by *subsection (3)* shall not apply in respect of complaints or disputes made, presented or referred to a rights commissioner under an enactment specified in column (3) of *Part 2* of *Schedule 2* before the commencement of *Part 4*.
- (5) The repeal of *sections 11* and *13* of the *Minimum Notice and Terms of Employment Act 1973* effected by *subsection (1)* shall not apply in relation to a dispute referred to the Employment Appeals Tribunal under that Act before the commencement of *Part 4*.
- (6) The repeal of *sections 11* and *12* of the *Unfair Dismissals (Amendment) Act 1993* effected by *subsection (1)* shall not apply in relation to a claim for redress under the Act of 1977 brought before the commencement of *Part 4*.
- (7) This section and *Schedule 2* shall come into operation upon the commencement of *Part 4*.

PART 2**WORKPLACE RELATIONS COMMISSION****Establishment day**

9. The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act.

Annotations**Editorial Notes:**

- E7** Power pursuant to section exercised (1.10.2015) by *Workplace Relations Act 2015 (Establishment Day) Order 2015 (S.I. No. 412 of 2015)*.

Establishment of Commission

10. (1) There shall stand established on the establishment day a body, which shall be known as the Workplace Relations Commission (in this Act referred

to as the “Commission”), to perform the functions conferred on it by or under this Act.

(2) The provisions of *Schedule 3* shall apply to the Commission.

Functions of Commission

11. (1) The Commission shall, in addition to the other functions conferred on it by this Act—

- (a) promote the improvement of workplace relations, and maintenance of good workplace relations,
- (b) promote and encourage compliance with relevant enactments,
- (c) provide guidance in relation to compliance with codes of practice approved under *section 20*,
- (d) conduct reviews of, and monitor developments as respects, workplace relations,
- (e) conduct or commission research into matters pertaining to workplace relations,
- (f) provide advice, information and the findings of research conducted by the Commission to joint labour committees and joint industrial councils,
- (g) advise and apprise the Minister in relation to the application of, and compliance with, relevant enactments,
- (h) provide information to members of the public in relation to employment enactments (other than the Act of 1998), and
- (i) attend meetings outside the State relating to employment law matters and industrial and workplace relations upon the request of the Minister.

(2) The Commission may provide such advice as it considers appropriate on any matter relating to workplace relations to—

- (a) employers or representative bodies or associations of employers, or
- (b) employees, trade unions or excepted bodies,

whether or not it has received a request in that behalf from any such person.

(3) Subject to this Act, the Commission shall be independent in the performance of its functions.

(4) The Commission shall have all such powers as are necessary or expedient for the performance of its functions.

(5) The Commission shall perform its functions through or by the Director General or any member of the staff of the Commission duly authorised in that behalf by the Director General.

Director General of Workplace Relations Commission

12. (1) There shall be a chief executive officer of the Commission (in this Act referred to as the “Director General”).

(2) The Director General (other than the Director General first appointed after the commencement of this section or a Director General appointed under *subsection (5)*) shall be appointed by the Minister from among persons in

respect of whom a recommendation for the purposes of this section has been made by the Public Appointments Service consequent upon the holding of a competition in accordance with the Act of 2004.

- (3) The Public Appointments Service shall, in relation to a competition referred to in *subsection (2)*, not make a recommendation for the purposes of that subsection in respect of more than 3 persons.
- (4) The Director General shall hold office for such period not exceeding 5 years from the date of his or her appointment as the Minister may determine.
- (5) The Minister may reappoint a person whose term of office as Director General expires by the efflux of time to be the Director General.
- (6) A person who is reappointed to be the Director General in accordance with *subsection (5)* shall not hold office for periods the aggregate of which exceeds 10 years.
- (7) The Director General shall hold office upon and subject to such terms and conditions (including terms and conditions relating to remuneration, allowances and superannuation) as may be determined by the Minister with the consent of the Minister for Public Expenditure and Reform.
- (8) The Director General shall not hold any other office or employment or carry on any business without the consent of the Minister.

Annotations

Editorial Notes:

- E8** Power pursuant to subs. (7) exercised (1.12.2016) by *Workplace Relations Commission Director General Superannuation Scheme 2016* (S.I. No. 595 of 2016), in effect as per art. 1(2).

Resignation, removal or disqualification of Director General

- 13.** (1) The Director General may resign from office by giving notice in writing to the Minister of his or her resignation and the resignation shall take effect on the day on which the Minister receives the notice.
- (2) The Minister may, at any time, remove the Director General from office if the Minister is satisfied that—
 - (a) the Director General has become incapable through ill-health of performing his or her functions,
 - (b) the Director General has committed stated misbehaviour, or
 - (c) the removal of the Director General appears to the Minister to be necessary for the effective performance by the Commission of its functions.
- (3) If the Director General is removed from office in accordance with *subsection (2)*, the Minister shall provide the Director General with a statement of reasons for the removal.
- (4) The Director General shall cease to be qualified for office and shall cease to hold office if he or she—
 - (a) is adjudicated bankrupt,
 - (b) makes a composition or arrangement with creditors,

- (c) is sentenced by a court of competent jurisdiction to a term of imprisonment,
- (d) is convicted of any indictable offence in relation to a company or any other body corporate,
- (e) is convicted of an offence involving fraud or dishonesty, whether in connection with a company or not, or
- F7[(f) is, or is deemed to be, the subject of an order under section 160 of the Companies Act 1990 or a disqualification order within the meaning of Chapter 4 of Part 14 of the Companies Act 2014.]

Annotations

Amendments:

- F7** Substituted (1.10.2015) by *National Minimum Wage (Low Pay Commission) Act 2015* (22/2015), s. 20(1)(c), S.I. No. 411 of 2015.

Functions of Director General

- 14.** (1) The Director General shall carry on and manage, and control generally, the administration and business of the Commission and such other functions as are conferred on him or her by or under this Act.
- (2) The Director General shall be accountable to the Minister for the efficient and effective management of the Commission and for the due performance of his or her functions.

Consultation by Director General with Board

- 15.** (1) The Director General may consult with or request the advice of the Board on any matter relating to a function (other than a function to which *Part 4* applies) of the Commission.
- (2) The Director General shall have regard to any advice of the Board pursuant to a request under this section before performing any function to which the advice relates.

Delegation of functions of Director General

- 16.** (1) The Director General may delegate any of his or her functions to a specified member of staff of the Commission, and that member of staff shall be accountable to the Director General for the performance of the functions so delegated.
- (2) The Director General may revoke a delegation made in accordance with this section.

Accountability of Director General to committees of Houses of Oireachtas

- 17.** (1) In this section "Committee" means a Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas, other than—
- (a) the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General,

- (b) the Committee on Members' Interests of Dáil Éireann or the Committee on Members' Interests of Seanad Éireann, or
 - (c) a subcommittee of a committee referred to in *paragraph (a) or (b)*.
- (2) Subject to *subsection (3)*, the Director General shall, at the request in writing of a Committee, attend before it to give account for the general administration of the Commission.
- (3) The Director General shall not be required to give account before a Committee for any matter which is or has been or may at a future time be the subject of proceedings before a court or tribunal (including an adjudication officer and the Labour Court) in the State.
- (4) Where the Director General is of the opinion that a matter in respect of which he or she is requested to give an account before a Committee is a matter to which *subsection (3)* applies, he or she shall inform the Committee of that opinion and the reasons for the opinion and, unless the information is conveyed to the Committee at a time when the Director General is before it, the information shall be so conveyed in writing.
- (5) Where the Director General has informed a Committee of his or her opinion in accordance with *subsection (4)* and the Committee does not withdraw the request referred to in *subsection (2)* in so far as it relates to a matter the subject of that opinion—
- (a) the Director General may, not later than 42 days after being informed by the Committee of its decision not to do so, apply to the High Court in a summary manner for determination of the question whether the matter is one to which *subsection (3)* applies, or
 - (b) the Chairperson of the Committee may, on behalf of the Committee, make such an application,
- and the High Court shall determine the matter.
- (6) Pending the determination of an application under *subsection (5)*, the Director General shall not attend before the Committee to give account for the matter the subject of the application.
- (7) If the High Court determines that the matter concerned is one to which *subsection (3)* applies, the Committee shall withdraw the request referred to in *subsection (2)*, but if the High Court determines that *subsection (3)* does not apply, the Director General shall attend before the Committee to give account for the matter.
- (8) In the performance of his or her duties under this section, the Director General shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.

Membership of either House of Oireachtas or European Parliament

18. (1) Where a member of the Board is—

- (a) nominated as a member of Seanad Éireann,
- (b) elected as a member of either House of the Oireachtas or to be a member of the European Parliament, or
- (c) regarded pursuant to Part XIII of the Second Schedule to the Act of 1997 as having been elected to that Parliament,

he or she shall thereupon cease to be a member of the Board.

- (2) Where the Director General is—
- (a) nominated as a member of Seanad Éireann,
 - (b) elected as a member of either House of the Oireachtas or to be a member of the European Parliament, or
 - (c) regarded pursuant to Part XIII of the Second Schedule to the Act of 1997 as having been elected to that Parliament,
- he or she shall thereupon cease to be Director General.
- (3) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a member of the European Parliament shall, while he or she is so entitled or is such a member, be disqualified for membership of the Board or for employment in any capacity by the Commission.
- (4) In this section “Act of 1997” means the [European Parliament Elections Act 1997](#).

Acting Director General

19. (1) Subject to *subsection (2)*, the Minister may appoint a person to perform the functions of the Director General during—
- (a) any period or periods when the Director General is absent from duty or from the State or is, for any other reason, unable to perform the functions of Director General,
 - (b) any suspension from office of the Director General, or
 - (c) any vacancy in the office of Director General.
- (2) A person shall not be appointed to perform the functions of the Director General for a continuous period of more than 12 months during a vacancy in the office of Director General.
- (3) The Minister may at any time terminate an appointment under this section.

Codes of practice

20. (1) (a) The Commission may, for the purpose of providing guidance to employers, employees and any other persons to whom this Act applies with respect to compliance with an employment enactment, prepare and submit to the Minister draft codes of practice.
- (b) The Commission may, for the purpose of providing guidance to employers, employees and any other persons to whom this Act applies with respect to compliance with an employment enactment, submit to the Minister a draft code of practice prepared by any person other than the Commission.
- (2) The Minister may give a direction to the Commission requiring it to prepare and submit to him or her a code of practice for the purpose mentioned in *subsection (1)*.
- (3) The Commission shall comply with a direction under *subsection (2)*.
- (4) The Commission shall, before submitting a draft code of practice to the Minister under *subsection (1)*, request any person that it considers appropriate, including trade unions and employer representative bodies,

to make representations to it in relation to the draft code of practice, and the Commission shall consider any such representations made.

- (5) The Minister may give a direction to the Commission to amend a draft code of practice submitted to him or her in accordance with this section in such manner as is specified in the direction, and the Commission shall comply with the direction and resubmit to the Minister the draft code of practice as so amended.
- (6) The Minister may, 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 this Act, and the text of the approved code of practice shall be set out in the order.
- (7) The Commission shall publish an approved code of practice on its internet website.
- (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 twenty one 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.
- (10) In this section “employment enactment” does not include the Act of 1998.

Annotations

Modifications (not altering text):

C3 Functions transferred and references construed (14.10.2020) by *Employment Affairs and Employment Law (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 438 of 2020), arts. 2, 3(1)(a), (2) and sch., in effect as per art. 1(2), subject to transitional provisions in arts. 4-8.

2. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 3 are transferred to the Department of Business, Enterprise and Innovation.

(2) References to the Department of Employment Affairs and Social Protection contained in any Act or any instrument made under such Act and relating to any administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Business, Enterprise and Innovation.

3. (1) The functions vested in the Minister for Employment Affairs and Social Protection

(a) by or under the Acts specified in Part 1 of the Schedule and the provisions of the Acts specified in Part 2 of the Schedule, and

...

are transferred to the Minister for Business, Enterprise and Innovation.

...

(2) References to the Minister for Employment Affairs and Social Protection contained in any Act or instrument made under such Act and relating to any functions transferred by this Article shall, on and after the commencement of this Order, be construed as references to the Minister for Business, Enterprise and Innovation.

SCHEDULE

PART 2

PROVISIONS OF ACTS OF THE OIREACHTAS

...

Section 20 of the Workplace Relations Act 2015 (No. 16 of 2015) in so far as it relates to codes of practice in relation to employment enactments (within the meaning of that Act) specified in this Schedule.

Editorial Notes:

- E9** Power pursuant to subs. (6) exercised (31.03.2021) by *Workplace Relations Act 2015 (Workplace Relations Commission Code of Practice on the Right to Disconnect) Order 2021* (S.I. No. 159 of 2021).
- E10** Previous affecting provision: functions under section transferred and “Minister for” and “Department of Jobs, Enterprise and Innovation” construed (1.09.2017) by *Labour Affairs and Labour Law (Transfer of Departmental Administration and Ministerial Functions) Order 2017* (S.I. No. 361 of 2017), arts. 2, 3, 6-8, in effect as per art. 1(2), subject to transitional provisions in arts. 4, 5; superseded as per C-note above.

Strategy statement**21. (1) The Board shall—**

- (a) not later than 6 months after the commencement of this section, prepare and submit to the Minister a strategy statement in respect of the period of 3 years immediately following the year in which the strategy statement is so submitted, and
- (b) not later than 3 months before each third anniversary of the submission to the Minister in accordance with this subsection of the strategy statement for the time being in effect, prepare and submit to the Minister a strategy statement in respect of the period of 3 years immediately following the year in which the second-mentioned strategy statement is so submitted.
- (2) The Board shall, before preparing and submitting a strategy statement in accordance with *subsection (1)*, seek and obtain the advice of the Director General in relation thereto.
- (3) (a) The Board shall, in the preparation of a strategy statement have regard to the need to ensure the most effective and efficient use of the resources available to the Commission.
- (b) A strategy statement shall—
- (i) except in the case of the strategy statement first prepared, submitted and approved under this section, contain a review of the implementation of the immediately preceding strategy statement,
- (ii) specify the manner in which the Board proposes to assess the effectiveness of the implementation of the strategy statement, and
- (iii) include any other matters that the Minister may from time to time direct.
- (4) The Minister shall, as soon as practicable after a strategy statement has been submitted to him or her under *subsection (1)* or pursuant to a direction under *paragraph (c)* —
- (a) approve the strategy statement,

- (b) approve the strategy statement subject to such modifications as he or she may specify, or
 - (c) refuse to approve the strategy statement and require the Board, by direction in writing, to prepare and submit a revised strategy statement to the Minister by such date as may be specified in the direction.
- (5) The Board shall comply with a direction under this section by such date as may be specified in the direction.
- (6) The Commission shall not implement a strategy statement unless it has been approved by the Minister in accordance with *paragraph (a) or (b) of subsection (4)*.
- (7) The Minister shall, as soon as practicable after having approved a strategy statement in accordance with *paragraph (a) or (b) of subsection (4)*, cause a copy of that statement to be laid before each House of the Oireachtas.
- (8) The Director General shall, as soon as practicable after the approval of a strategy statement in accordance with *paragraph (a) or (b) of subsection (4)*, cause that statement to be published on the internet and, where he or she considers it appropriate, in such other manner as he or she shall determine.
- (9) In this Act “strategy statement” means a statement that—
- (a) specifies the key objectives, outputs and related strategies (including use of resources) of the Commission, and
 - (b) is prepared in a form and manner that is in accordance with any directions issued from time to time by the Minister.

Work programme

22. (1) The Board shall—

- (a) after consultation with the Director General, and
- (b) not later than one month before the 1st day of January each year,

prepare and submit to the Minister a plan (in this section referred to as a “work programme”) of the work that the Commission intends to carry out in the year to which the plan relates.

(2) The Minister may issue directions to the Board in relation to the preparation of a work programme.

(3) The Minister may—

- (a) upon the recommendation of the Director General, or
- (b) for the purpose of improving workplace relations generally or in workplaces of a particular class or classes,

direct the Board to prepare and submit to him or her a revised work programme.

(4) The Minister shall, as soon as practicable after a work programme or revised work programme has been submitted to him or her under *subsection (1)*, or pursuant to a direction under *subsection (3)* or this subsection—

- (a) approve the work programme or revised work programme,

- (b) approve the work programme or revised work programme subject to such modifications as he or she may specify, or
 - (c) refuse to approve the work programme or revised work programme and, by direction in writing, require the Board to prepare and submit a revised work programme to the Minister by such date as may be specified in the direction.
- (5) The Board shall comply with a direction under this section by such date as may be specified in the direction.
- (6) Each work programme (other than the work programme first prepared and submitted after the commencement of this section) shall contain a review of the implementation and effectiveness of the work programme in respect of the year immediately preceding the first-mentioned work programme.
- (7) The Board shall, in the preparation of a work programme, have regard to—
- (a) the strategy statement approved under *section 21* of the Commission applicable in respect of the year to which the work programme relates, and
 - (b) such other matters (if any) as are specified in a direction under *subsection (2)*.

Reports to Minister

- 23.** (1) Subject to *subsection (2)*, the Director General shall, not later than 3 months after the end of each year, prepare, and submit to the Minister, a report (in this section referred to as the “annual report”) in writing on the activities of the Commission during that year.
- (2) The Director General shall, in respect of the period commencing on the commencement of this section and ending on 31 December next following such commencement, prepare and submit to the Minister a report (in this section also referred to as the “annual report”) on the activities of the Commission during that period not later than 3 months after the said 31 December.
- (3) The annual report shall contain information in relation to—
- (a) progress regarding implementation of the strategy statement, and
 - (b) such other matters as the Minister may specify.
- (4) The Director General may, from time to time, prepare and submit to the Minister such other reports in relation to the activities of the Commission as the Director General considers appropriate.
- (5) The Minister may require the Director General, by direction in writing, to prepare and submit to him or her a report in relation to any particular matter relating to the activities of the Commission as the Minister considers appropriate.
- (6) The Director General shall comply with a direction under *subsection (5)*.
- (7) The Minister shall cause a copy of the annual report to be laid before each House of the Oireachtas not later than 2 months after it has been submitted to him or her in accordance with this section.
- (8) This section shall not operate to require the Director General to include information in the annual report or other report referred to in this section that, in his or her opinion, would prejudice the performance by the Commission of its functions under *Part 4*.

Staff of Commission

- 24.** (1) The Minister shall appoint such and so many of his or her officers as he or she may determine to be members of staff of the Commission.
- (2) The terms and conditions of service of a member of the staff of the Commission shall be such as may be determined from time to time by the Minister with the approval of the Minister for Public Expenditure and Reform.
- (3) There shall be paid by the Minister to the members of the staff of the Commission such remuneration and allowances as, from time to time, the Minister, with the consent of the Minister for Public Expenditure and Reform, determines.
- (4) The members of the staff of the Commission shall perform their functions under the direction and control of the Director General.
- (5) Appointments under this section shall be subject to the Act of 2004 and the Civil Service Regulation Acts 1956 to 2005.

Registrar of Commission

- 25.** (1) The Minister shall, with the consent of the Minister for Public Expenditure and Reform, appoint a person to be registrar of the Commission from among persons—
- (a) who are practising barristers or practising solicitors, and
- (b) in respect of whom a recommendation for the purposes of this section has been made by the Public Appointments Service consequent upon the holding of a competition in accordance with the Act of 2004.
- (2) *Paragraph (b) of subsection (1)* shall not apply in respect of the registrar first appointed after the passing of this Act.
- (3) The registrar of the Commission shall hold office on such terms and conditions (including terms and conditions relating to remuneration) as the Minister, with the approval of the Minister for Public Expenditure and Reform, determines.
- (4) In this section—
- “practising barrister” includes a person who is serving in a position (appointment to which was conditional upon the person’s having been called to the Bar of Ireland and standing enrolled as a barrister in the State) in the Civil Service of the Government or the Civil Service of the State;
- “practising solicitor” includes a person who is serving in a position (appointment to which was conditional upon the person’s having been admitted to be a solicitor and standing enrolled as a solicitor in the State) in the Civil Service of the Government or the Civil Service of the State.

PART 3**ENFORCEMENT**

Inspectors

- 26.** (1) The Director General may, with the consent of the Minister appoint such and so many of the officers of the Minister as he or she considers appropriate to be an inspector or inspectors for the purposes of this Act.
- (2) A person who, immediately before the commencement of this section, was an authorised officer or an inspector under an employment enactment shall be deemed to be an inspector appointed under this Act and, accordingly, *subsection (4)* shall apply in respect of that person.
- (3) A person appointed to be an inspector under this section shall on his or her appointment be furnished with a warrant of his or her appointment, and when exercising a power conferred by this Act shall, if requested by any person affected thereby, produce such warrant to that person for inspection.
- (4) An appointment under this section shall cease—
- (a) in the case of a person appointed under *subsection (1)*, if—
- (i) the Director General revokes the appointment, or
- (ii) the person appointed ceases to be a member of the staff of the Commission,
- or
- (b) if the appointment is for a fixed period, on the expiry of that period.

Powers of inspectors

- 27.** (1) For the purposes of this Act or a relevant enactment, an inspector may—
- (a) subject to *subsection (3)*, enter (if necessary by the use of reasonable force) at all reasonable times any place of work or any premises—
- (i) that he or she has reasonable grounds for believing has been or is being used in connection with the employment of persons, or
- (ii) at which he or she has reasonable grounds for believing that records or documents relating to the employment of persons are kept,
- (b) at such place of work or premises, inspect and take copies of, any books, records or other documents (including books, records or documents stored in non-legible form), or extracts therefrom, that he or she finds in the course of his or her inspection,
- (c) remove any such books, documents or records from such place of work or premises and retain them for such period as he or she reasonably considers to be necessary for the purposes of his or her functions under this Act,
- (d) require any person at the place of work or premises concerned, including the owner or person in charge of that place or premises, to give the inspector such information and assistance as the inspector may reasonably require for the purposes of his or her functions under this Act,
- (e) require any person at the place of work or premises concerned, including the owner or person in charge of that place or premises, to produce to the inspector such books, documents or other records (and in the case of documents or records stored in non-legible form, a legible

reproduction thereof) that are in that person's possession or procurement, or under that person's control, as he or she may reasonably require for the purposes of his or her functions under this Act,

- (f) require any person, whom the inspector has reasonable grounds for believing to be, or to have been, an employer or employee, to answer such questions as the inspector may ask relative to any matter under this Act or a relevant enactment and to make a declaration of the truth of the answers to those questions, and
 - (g) examine with regard to any matter under this Act or a relevant enactment, any person whom the inspector has reasonable grounds for believing to be, or to have been, an employer or employee, following the inspector's having cautioned the person that the person is not obliged to say anything unless he or she wishes to do so but that whatever he or she says will be taken down in writing and may be given in evidence.
- (2) When performing a function under this Act, an inspector may, subject to any warrant under *subsection (4)*, be accompanied by such number of other inspectors or members of the Garda Síochána as he or she considers appropriate.
- (3) An inspector shall not enter a dwelling, other than—
- (a) with the consent of the occupier, or
 - (b) pursuant to a warrant under *subsection (4)*.
- (4) Upon the sworn information of an inspector, a judge of the District Court may, if satisfied that there are reasonable grounds for believing that information, books, documents or other records (including information, books, documents or records stored in non-legible form) required by an inspector under this section is or are held at any dwelling, issue a warrant authorising a named inspector, accompanied by such other inspectors or members of the Garda Síochána as may be necessary, at any time or times, before the expiration of one month from the date of issue of the warrant, to enter (if necessary by the use of reasonable force) the dwelling and perform the functions of an inspector under *paragraphs (b), (c), (d), (e), (f) and (g) of subsection (1)*.
- (5) A person shall be guilty of an offence if he or she—
- (a) obstructs or interferes with an inspector or a member of the Garda Síochána in the course of exercising a power conferred on him or her by this Act or a warrant under *subsection (4)* or impedes the exercise by the inspector or member, as the case may be, of such power, or
 - (b) fails or refuses to comply with a requirement of an inspector or member of the Garda Síochána pursuant to *paragraph (d) or (f) of subsection (1)*, or in purported compliance with such requirement gives information or makes a declaration to the inspector or member that he or she knows to be false or misleading in any material respect.
- (6) Where an inspector believes, upon reasonable grounds, that a person has committed an offence under this Act, he or she may require that person to provide him or her with his or her name and the address at which he or she ordinarily resides.
- (7) A statement or admission made by a person pursuant to a requirement under *subsection (1)(d) or (f)* shall not be admissible as evidence in proceedings brought against the person for an offence (other than an offence under *subsection (5)*).

(8) In this section—

“place of work” has the same meaning as it has in the [Safety, Health and Welfare at Work Act 2005](#);

“premises” includes vehicle, vessel, ship and railway carriage.

F8[(9) Where an inspector exercises powers under this section in relation to section 4F of the Payment of Wages Act 1991 , references in this section to employer shall be read as references to a person to whom the said section 4F applies, references in this section to employee shall be read as references to a contract worker within the meaning of that Act and references in this section to the employment of persons shall be read as including a reference to the relationship between such persons and such contract workers.]

Annotations

Amendments:

F8 Inserted (27.10.2022) by *Payment of Wages (Amendment) (Tips and Gratuities) Act 2022* (23/2022), s. 6, S.I. No. 543 of 2022.

Modifications (not altering text):

C4 Term “relevant enactment” construed (27.07.2016) by *European Union (Posting of Workers) Regulations 2016* (S.I. No. 412 of 2016), reg. 10(2).

Inspections

10.— ...

(2) A reference in section 27 of the Act of 2015 to a relevant enactment includes a reference to these Regulations.

Compliance notice

28. (1) Where an inspector is satisfied that an employer has, in relation to any of his or her employees, contravened a provision to which this section applies, the inspector may serve a notice (in this section referred to as a “compliance notice”) on the employer.

(2) A compliance notice shall—

(a) state the grounds for the inspector’s being satisfied that there has been a contravention referred to in *subsection (1)*,

(b) for the purpose of ensuring compliance by the employer concerned with **F9**[a provision to which this section applies], require the employer to do or refrain from doing such act or acts as is or are specified in the notice by such date as is so specified, and

(c) contain information regarding the bringing of an appeal under *subsection (7)* against the notice, including the manner in which an appeal shall be brought.

(3) A compliance notice shall not specify a date in accordance with *paragraph (b) of subsection (2)* that falls on or before the date by which an appeal under *subsection (7)* shall be brought.

(4) An inspector shall, if satisfied that the employer concerned has complied with a compliance notice, serve a notice in writing on the employer that he or she is so satisfied.

- (5) *Subsection (4)* shall not operate to prevent an inspector from performing any of his or her functions under this Act in relation to the employer concerned, including in relation to the contravention to which the compliance notice referred to therein applies, after he or she serves a notice on the employer under that subsection.
- (6) The inspector may—
- (a) withdraw a compliance notice at any time, as he or she considers appropriate, or
 - (b) where no appeal is brought under this section, specify a date for the purposes of *subsection (2)(b)* that falls later than the date specified for that purpose in the compliance notice concerned, and notify the employer in writing accordingly.
- (7) An employer may appeal a compliance notice served on him or her under this section to the Labour Court.
- (8) An appeal under *subsection (7)* shall be brought in the manner prescribed by rules under subsection (5) of section 20 of the Act of 1946 not later than 42 days after the service of the compliance notice concerned.
- (9) The inspector and the employer concerned shall each be entitled to be heard and to adduce evidence at the hearing of an appeal under *subsection (7)*.
- (10) The Labour Court shall, upon an appeal under this section, do one of the following:
- (a) affirm the compliance notice concerned;
 - (b) withdraw the compliance notice concerned; or
 - (c) withdraw the compliance notice and require the employer to whom the notice applies to comply with such directions as may be given by the Labour Court.
- (11) An employer may appeal—
- (a) a decision of the Labour Court to affirm, in accordance with *paragraph (a) of subsection (10)*, a compliance notice served on him or her under this section, or
 - (b) a direction to him or her in accordance with *paragraph (c) of that subsection*,
- to the Circuit Court.
- (12) The inspector and the employer concerned shall each be entitled to be heard and to adduce evidence at the hearing of an appeal under *subsection (11)*.
- (13) The Circuit Court shall, upon an appeal under *subsection (11)*, do one of the following:
- (a) affirm the decision or direction concerned;
 - (b) in the case of an appeal from a decision of the Labour Court affirming a compliance notice in accordance with *paragraph (a) of subsection (10)*, annul that decision and order the withdrawal of the compliance notice; or
 - (c) in the case of an appeal from a direction given in accordance with *paragraph (c) of subsection (10)*, annul that direction.

- (14) A person who fails to comply with a compliance notice by the specified date shall be guilty of an offence.
- (15) This section shall not operate to prevent or restrict—
- (a) the entitlement of any person to bring proceedings in accordance with this Act or F9[a provision to which this section applies] for the purpose of securing compliance with F9[a provision to which this section applies] in relation to that person, or
 - (b) the bringing or prosecuting of any proceedings for an offence under this Act or a relevant enactment.
- (16) In this section “specified date” means, in relation to a compliance notice—
- (a) where no appeal against the notice is brought under *subsection (7)*, the date specified in the notice in accordance with *paragraph (b)* of *subsection (2)*,
 - (b) where an appeal against the notice is brought under *subsection (7)* and the Labour Court affirms the notice in accordance with *paragraph (a)* of *subsection (10)*, the day falling immediately after the expiration of the period of 14 days from the date on which the Labour Court so affirms the notice, or
 - (c) where an appeal to the Circuit Court is brought under *subsection (11)* and the Circuit Court affirms the decision of the Labour Court under *paragraph (a)* of *subsection (10)*, the day falling immediately after the expiration of the period of 14 days from the date on which the Circuit Court so affirms that decision.
- (17) This section applies to a provision specified in column (3) of *Schedule 4*.

Annotations

Amendments:

- F9** Substituted (1.10.2015) by *National Minimum Wage (Low Pay Commission) Act 2015* (22/2015), s. 20(1)(d), S.I. No. 411 of 2015.

Report of inspector admissible in evidence

- 29.** (1) Where an inspector performs functions under *section 27* in relation to an employer, he or she shall prepare a report in writing thereof.
- (2) The report of an inspector under *subsection (1)* shall be admissible in evidence in proceedings against the employer concerned before an adjudication officer, the Labour Court or a court established by law.
- (3) *Subsection (2)* shall not operate to prevent or restrict the examination or cross examination of an inspector in proceedings referred to in that subsection.

Inspection of employer’s records pursuant to direction of Labour Court

- 30.** (1) Subject to *subsection (3)* of *section 27*, the Labour Court may, upon the hearing of an appeal under *section 44*, direct the Director General to arrange for an inspector to enter any place or premises belonging to an employer who is a party to the appeal and perform such functions under *section 27* at, or in relation to, that place or premises as are specified in the direction concerned.

- (2) The Director General shall comply with a direction under *subsection (1)*.
- (3) An inspector shall, upon completion of an inspection referred to in *subsection (1)*, provide the report prepared by him or her under *section 29* in relation to the performance by him or her of functions under *section 27* pursuant to a direction under this section to the Labour Court.
- (4) The Labour Court shall—
 - (a) consider a report provided to it under *subsection (3)*, and
 - (b) give a copy of that report to the parties to the appeal concerned.
- (5) The chairman or a deputy chairman of the Labour Court may direct that any proceedings in an appeal to the Labour Court shall be adjourned pending the consideration by the Labour Court of the report.

Disclosure of certain information

31. (1) Schedule 5 to the Act of 2005 is amended by the insertion, in paragraph 1(4), of “the Workplace Relations Commission”.
- (2) Section 1093A (inserted by section 38 of the Act of 2007) of the *Taxes Consolidation Act 1997* is amended by the substitution of the following definition for the definition of “specified body”:

“ ‘specified body’ means the Workplace Relations Commission;”.
- (3) Section 261A (inserted by paragraph (b) of section 31 of the Act of 2007) of the Act of 2005 is amended by the substitution of the following definition for the definition of “specified body”:

“ ‘specified body’ means the Workplace Relations Commission;”.
- (4) The Commission, an inspector or an adjudication officer may, for the purposes of his or her functions, require—
 - (a) an employer to disclose to him or her the employer’s employer registration number, or
 - (b) an employee to disclose to him or her the employee’s personal public service number.
- (5) The Commission, an inspector or an adjudication officer may disclose to the Labour Court an employer’s registration number or an employee’s personal public service number for the purpose of enabling the Labour Court to perform its functions under this Act or a relevant enactment.
- (6) The Commission, an inspector or an adjudication officer may disclose to an official body an employer’s registration number or an employee’s personal public service number for the purpose of enabling the official body to—
 - (a) investigate the commission or alleged commission of an offence where the official body is charged under an enactment with responsibility for carrying out such investigation, or
 - (b) bring and prosecute proceedings under any enactment.
- (7) The Commission, an inspector or an adjudication officer may—
 - (a) upon the request of an employee, disclose to the employee the employer registration number of the employee’s employer, or

(b) upon the request of an employer, disclose to the employer the personal public service number of any employee of the employer.

(8) In this section—

“Act of 2007” means the [Social Welfare and Pensions Act 2007](#);

“employer registration number” means, in relation to an employer, the number assigned to that employer in the register maintained by the Revenue Commissioners under Regulation 7 of the Income Tax (Employments) (Consolidated) Regulations 2001 ([S.I. No. 559 of 2001](#)); and

“personal public service number” has the same meaning as it has in section 262 of the Act of 2005.

Disclosure of information relating to offences

32. (1) Notwithstanding any rule of law, information that, in the opinion of an official body, may relate to—

(a) the commission of an offence under this Act or a relevant enactment, or

(b) the contravention of this Act or a relevant enactment,

may be disclosed by that official body to the Commission or a member of staff of the Commission.

(2) The Commission may provide to an official body any information—

(a) obtained by it in the performance of its functions, and

(b) that causes the Commission to suspect that an offence has been committed by any person.

(3) Information provided under this section may be used by the person to whom it has been provided for the purpose only of the detection, investigation or prosecution of an offence.

Disclosure of certain information to or by contracting authority

33. (1) The Commission may, for the purpose of securing compliance with this Act or an employment enactment, disclose to a public contracting authority information that a primary contractor or a party to a secondary contract has contravened an employment enactment.

(2) Information disclosed to a public contracting authority under this section shall not be used for any purpose other than the exercise by the public contracting authority of his or her entitlements under the primary contract concerned.

(3) The Commission may, for the purpose of securing compliance with this Act or an employment enactment, require a public contracting authority to disclose to the Commission information relating to the contravention of a relevant enactment by a person with whom the public contracting authority has entered into a primary contract, and a public contracting authority shall comply with such a requirement.

(4) In this section—

“contract of employment” has the same meaning as it has in the Act of 2012;

“primary contractor” means, in relation to a public contracting authority, a person with whom the public contracting authority has entered into a contract, and “primary contract” shall be construed accordingly;

“public contracting authority” means—

- (a) a contracting entity within the meaning of the European Communities (Award of Contracts by Utility Undertakings) Regulations 2007 (S.I. No. 50 of 2007),
- (b) a contracting entity to which Directive 2004/17/EC¹ of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors applies, or
- (c) a contracting authority within the meaning of Directive 2004/18/EC² of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts;

“secondary contract” means a contract (other than a primary contract or a contract of employment) under which a party to the contract agrees to carry out works or provide services to which a primary contract applies on behalf of the primary contractor concerned or any other person.

Administrative cooperation by Commission and official bodies

- 34.** (1) The Commission shall, in so far as is consistent with the proper performance of its functions, endeavour to secure cooperation between the Commission and official bodies, and may enter into one or more than one arrangement (whether in the form of a memorandum of understanding or otherwise) with an official body or official bodies for the purposes of—
- (a) facilitating administrative cooperation between the Commission and the official bodies in the performance of their respective functions, in so far as they relate to the employment of persons,
 - (b) avoiding duplication of activities by the Commission and any of the official bodies, and
 - (c) sharing information relevant to the employment of persons.
- (2) The parties to an arrangement under this section may vary the terms of the arrangement.
- (3) An arrangement under this section, or any variation of such an arrangement, shall be in writing.
- (4) An arrangement under this section shall not operate to bind the Commission or an official body.
- (5) The Commission shall provide the Minister and any relevant Minister in relation to an official body concerned with a copy of each arrangement under this section and any variation thereof.
- (6) (a) An arrangement under this section shall not operate to require the Commission to provide information to any official body if the disclosure of that information by the Commission is prohibited by law.
- (b) An arrangement under this section shall not operate to require an official body to provide information to the Commission if the disclosure of that information by the official body is prohibited by law.

¹OJ No. L134 of 30.4.2004, p. 1

²OJ No. L134 of 30.4.2004, p. 114

- (7) In this section “relevant Minister” means, in relation to an official body, any Minister of the Government who performs functions in relation to that official body.

Administrative cooperation with foreign statutory bodies on law enforcement matters

35. (1) The Commission may, with the approval of the Minister, enter into an arrangement with a foreign statutory body whereby each party to the arrangement may—
- (a) furnish to the other party information in its possession that is required by that other party for the purposes of the performance by it of any of its functions, and
 - (b) provide such other assistance to the party as will facilitate the performance by that other party of any of its functions.
- (2) The Commission shall not furnish any information to a foreign statutory body pursuant to an arrangement to which this section applies unless it requires of, and obtains from, that body an undertaking in writing by the body that the body will comply with the terms specified in that requirement, being terms that correspond to the provisions of any enactment concerning the disclosure of that information by the Commission.
- (3) The Commission may give an undertaking to a foreign statutory body that it will comply with any terms specified in a requirement made of the Commission by the body to give such an undertaking where—
- (a) those terms correspond to the provisions of any law in force in the state in which the body is established, being provisions which concern the disclosure by the body of the information referred to in *paragraph (b)*, and
 - (b) compliance with the requirement is a condition imposed by the body for furnishing information in its possession to the Commission pursuant to an arrangement to which this section applies.
- (4) The Commission shall inform the Minister concerning every arrangement entered into under this section.
- (5) An arrangement under this section shall not operate to require the Commission to provide information to a foreign statutory body if the disclosure of that information by the Commission is prohibited by law.
- (6) In this section “foreign statutory body” means a person prescribed by the Minister, in whom functions in respect of the implementation or enforcement of the law of a state (other than the State) relating to the employment of persons are vested.

Fixed payment notices

36. (1) Where an inspector has reasonable grounds for believing that a person has committed a relevant offence, the inspector may give to the person a notice in writing (in this section referred to as a “fixed payment notice”) in the prescribed form stating that—
- (a) the person is alleged to have committed that offence,
 - (b) the person may during the period of 42 days beginning on the date of the notice make to the Commission at the address specified in the notice

a payment of such amount as may be prescribed, being an amount of not more than €2,000, accompanied by the notice,

(c) the person is not obliged to make the payment specified in the notice, and

(d) a prosecution of the person to whom the notice is given in respect of the alleged offence will not be instituted during the period of 42 days beginning on the date of the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

(2) Where a fixed payment notice is given under *subsection (1)* —

(a) the person to whom it applies may, during the period of 42 days beginning on the date of the notice, make to the Commission at the address specified in the notice the payment specified in the notice accompanied by the notice,

(b) the Commission may, upon receipt of the payment, issue a receipt for it and any payment so received shall not be recoverable by the person who made it, and

(c) a prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and if the payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(3) In proceedings for a relevant offence it shall be a defence for the defendant to prove that he or she has made a payment, in accordance with this section, pursuant to a fixed payment notice issued in respect of that offence.

(4) Moneys received pursuant to the giving of a fixed payment notice shall be paid into, or disposed of for the benefit of, the Exchequer in such a manner as the Minister determines.

(5) In this section “relevant offence” means an offence under—

(a) [section 11 of the Protection of Employment Act 1977](#),

[F10](#)[[F11](#)[(b) [sections 4\(4\), 4B\(8\), 4D\(2\), 4E\(3\) and 4F\(3\) of the Payment of Wages Act 1991](#),]

(c) [section 23 of the National Minimum Wage Act 2000](#), or

(d) [section 6B of the Terms of Employment \(Information\) Act 1994](#).]

Annotations

Amendments:

F10 Substituted and inserted (4.03.2019) by *Employment (Miscellaneous Provisions) Act 2018 (38/2018)*, s. 19(a), S.I. No. 69 of 2019.

F11 Substituted (27.10.2022) by *Payment of Wages (Amendment) (Tips and Gratuities) Act 2022 (23/2022)*, ss. 7, 10(2), S.I. No. 543 of 2022.

Editorial Notes:

E11 Power pursuant to section exercised (29.12.2023) by *Workplace Relations Act 2015 (Fixed Payment Notice) Regulations 2023* (S.I. No. 705 of 2023).

- E12** Previous affecting provision: power pursuant to section exercised (2.02.2017) by *Workplace Relations Act 2015 (Fixed Payment Notice) Regulations 2017* (S.I. No. 32 of 2017); revoked (29.12.2023) by *Workplace Relations Act 2015 (Fixed Payment Notice) Regulations 2023* (S.I. No. 705 of 2023), reg. 5(b).
- E13** Previous affecting provision: power pursuant to section exercised (1.10.2015) by *Workplace Relations Act 2015 (Fixed Payment Notice) Regulations 2015* (S.I. No. 419 of 2015); revoked (29.12.2023) by *Workplace Relations Act 2015 (Fixed Payment Notice) Regulations 2023* (S.I. No. 705 of 2023), reg. 5(a).

Prosecution of offence under relevant enactments

37. (1) The power vested in the Minister under any relevant enactment to bring and prosecute summary proceedings for an offence under that enactment is transferred to the Commission.

(2) References in any enactment or instrument under an enactment to the Minister in so far as they relate to a power transferred by this section shall be construed as references to the Commission.

F12[(3) This section shall not apply in relation to an offence committed, or alleged to have been committed, before the commencement of this section.]

Annotations

Amendments:

- F12** Inserted (8.02.2016) by *Credit Guarantee (Amendment) Act 2016* (1/2016), s. 19(a), commenced on enactment.

PART 4

COMPLAINTS AND DISPUTES

Annotations

Modifications (not altering text):

- C5** Application of Part modified (1.01.2023) by *Sick Leave Act 2022* (24/2022), s. 14, S.I. No. 606 of 2022.

Decision under section 41 or 44 of Act of 2015

14. (1) Where an employee believes that his or her employer has failed to comply with the provisions of this Act, the employee may make a complaint in accordance with Part 4 of the Act of 2015.

(2) A decision of an adjudication officer under section 41 of the Act of 2015 in relation to a complaint or dispute between an employee and an employer concerning the employee's entitlement under this Act may include an award of compensation (in favour of the employee concerned to be paid by the employer concerned) of such amount, as the adjudication officer 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.

(3) A decision of the Labour Court under section 44 of the Act of 2015 on appeal from a decision of an adjudication officer referred to in subsection (2) may include an award of compensation (in favour of the employee concerned to be paid by the employer concerned) of such amount, as the Labour Court 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.

- C6** Application of Part modified (10.03.2022) by *Maritime Area Planning Act 2021 (50/2021)*, s. 153 and sch. 9, S.I. No. 112 of 2022.

Protection for persons reporting alleged relevant ground, etc.

153. ...

(5) Subject to *subsection (6)*, an employer shall not penalise or threaten penalisation against an employee, or cause or permit any other person to penalise or threaten penalisation against an employee, for— ...

(6) *Subsection (5)* shall not apply to a communication, or giving of information, that is a protected disclosure within the meaning of the Protected Disclosures Act 2014.

(7) *Schedule 9* shall have effect for the purposes of *subsection (5)*.

...

SCHEDULE 9

Redress for Contravention of section 153(5)

Section 153

Complaints to rights commissioner

1. (1) In proceedings under Part 4 of the Workplace Relations Act 2015 in respect of a complaint of a contravention of *section 153 (5)*, it shall not be necessary for the employee to show that he or she has at least one year's continuous service with the employer concerned.
- (2) Where a complaint under *subparagraph (1)* is made, the rights commissioner shall—
 - (a) give the parties an opportunity to be heard by the commissioner and to present to the commissioner any evidence relevant to the complaint,
 - (b) give a decision in writing in relation to it, and
 - (c) notify the parties of that decision.
- (3) 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 153 (5)* 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 to take a specified course of action, which may include, in a case where the penalisation constitutes a dismissal, reinstatement or reengagement, or
 - (c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances of the case, but not exceeding 104 weeks' remuneration in respect of the employee's employment calculated in accordance with regulations made under section 17 of the Unfair Dismissals Act 1977.
- (4) Subject to subparagraph (10), a rights commissioner shall not entertain a complaint under this paragraph if it is presented to him or her after the expiration of the period of 6 months beginning on the date of the contravention to which the complaint relates.
- (5) Notwithstanding subparagraph (4), a rights commissioner may entertain a complaint under this paragraph presented to him or her after the expiration of the period referred to in that subparagraph (but not later than 6 months after such expiration) if he or she is satisfied that the failure to present the complaint within that period was due to exceptional circumstances.
- (6) A complaint shall be presented by giving notice of it in writing to a rights commissioner and the notice shall contain such particulars and be in such form as may be specified from time to time by the Minister for Enterprise, Trade and Employment.

- (7) A copy of a notice under subparagraph (6) shall be given to the other party concerned by the rights commissioner.
- (8) Proceedings under this paragraph before a rights commissioner shall be conducted otherwise than in public.
- (9) A rights commissioner shall give the Labour Court a copy of each decision given by the commissioner under subparagraph (2).
- (10) Where a delay by an employee in presenting a complaint under this paragraph is due to any misrepresentation by the employer, subparagraph (4) shall be construed as if the reference to the date of the contravention were a reference to the date on which the misrepresentation came to the employee's notice.

Appeals from decisions of rights commissioner

- 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(3), shall affirm, vary or set aside the decision of the adjudication officer.

Paragraphs 1 and 2: supplemental provisions

- 3. In proceedings under Part 4 of the Workplace Relations Act 2015 in relation to a complaint that section 153 (5) has been contravened, it shall be presumed, until the contrary is proved, that the employee concerned acted reasonably and in good faith in forming the opinion and making the communication concerned.

- (1) (a) If penalisation of an employee, in contravention of section 153 (5), constitutes a dismissal of the employee as referred to in paragraph (a) of the definition of "penalisation" in section 153 (10), the employee (or, in the case of an employee who has not reached the age of 18 years, the employee's parent or guardian with the consent of the employee) may institute proceedings in respect of that dismissal under the Unfair Dismissals Acts 1977 to 2015 or to recover damages at common law for wrongful dismissal and, if the employee or his or her parent or guardian, as the case may be, does so, a complaint in relation to such dismissal may not be presented to an adjudication officer under section 41 of the Workplace Relations Act 2015.

- (b) If an employee (or, in the case of an employee who has not reached the age of 18 years, the employee's parent or guardian with the consent of the employee) presents a complaint to an adjudication officer under section 41 of the Workplace Relations Act 2015 in respect of a dismissal referred to in clause (a), the employee or his or her parent or guardian, as the case may be, may not institute proceedings in respect of that dismissal under the Unfair Dismissals Acts 1977 to 2015 or to recover damages at common law for wrongful dismissal.

- C7** Application of Part restricted by *Terms of Employment (Information) Act 1994* (5/1994), s. 7(1A) as inserted (4.03.2019) by *Employment (Miscellaneous Provisions) Act 2018* (38/2018), s. 12(a), S.I. No. 69 of 2019.

Complaints by employees in relation to contraventions of Act by their employers.

7. — ...

[(1A) An employee shall not be entitled to present a complaint under Part 4 of the Workplace Relations Act 2015 in respect of a contravention of section 3(1A)—

- (a) unless the employee has been in the continuous service of the employer for more than 1 month, or
- (b) if the employer concerned has been prosecuted for an offence under this Act in relation to the same contravention.]

- C8** References to "employee" and "employer" construed (27.07.2016) by *European Union (Posting of Workers) Regulations 2016* (S.I. No. 412 of 2016), reg. 9(3)(a).

Presentation of complaint under Act of 2015

9. — ...

(3) References to employee and employer in—

(a) Part 4 (other than section 41(1) and (2)) of the Act of 2015,

...

shall, in so far as they relate to a complaint by a posted worker against a contractor under this Regulation, be construed as references to the posted worker and contractor, respectively.

Editorial Notes:

- E14** Rebuttable presumption in relation to proceedings under Part that employee acted reasonably and in good faith in forming the opinion and making the communication concerned in relation to a complaint of a failure to comply with *Organisation of Working Time Act 1997*, s. 26(1) provided by *Organisation of Working Time Act 1997 (20/1997)*, s. 26(3) as substituted (4.03.2019) by *Employment (Miscellaneous Provisions) Act 2018 (38/2018)*, s. 17, S.I. No. 69 of 2019.
- E15** Rebuttable presumption in relation to proceedings under Part that employee acted reasonably and in good faith in forming the opinion and making the communication concerned in relation to a complaint under *Terms of Employment (Information) Act 1994*, s. 6C(1) provided by *Terms of Employment (Information) Act 1994 (5/1994)*, s. 6C(3) as inserted (4.03.2019) by *Employment (Miscellaneous Provisions) Act 2018 (38/2018)*, s. 11, S.I. No. 69 of 2019.
- E16** Rebuttable presumption in relation to proceedings under Part that there has been discrimination or indirect discrimination in relation to an employee provided (1.08.2016) by *Paternity Leave and Benefit Act 2016 (11/2016)*, s. 29(1) and (2), S.I. No. 435 of 2016.
- E17** Presumption in relation to proceedings under Part that the worker concerned has acted reasonably and in good faith in forming the opinion and making the communication concerned provided (1.08.2015) by *Industrial Relations (Amendment) Act 2015 (27/2015)*, s. 20(3), S.I. No. 329 of 2015.

Mediation officers

38. (1) The Director General may, with the consent of the Minister appoint—

(a) such and so many of the members of staff of the Commission, and

(b) such and so many other persons,

as he or she considers appropriate to be a mediation officer or mediation officers for the purposes of this Act.

(2) An appointment under this section shall cease—

(a) if the Director General revokes the appointment in accordance with this section,

(b) in the case of a person appointed to be a mediation officer who is a member of the staff of the Commission, if the person concerned ceases to be a member of the staff of the Commission, or

(c) in the case of an appointment that is for a fixed period, on the expiry of that period.

(3) The Director General may revoke an appointment under this section.

(4) A mediation officer shall be independent in the performance of his or her functions.

Case resolution without reference to adjudication officer

39. (1) (a) Subject to *paragraph (b)*, the Director General may, where he or she is of the opinion that a complaint or dispute is capable of being

resolved without being referred to an adjudication officer under *section 41*, refer the complaint or dispute for resolution to a mediation officer.

- (b) The Director General shall not refer a complaint or dispute for resolution to a mediation officer if either of the parties to the complaint or dispute objects to its being so referred.
- (2) Where a complaint or dispute is referred for resolution under this section the mediation officer concerned may—
- (a) convene a meeting (in this section referred to as a “mediation conference”) in accordance with *subsection (3)* for the purpose of resolving the complaint or dispute, or
- (b) employ such other means as he or she considers appropriate for the purpose of resolving the complaint or dispute.
- (3) A mediation conference shall—
- (a) take place at a time and place determined by the mediation officer,
- (b) be attended by the mediation officer and the parties to the complaint concerned, and
- (c) be conducted otherwise than in public.
- (4) Where a complaint or dispute referred to a mediation officer under this section is resolved, whether by mediation or otherwise—
- (a) the mediation officer concerned shall record in writing the terms of the resolution,
- (b) each of the parties to the complaint or dispute concerned shall, if satisfied that it accurately represents the terms of the resolution, sign the record thereof, and
- (c) the mediation officer concerned shall send the record as so signed to the Director General and give a copy thereof to each of the parties to the complaint or dispute, as the case may be.
- (5) (a) Where a mediation officer has attempted (whether by convening a mediation conference or other means) to resolve a complaint or dispute referred to him or her under this section and such conference or the employment of those other means has not resulted in a resolution of the complaint or dispute, the mediation officer shall notify the parties to the complaint or dispute and the Director General in writing of that fact.
- (b) The Director General shall, upon receiving a notification under *paragraph (a)*, refer the complaint or dispute concerned for adjudication by an adjudication officer under *section 41*.
- (6) The terms of a resolution of a complaint or dispute recorded in writing and signed by the parties to the complaint or dispute in accordance with *subsection (4)* shall be binding on the parties and if either party contravenes any such term, the contravention shall be actionable in any court of competent jurisdiction.
- (7) The terms of a resolution referred to in *subsection (4)* shall not be disclosed by a mediation officer or by either party to the complaint or dispute concerned in any proceedings before a court (other than proceedings in respect of the contravention of the terms of the resolution), or otherwise.
- (8) All communications (including communications during a mediation conference) by a mediation officer with the parties to a complaint or dispute

referred for resolution under this section to him or her and all records and notes, including records and notes relating to a mediation conference held for the purposes of resolving any matter to which the complaint or dispute concerned relates, shall be confidential and shall not be disclosed in any proceedings before a court (other than proceedings in respect of a contravention of the terms of a resolution referred to in *subsection (4)*), or otherwise.

(9) In this section—

“complaint” means a complaint presented to the Director General under *section 41*; and

“dispute” means a dispute referred to the Director General under *section 41*.

Annotations

Modifications (not altering text):

C9 Application of section modified by *Unfair Dismissals Act 1977* (10/1977), s. 8(1)(b); as substituted (1.10.2015) by *National Minimum Wage (Low Pay Commission) Act 2015* (22/2015), s. 14(1)(a), commenced as per subs. (4) by S.I. No. 410 of 2015.

[8. (1) (a) A claim by an employee against an employer for redress under this Act for unfair dismissal may be referred by the employee to the Director General and, where such a claim is so referred, the Director General shall, subject to section 39 of the Act of 2015, refer the claim to an adjudication officer for adjudication by that officer.

(b) Section 39 of the Act of 2015 shall apply to a claim for redress referred to the Director General under paragraph (a) as it applies to a complaint presented or dispute referred to the Director General under section 41 of that Act, subject to the modification that references, in the said section 39, to a complaint or dispute shall be construed as references to a claim for redress so referred.

...]

Adjudication officers

40. (1) Subject to *subsection (2)*, the Minister may appoint—

(a) such and so many of the members of the staff of the Commission, and

(b) such and so many other persons,

as he or she considers appropriate to be an adjudication officer or adjudication officers for the purposes of this Act.

F13[(1A) A person shall not be eligible for appointment under *subsection (1)* to be an adjudication officer where one or more of *subparagraphs (i)* to *(iv)* of *subsection (6)(d)* apply to the person.]

(2) Subject to *subsection (4)* a person shall not be appointed under *subsection (1)(b)* to be an adjudication officer unless that person has been selected for the purpose of his or her being the subject of such an appointment following a competition conducted for that purpose.

(3) (a) Any person who, immediately before the commencement of this Part, was a rights commissioner appointed under subsection (1) of section 13 of the Act of 1969 shall, upon and from such commencement, stand appointed to be an adjudication officer for the purposes of this Act.

(b) Any person who, immediately before the commencement of this Part, was an equality officer appointed under subsection (4) (inserted by

section 30(d) of the Equality Act 2004) of section 75 of the Act of 1998 shall, upon and from such commencement, stand appointed to be an adjudication officer for the purposes of this Act.

(4) *Subsection (2)* shall not apply in respect of the reappointment to be an adjudication officer of a person—

(a) appointed to be an adjudication officer in accordance with *paragraph (b) of subsection (1)* for a fixed term, or

(b) who, upon the commencement of this Part, stood appointed to be an adjudication officer for the purposes of this Act.

(5) An appointment under *subsection (1)* shall cease—

(a) F14[if the Government] revokes the appointment in accordance with this section,

(b) in the case of a person appointed to be an adjudication officer who is a member of the staff of the Commission, if the person concerned ceases to be a member of the F14[staff of the Commission,]

(c) in the case of an appointment that is for a fixed period, on the F14[expiry of that period, or]

F15[(d) if the adjudication officer concerned—

(i) is convicted on indictment of an offence,

(ii) is convicted of an offence involving fraud or dishonesty,

(iii) has a declaration made against him or her under section 819 of the Companies Act 2014 or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or

(iv) is subject to, or is deemed to be subject to, a disqualification order within the meaning of Chapter 4 of Part 14 of the Companies Act 2014 whether by virtue of that Chapter or of any other provision of that Act.]

(6) An appointment under *subsection (3)* shall cease—

(a) F14[if the Government] revokes the appointment in accordance with this section,

(b) in the case of a person standing appointed to be an adjudication officer who is a member of the staff of the Commission, if the person concerned ceases to be a member of the staff of the Commission,

(c) in the case of a person who, immediately before the commencement of this Part was—

(i) a rights commissioner appointed for a fixed period, or

(ii) an equality officer appointed for a fixed period,

on the day on which the person's appointment as rights commissioner or equality officer, as the case may be, would, but for this Part, F14[have ceased, or]

F15[(d) if the adjudication officer concerned—

(i) is convicted on indictment of an offence,

(ii) is convicted of an offence involving fraud or dishonesty,

(iii) has a declaration made against him or her under section 819 of the Companies Act 2014 or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or

(iv) is subject to, or is deemed to be subject to, a disqualification order within the meaning of Chapter 4 of Part 14 of the Companies Act 2014 whether by virtue of that Chapter or of any other provision of that Act.]

F14[(7) (a) The Government may revoke an appointment under this section if the Government is satisfied that one or more of the grounds specified in *paragraph (b)* apply to the adjudication officer.

(b) The grounds referred to in *paragraph (a)* are as follows, namely that an adjudication officer:

(i) has become incapable through ill-health of performing his or her functions;

(ii) has engaged in serious misconduct;

(iii) has failed without reasonable cause, in the opinion of the Government, to perform his or her functions for a continuous period of at least 3 months beginning not earlier than 6 months before the date of the giving of the notice under *paragraph (c)*;

(iv) has contravened to a material extent a provision of the Ethics in Public Office Acts 1995 and 2001 that, by virtue of a regulation under section 3 of the Ethics in Public Office Act 1995, applies to him or her.

(c) Where the Government proposes to revoke the appointment of an adjudication officer under *paragraph (a)*, they shall give notice in writing to the adjudication officer concerned of the proposal.

(d) A notice under *paragraph (c)* shall include a statement—

(i) of the reasons for the proposed revocation of appointment,

(ii) that the adjudication officer may, within a period of 30 working days from the giving of the notice or such longer period as the Government may, having regard to the requirements of natural justice, specify in the notice, make representations to the Government in such form and manner as may be specified by the Government, as to why the adjudication officer should not have his or her appointment revoked, and

(iii) that where no representations are received within the period referred to in *subparagraph (ii)* or the period specified in the notice, as the case may be, the Government shall, without further notice to the adjudication officer, proceed with the revocation of the appointment of the adjudication officer in accordance with this subsection.

(e) In considering whether to revoke the appointment of an adjudication officer under *paragraph (a)*, the Government shall take into account—

(i) any representations made by the adjudication officer under *paragraph (d)(ii)* within the period referred to in that paragraph or the period specified in the notice, as the case may be, and

(ii) any other matter the Government considers relevant for the purpose of their decision.

(f) Where, having taken into account the matters referred to in *paragraph (e)*, the Government decide to revoke the appointment of an adjudication officer, they shall give notice in writing to the adjudication officer of the decision and the reasons for that decision.]

(8) An adjudication officer shall be independent in the performance of his or her functions.

(9) A reference in any enactment to a rights commissioner shall be construed as including a reference to an adjudication officer.

(10) F16[...]

Annotations

Amendments:

- F13** Inserted (29.07.2021) by *Workplace Relations (Miscellaneous Provisions) Act 2021 (29/2021)*, s. 3(a), S.I. No. 397 of 2021.
- F14** Substituted (29.07.2021) by *Workplace Relations (Miscellaneous Provisions) Act 2021 (29/2021)*, s. 3(b)(i)-(iii), (c)(i), (ii), (d), S.I. No. 397 of 2021.
- F15** Inserted (29.07.2021) by *Workplace Relations (Miscellaneous Provisions) Act 2021 (29/2021)*, s. 3(b)(iv), (c)(iii), S.I. No. 397 of 2021.
- F16** Deleted (1.10.2015) by *National Minimum Wage (Low Pay Commission) Act 2015 (22/2015)*, s. 20(1)(f), S.I. No. 411 of 2015.

Presentation of complaints and referral of disputes

41. (1) An employee (in this Act referred to as a “complainant”) or, where the employee so consents, a specified person may present a complaint to the Director General that the employee’s employer has contravened a provision specified in *Part 1 or 2 of Schedule 5* in relation to the employee and, where a complaint is so presented, the Director General shall, subject to *section 39*, refer the complaint for adjudication by an adjudication officer.

(2) An employee or an employer (in this Act also referred to as a “complainant”) or, where the complainant so consents, a specified person, may refer a dispute as to the entitlements of the employee under an enactment specified in *Part 3 of Schedule 5* to the Director General, and, where a dispute is so referred, the Director General shall, subject to *section 39*, refer the dispute for adjudication by an adjudication officer.

(3) (a) An agency worker (in this Act also referred to as a “complainant”) within the meaning of the Act of 2012 or any trade union of which the agency worker is a member, with the consent of the agency worker, may present a complaint to the Director General that the hirer (within the meaning of that Act) of the agency worker has contravened *section 11, 14 or 24* of that Act in relation to the agency worker, and where a complaint is so presented the Director General shall, subject to *section 39*, refer the complaint for adjudication by an adjudication officer.

(b) References to employee and employer in the subsequent provisions of this Part shall, in so far as they relate to a complaint to which this subsection applies, be construed as references to agency worker within the meaning of the Act of 2012 and hirer within the meaning of that Act respectively.

F17[(3A) An employer or a trade union representative of an employer affected by an agreement specified in *paragraph 29 of Part 1 of Schedule 5* may

present a complaint to the Director General that an employer affected by the agreement has contravened the agreement and, where a complaint is so presented, the Director General shall, subject to *section 39*, refer the complaint for adjudication by an adjudication officer.]

- (4) The Director General shall refer for adjudication by an adjudication officer a complaint or dispute referred to him or her under *paragraph (b)* of *subsection (3)* of *section 42* by the Labour Court.
- (5) (a) An adjudication officer to whom a complaint or dispute is referred under this section shall—
- (i) inquire into the complaint or dispute,
 - (ii) give the parties to the complaint or dispute an opportunity to—
 - (I) be heard by the adjudication officer, and
 - (II) present to the adjudication officer any evidence relevant to the complaint or dispute,
 - (iii) make a decision in relation to the complaint or dispute in accordance with the relevant redress provision, and
 - (iv) give the parties to the complaint or dispute a copy of that decision in writing.
- (b) In this subsection “relevant redress provision” means—
- (i) in relation to a complaint under this section of a contravention of a provision of an enactment specified in *Part 1* or *2* of *Schedule 5* the provision of that enactment specified in *Part 1* of *Schedule 6*,
 - (ii) in relation to a dispute as to the entitlements of an employee under an enactment specified in *Part 3* of *Schedule 5*, the provision of that enactment specified in *Part 1* of *Schedule 6*, and
 - (iii) in relation to a complaint under *subsection (3)*, paragraph 1 of *Schedule 2* to the Act of 2012.
- (6) Subject to *subsection (8)*, an adjudication officer shall not entertain a complaint referred to him or her under this section if it has been presented to the Director General after the expiration of the period of 6 months beginning on the date of the contravention to which the complaint relates.
- (7) Subject to *subsection (8)*, an adjudication officer shall not entertain a dispute referred to him or her under this section if—
- (a) in the case of a dispute relating to the entitlement of an adopting parent under the Act of 1995, it has been referred to the Director General after the expiration of the period of 6 months beginning on—
 - (i) the day of placement (within the meaning of that Act) or, in circumstances where no placement takes place, the date on which the employer receives the first notification of the adopting parent’s intention to take leave under that Act (whether adoptive leave or additional adoptive leave, within the meaning of that Act), or
 - F18[(ii) in the case of a surviving parent (within the meaning of that Act), the date on which the qualifying adopter (within the meaning of that Act) who was the spouse, civil partner or cohabitant, as the case may be, of the surviving parent died,]
 - (b) in the case of a dispute relating to the entitlement of an employee under the *Carer’s Leave Act 2001*, it has been referred to the Director

General after the expiration of the period of 6 months beginning on the date of the contravention concerned,

- (c) in the case of a dispute relating to the entitlement of an employee under the Act of 1994, it has been referred to the Director General after the expiration of the period of 6 months beginning on the date on which the employer is informed—
 - (i) that the employee is pregnant, has recently given birth or is breastfeeding,
 - (ii) in the case of an employee who is the expectant father of a child, that the expectant mother of the child is pregnant, or
 - (iii) in the case of an employee who is the F28[father or other parent] of a child who has been born, that the child’s mother has died,
- (d) in the case of a dispute relating to the entitlement of an employee under the National Minimum Wage Act 2000, it has been referred to the Director General after the expiration of the period of 6 months beginning on—
 - (i) the date on which the employee obtains a statement of his or her average hourly rate of pay in respect of the relevant pay reference period in accordance with section 23 of that Act,
 - (ii) in circumstances where that statement is not provided having been requested by the employee to be provided to him or her, the day after the date of expiration of the time within which that statement was required to be provided by the employer in accordance with that section, or
 - (iii) in the case of a dispute to which section 25 of that Act applies, the date on which the employee’s hours of work were reduced or alleged to have been reduced, F19[...]
- (e) in the case of a dispute relating to the entitlement of an employee under the Parental Leave Act 1998, 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 F20[the dispute,]
- F22[(f) in the case of a dispute relating to the entitlement of an employee under the Paternity Leave and Benefit Act 2016, it has been referred to the Director General after the expiration of the period of 6 months beginning on—
 - (i) in the case of an employee to whom *paragraph (a)* of the definition of relevant parent within the meaning of that Act applies, the day of placement within the meaning of that Act or, in circumstances where no placement takes place, the date on which the employer receives the first notification of the relevant parent’s intention to take leave under that Act,
 - (ii) in the case of an employee to whom *paragraph (b)* of the definition of relevant parent within the meaning of that Act applies, the date on which the employer is informed that the expectant mother of the child concerned is pregnant, or
 - (iii) in the case of a surviving parent within the meaning of that Act, the date on which the employer is informed that F18[the qualifying adopter] within the meaning of that Act or mother of the child, as the case may be, F21[has died,]]

F23[(g) in the case of a dispute relating to the entitlement of an employee under the Parent's Leave and Benefit Act 2019, 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 F28[the occurrence of the dispute,]]

F24[(h) in the case of a dispute relating to the entitlement of an employee under the Sick Leave 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 F28[the occurrence of the dispute, and]]

F29[(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 2023, 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.]

(8) An adjudication officer may entertain a complaint or dispute to which this section applies presented or referred to the Director General after the expiration of the period referred to in *subsection (6) or (7)* (but not later than 6 months after such expiration), as the case may be, if he or she is satisfied that the failure to present the complaint or refer the dispute within that period was due to reasonable cause.

(9) (a) A complaint to which this section applies shall be presented to the Director General under *subsection (1)* by giving notice thereof in writing to the Director General and the notice shall contain such particulars and be in such form as may be specified from time to time by the Minister.

(b) A dispute to which this section applies shall be referred to the Director General under *subsection (2)* by giving notice thereof in writing to the Director General and the notice shall contain such particulars and be in such form as may be specified from time to time by the Minister.

(c) The Director General shall cause a copy of the notice under *paragraph (a) or (b)* to be given to the other party to the complaint or dispute concerned.

(10) An adjudication officer may, by giving notice in that behalf in writing to any person, require such person to attend at such time and place as is specified in the notice to give evidence in proceedings under this section or to produce to the adjudication officer any documents in his or her possession, custody or control that relate to any matter to which those proceedings relate.

(11) A person to whom a notice under *subsection (10)* is given shall be entitled to the same immunities and privileges as those to which he or she would be entitled if he or she were a witness in proceedings before the High Court.

(12) A person to whom a notice under *subsection (10)* has been given who—

(a) fails or refuses to comply with the notice, or

(b) refuses to give evidence in proceedings to which the notice relates or fails or refuses to produce any document to which the notice relates,

shall be guilty of an offence and shall be liable, on summary conviction, to a class E fine.

F25[(12A) (a) An adjudication officer may require a person giving evidence in proceedings under this section to give such evidence on oath or

affirmation and, for that purpose, cause to be administered an oath or affirmation to such person.

(b) A person who, in or for the purpose of proceedings under this section, gives a statement material in the proceedings while lawfully sworn as a witness that is false and that he or she knows to be false shall be guilty of an offence and shall be liable—

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

(ii) on conviction on indictment, to a fine not exceeding €100,000 or imprisonment for a term not exceeding 10 years, or both.]

F26[(13) Proceedings under this section shall be conducted in public unless the adjudication officer, of his or her own motion or upon the application by or on behalf of a party to the proceedings, determines that, due to the existence of special circumstances, the proceedings (or part thereof) should be conducted otherwise than in public.]

F26[(14) (a) Subject to *paragraph (b)*, the Commission shall publish on the internet in such form and in such manner as it considers appropriate every decision of an adjudication officer under this section.

(b) In publishing a decision under *paragraph (a)*, an adjudication officer may determine that, due to the existence of special circumstances, information that would identify the parties in relation to whom the decision was made should not be published by the Commission.]

(15) (a) In proceedings before an adjudication officer in respect of a complaint presented, or dispute referred, under this Part, the complainant or respondent to the complaint or dispute (including a complainant or such a respondent to whom *paragraph (b)* applies) may be accompanied and represented by—

(i) a trade union official within the meaning of section 11 of the Act of 1990,

(ii) an official of a body that, in the opinion of the adjudication officer, represents the interests of employers,

(iii) a practising barrister or practising solicitor, or

(iv) any other person, if the adjudication officer so permits.

(b) In proceedings before an adjudication officer in respect of a complaint presented, or dispute referred, under this Part, the complainant or respondent to the complaint or dispute may, if he or she has not yet attained the age of 18 years, be accompanied and represented by his or her parent or guardian.

(16) An adjudication officer may, by notice in writing given to the parties to a complaint or dispute to which this section applies, correct any mistake (including any omission) of an administrative or clerical nature in a decision under this section in relation to that complaint or dispute.

F27[(17) The Minister may, by regulations, make provision in relation to any matter relating to—

(a) the presentation of a complaint, referral of a dispute or conduct of proceedings under this section, or

(b) the making of a claim for redress or conduct of proceedings under the Act of 1977,

that he or she considers appropriate.]

(18) In this section “specified person” means—

- (a) in relation to a complaint, a person belonging to a class of persons who, immediately before the passing of this Act, would have been entitled to present a complaint on behalf of the complainant concerned under the employment enactment to which the first-mentioned complaint relates, and
- (b) in relation to a dispute, a person belonging to a class of persons who, immediately before the passing of this Act, would have been entitled to refer a dispute on behalf of the complainant concerned under the employment enactment to which the first-mentioned dispute relates.

F17[(19) In this section, references to specified person for the purposes of a complaint in relation to a provision specified in—

- (a) paragraph 29 or 30 of Part 1 of Schedule 5, or
- (b) paragraph 11 of Part 2 of Schedule 5,

shall be construed as references to a trade union representative of the person entitled to present the complaint.]

Annotations

Amendments:

- F17** Inserted (1.08.2015) by *Industrial Relations (Amendment) Act 2015* (27/2015), s. 24(b), S.I. No. 329 of 2015.
- F18** Substituted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 19(a), (b), S.I. No. 148 of 2021.
- F19** Deleted (1.08.2016) by *Paternity Leave and Benefit Act 2016* (11/2016), s. 37(a)(i), S.I. No. 435 of 2016.
- F20** Substituted (1.11.2019) by *Parent’s Leave and Benefit Act 2019* (35/2019), s. 38(a)(i), S.I. No. 629 of 2019.
- F21** Substituted (1.01.2023) by *Sick Leave Act 2022* (24/2022), s. 15(a)(i), (ii), S.I. No. 606 of 2022.
- F22** Inserted (1.08.2016) by *Paternity Leave and Benefit Act 2016* (11/2016), s. 37(a)(iii), S.I. No. 435 of 2016.
- F23** Inserted (1.11.2019) by *Parent’s Leave and Benefit Act 2019* (35/2019), s. 38(a)(iii), S.I. No. 629 of 2019.
- F24** Inserted (1.01.2023) by *Sick Leave Act 2022* (24/2022), s. 15(a)(iii), S.I. No. 606 of 2022.
- F25** Inserted (29.07.2021) by *Workplace Relations (Miscellaneous Provisions) Act 2021* (29/2021), s. 4(a), S.I. No. 397 of 2021.
- F26** Substituted (29.07.2021) by *Workplace Relations (Miscellaneous Provisions) Act 2021* (29/2021), s. 4(b), (c), S.I. No. 397 of 2021.
- F27** Substituted (1.10.2015) by *National Minimum Wage (Low Pay Commission) Act 2015* (22/2015), s. 20(1)(g), S.I. No. 411 of 2015.
- F28** Substituted (6.03.2024) by *Work Life Balance and Miscellaneous Provisions Act 2023* (8/2023), s. 40(b)(i)-(iii), S.I. No. 90 of 2024.
- F29** Inserted (6.03.2024) by *Work Life Balance and Miscellaneous Provisions Act 2023* (8/2023), s. 40(b)(iv), S.I. No. 90 of 2024.

Modifications (not altering text):

C10 Section applied with modifications (6.03.2024) by *Work Life Balance and Miscellaneous Provisions Act 2023 (8/2023)*, s. 27, S.I. No. 90 of 2024.

Decision under section 41 or 44 of Act of 2015

- 27.** (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 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.

C11 Section applied with modifications (6.03.2024) by *Parental Leave Act 1998 (30/1998)*, s. 21A; as inserted by *Work Life Balance and Miscellaneous Provisions Act 2023 (8/2023)*, s. 13, S.I. No. 91 of 2024.

Decision under section 41 or 44 of Act of 2015 in relation to dispute under Part IIA

- 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(3)*, 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)(b) 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 under *section 13C(1)(a)* of the employee's request,
 - (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.]

C12 Application of section modified by *Sick Leave Act 2022 (24/2022)*, s. 14(2), S.I. No. 606 of 2022.

Decision under section 41 or 44 of Act of 2015

- 14.** (1) Where an employee believes that his or her employer has failed to comply with the provisions of this Act, the employee may make a complaint in accordance with Part 4 of the Act of 2015.
- (2) A decision of an adjudication officer under section 41 of the Act of 2015 in relation to a complaint or dispute between an employee and an employer concerning the employee's entitlement under this Act may include an award of compensation (in favour of the employee concerned to be paid by the employer concerned) of such amount, as the adjudication officer 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.

...

C13 Part applied with modifications (10.03.2022) by *Maritime Area Planning Act 2021 (50/2021)*, s. 153 and sch. 9, S.I. No. 112 of 2022.

Protection for persons reporting alleged relevant ground, etc.

153. ...

- (5) Subject to *subsection (6)*, an employer shall not penalise or threaten penalisation against an employee, or cause or permit any other person to penalise or threaten penalisation against an employee, for— ...
- (6) *Subsection (5)* shall not apply to a communication, or giving of information, that is a protected disclosure within the meaning of the Protected Disclosures Act 2014.
- (7) *Schedule 9* shall have effect for the purposes of *subsection (5)*.

...

SCHEDULE 9

Redress for Contravention of section 153(5)

Section 153

Complaints to rights commissioner

1. (1) In proceedings under Part 4 of the Workplace Relations Act 2015 in respect of a complaint of a contravention of *section 153 (5)*, it shall not be necessary for the employee to show that he or she has at least one year's continuous service with the employer concerned.
- (2) Where a complaint under *subparagraph (1)* is made, the rights commissioner shall—
 - (a) give the parties an opportunity to be heard by the commissioner and to present to the commissioner any evidence relevant to the complaint,
 - (b) give a decision in writing in relation to it, and
 - (c) notify the parties of that decision.
- (3) 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 153 (5)* 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 to take a specified course of action, which may include, in a case where the penalisation constitutes a dismissal, reinstatement or reengagement, or
 - (c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances of the case, but not exceeding 104 weeks' remuneration in respect of the employee's employment calculated in accordance with regulations made under section 17 of the Unfair Dismissals Act 1977.
- (4) Subject to *subparagraph (10)*, a rights commissioner shall not entertain a complaint under this paragraph if it is presented to him or her after the expiration of the period of 6 months beginning on the date of the contravention to which the complaint relates.
- (5) Notwithstanding *subparagraph (4)*, a rights commissioner may entertain a complaint under this paragraph presented to him or her after the expiration of the period referred to in that subparagraph (but not later than 6 months after such expiration) if he or she is satisfied that the failure to present the complaint within that period was due to exceptional circumstances.
- (6) A complaint shall be presented by giving notice of it in writing to a rights commissioner and the notice shall contain such particulars and be in such form as may be specified from time to time by the Minister for Enterprise, Trade and Employment.
- (7) A copy of a notice under *subparagraph (6)* shall be given to the other party concerned by the rights commissioner.
- (8) Proceedings under this paragraph before a rights commissioner shall be conducted otherwise than in public.
- (9) A rights commissioner shall give the Labour Court a copy of each decision given by the commissioner under *subparagraph (2)*.
- (10) Where a delay by an employee in presenting a complaint under this paragraph is due to any misrepresentation by the employer, *subparagraph (4)* shall be construed as if the reference to the date of the contravention were a reference to the date on which the misrepresentation came to the employee's notice.

Appeals from decisions of rights commissioner

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(3)*, shall affirm, vary or set aside the decision of the adjudication officer.

Paragraphs 1 and 2: supplemental provisions

3. In proceedings under Part 4 of the Workplace Relations Act 2015 in relation to a complaint that *section 153 (5)* has been contravened, it shall be presumed, until the contrary is proved, that the employee concerned acted reasonably and in good faith in forming the opinion and making the communication concerned.

(1) (a) If penalisation of an employee, in contravention of *section 153 (5)*, constitutes a dismissal of the employee as referred to in paragraph (a) of the definition of “penalisation” in *section 153 (10)*, the employee (or, in the case of an employee who has not reached the age of 18 years, the employee’s parent or guardian with the consent of the employee) may institute proceedings in respect of that dismissal under the Unfair Dismissals Acts 1977 to 2015 or to recover damages at common law for wrongful dismissal and, if the employee or his or her parent or guardian, as the case may be, does so, a complaint in relation to such dismissal may not be presented to an adjudication officer under section 41 of the Workplace Relations Act 2015.

(b) If an employee (or, in the case of an employee who has not reached the age of 18 years, the employee’s parent or guardian with the consent of the employee) presents a complaint to an adjudication officer under section 41 of the Workplace Relations Act 2015 in respect of a dismissal referred to in clause (a), the employee or his or her parent or guardian, as the case may be, may not institute proceedings in respect of that dismissal under the Unfair Dismissals Acts 1977 to 2015 or to recover damages at common law for wrongful dismissal.

C14 Section applied with modifications by *Organisation of Working Time Act 1997 (20/1997)*, s. 18A(9) as inserted (4.03.2019) by *Employment (Miscellaneous Provisions) Act 2018 (38/2018)*, s. 16, S.I. No. 69 of 2019.

Banded hours

[18A. ...

(9) A decision of an adjudication officer under section 41 of the Workplace Relations Act 2015 in relation to a complaint of a failure to comply with this section 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, and
- (b) where the decision is that the complaint was well founded, require the employer to comply with this section and place the employee on the appropriate band of hours.

...]

C15 Section applied with modifications (1.08.2016) by *Paternity Leave and Benefit Act 2016 (11/2016)*, s. 28(1), S.I. No. 435 of 2016.

Decision under section 41 or 44 of Act of 2015

28. (1) A decision of an adjudication officer under section 41 of the Act of 2015 in relation to a dispute between an employee and the relevant employer relating to any entitlement of the employee under *Part 2 or 3* (or any matter arising out of or related to such entitlement) may include such directions to the parties to the dispute as the adjudication officer considers necessary or expedient for the resolution of the dispute, and if the decision is in favour of the employee then, without prejudice to the power to give such directions, the adjudication officer may order—

- (a) the grant of leave to the employee for such period as may be so specified,
- (b) an award of compensation (in favour of the employee to be paid by the relevant employer) of such amount, not exceeding 2 weeks’ remuneration in respect of the employee’s employment calculated in such manner as may be prescribed by the Minister for Jobs, Enterprise and Innovation, as the adjudication officer considers just and equitable having regard to all of the circumstances, or
- (c) both such grant and such award.

...

C16 Application of section affected (1.08.2015) by *Industrial Relations (Amendment) Act 2015 (27/2015)*, s. 23, S.I. No. 329 of 2015.

Decision of adjudication officer under section 41 of Act of 2015

23. (1) This section applies to a decision of an adjudication officer under section 41 of the Act of 2015 in relation to a complaint of a contravention of—
- (a) *subsection (1) of section 20*,
 - (b) a registered employment agreement (within the meaning of *Chapter 2*), or
 - (c) a sectoral employment order (within the meaning of *Chapter 3*).
- (2) A decision of an adjudication officer to which this section applies 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 to comply with the provision in respect of which the complaint concerned relates and, for that purpose, require the employer to take a specified course of action, or
 - (c) require the employer to pay to the worker compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all the circumstances, but not exceeding 104 weeks' remuneration in respect of the worker's employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977,
- and the references in the foregoing paragraphs to an employer shall be construed, in a case where ownership of the business of the employer changes after the contravention to which the complaint relates occurs, as references to the person who, by virtue of the change, becomes entitled to such ownership.
- (3) A decision of the Court under section 44 of the Act of 2015, on appeal from a decision of an adjudication officer to which this section applies, shall affirm, vary or set aside the decision of the adjudication officer.

Editorial Notes:

- E18** Previous affecting provision: subs. (7)(f)(iii) amended (1.11.2019) by *Parent's Leave and Benefit Act 2019* (35/2019), s. 38(a)(i), (ii), S.I. No. 629 of 2019; substituted as per F-note above.
- E19** "Relevant redress provisions" for purposes of subs. (5) prescribed (27.07.2016) by *European Union (Posting of Workers) Regulations 2016* (S.I. No. 412 of 2016), reg. 9(4).
- E20** Previous affecting provision: subs. (7)(e) amended (1.08.2016) by *Paternity Leave and Benefit Act 2016* (11/2016), s. 37(a)(ii), S.I. No. 435 of 2016; substituted as per F-note above.

Dismissal of claim by adjudication officer

- 42. (1)** An adjudication officer may, at any time, dismiss a complaint or dispute referred to him or her under *section 41* if he or she is of the opinion that it is frivolous or vexatious.
- (2) (a) A person whose complaint or dispute is dismissed in accordance with this section may, not later than 42 days from its dismissal, appeal the dismissal to the Labour Court.
- (b) A person shall, when bringing an appeal under this subsection, give notice to the Commission in writing of the bringing of the appeal.
- (c) A notice referred to in *paragraph (b)* shall specify the grounds upon which the appeal is brought.
- (3) Upon the hearing of an appeal under this section, the Labour Court may—
- (a) affirm the decision of the adjudication officer dismissing the complaint or dispute concerned, or

- (b) annul that decision and refer the complaint or dispute to the Director General.

Enforcement of decision of adjudication officer

43. (1) If an employer in proceedings in relation to a complaint or dispute referred to an adjudication officer under *section 41* fails to carry out the decision of the adjudication officer under that section in relation to the complaint or dispute in accordance with its terms before the expiration of 56 days from the date on which the notice in writing of the decision was given to the parties, the District Court shall—

(a) on application to it in that behalf by the employee concerned or the Commission, or

(b) on application to it in that behalf, with the consent of the employee, by any trade union or excepted body of which the employee is a member,

without hearing F30[...] any evidence (other than in relation to the matters aforesaid) make an order directing the employer to carry out the decision in accordance with its terms.

(2) Upon the hearing of an application under this section in relation to a decision of an adjudication officer requiring an employer to reinstate or reengage an employee, the District Court may, instead of making an order directing the employer to carry out the decision in accordance with its terms, make an order directing the employer to pay to the employee compensation of such amount as is just and equitable having regard to all the circumstances but not exceeding 104 weeks' remuneration in respect of the employee's employment calculated in accordance with regulations under section 17 of the Act of 1977.

(3) The reference in *subsection (1)* to a decision of an adjudication officer is a reference to such a decision in relation to which, at the expiration of the time for bringing an appeal against it, no such appeal has been brought, or if such an appeal has been brought it has been abandoned and the references to the date on which notice in writing of the decision was given to the parties shall, in a case where such an appeal is abandoned, be construed as a reference to the date of such abandonment.

(4) The District Court may, in an order under this section, if in all the circumstances it considers it appropriate to do so, where the order relates to the payment of compensation, direct the employer concerned to pay to the employee concerned interest on the compensation at the rate referred to in section 22 of the Act of 1981, in respect of the whole or any part of the period beginning 42 days after the date on which the decision of the adjudication officer is given to the parties and ending on the date of the order.

(5) An application under this section to the District Court shall be made to a judge of the District Court assigned to the District Court district in which the employer concerned ordinarily resides or carries on any profession, business or occupation.

F31[(6) An application under this section to the District Court shall be made on notice to the employer concerned.]

Annotations**Amendments:**

- F30** Deleted (29.07.2021) by *Workplace Relations (Miscellaneous Provisions) Act 2021 (29/2021)*, s. 5(a), S.I. No. 397 of 2021.
- F31** Inserted (29.07.2021) by *Workplace Relations (Miscellaneous Provisions) Act 2021 (29/2021)*, s. 5(b), S.I. No. 397 of 2021.

Modifications (not altering text):

- C17** Section applied with modifications by *Equal Status Act 2000 (8/2000)*, s. 31; as substituted (1.10.2015) by *National Minimum Wage (Low Pay Commission) Act 2015 (22/2015)*, s. 18, commenced as per subs. (2) by S.I. No. 410 of 2015.

[31. Section 43 of the Act of 2015 shall apply to a decision under section 25 as it applies to a decision of an adjudication officer under section 41 of that Act, subject to—

- (a) the modification that the following paragraph is substituted for paragraph (b) of subsection (1):

"(b) on application to it in that behalf, with the consent of the complainant, by the Irish Human Rights and Equality Commission,"

and

- (b) the following modifications:

(i) references to a complaint or dispute shall be construed as references to a case so referred;

(ii) the reference to section 41 shall be construed as a reference to section 25 of this Act;

(iii) in subsection (1), the words "decision of the Director General of the Workplace Relations Commission under section 25 of this Act" shall be substituted for the words "decision of an adjudication officer under that section";

(iv) the deletion of subsection (2);

(v) the words "decision of the Director General of the Workplace Relations Commission under section 25 of this Act" shall be substituted for the words "decision of an adjudication officer" in each place that they occur; and

(vi) references to employee and employer shall be construed as references to complainant and respondent respectively.]

Appeal to Labour Court from decision of adjudication officer

44. (1) (a) A party to proceedings under *section 41* may appeal a decision of an adjudication officer given in those proceedings to the Labour Court and, where the party does so, the Labour Court shall—

(i) give the parties to the appeal an opportunity to be heard by it and to present to it any evidence relevant to the appeal,

(ii) make a decision in relation to the appeal in accordance with the relevant redress provision, and

(iii) give the parties to the appeal a copy of that decision in writing.

(b) In this subsection "relevant redress provision" means—

(i) in relation to an appeal from a decision of an adjudication officer under *section 41* relating to a complaint under that section of a contravention of a provision of an enactment specified in *Part 1* or

2 of *Schedule 5*, the provision of that enactment specified in *Part 2* of *Schedule 6*,

(ii) in relation to an appeal from a decision of an adjudication officer under *section 41* relating to a dispute as to the entitlements of an employee under an enactment specified in *Part 3* of *Schedule 5*, the provision of that enactment specified in *Part 2* of *Schedule 6* and

(iii) in relation to an appeal from a decision of an adjudication officer under *section 41* relating to a complaint under *subsection (3)* of that section, paragraph 2 of Schedule 2 to the Act of 2012.

- (2) An appeal under this section shall be initiated by the party concerned giving a notice in writing to the Labour Court containing such particulars as are determined by the Labour Court in accordance with rules under *subsection (5)* of section 20 of the Act of 1946 and stating that the party concerned is appealing the decision to which it relates.
- (3) Subject to *subsection (4)*, a notice under *subsection (2)* shall be given to the Labour Court not later than 42 days from the date of the decision concerned.
- (4) The Labour Court may direct that a notice under *subsection (2)* may be given to it after the expiration of the period specified in *subsection (3)* if it is satisfied that the notice was not so given before such expiration due to the existence of exceptional circumstances.
- (5) A copy of a notice under *subsection (2)* shall be given by the Labour Court to the other party concerned as soon as may be after the receipt of the notice by the Labour Court.
- (6) The Labour Court may refer a question of law arising in proceedings before it under this section to the High Court for determination by the High Court and the determination of the High Court shall be final and conclusive.
- (7) Proceedings under this section shall be conducted in public unless the Labour Court, upon the application of a party to the appeal, determines that, due to the existence of special circumstances, the proceedings (or part thereof) should be conducted otherwise than in public.
- (8) The Labour Court may, by notice in writing given to the parties to an appeal under this section, correct any mistake (including any omission) of an administrative or clerical nature in a decision under this section in relation to the appeal.
- (9) (a) In proceedings before the Labour Court under this section, the appellant or respondent (including an appellant or respondent to whom *paragraph (b)* applies) may be accompanied and represented by—
- (i) a trade union official within the meaning of section 11 of the Act of 1990,
 - (ii) an official of a body that, in the opinion of the Labour Court, represents the interests of employers,
 - (iii) a practising barrister or practising solicitor, or
 - (iv) any other person, if the Labour Court so permits.
- (b) In proceedings before the Labour Court under this section, the appellant or respondent may, if he or she has not yet attained the age of 18 years, be accompanied and represented by his or her parent or guardian.

Annotations**Modifications (not altering text):**

- C18** Section applied with modifications (6.03.2024) by *Work Life Balance and Miscellaneous Provisions Act 2023 (8/2023)*, s. 27, S.I. No. 90 of 2024.

Decision under section 41 or 44 of Act of 2015

27. (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 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.

C19 Section applied with modifications by *Parental Leave Act 1998 (30/1998)*, s. 21A, as inserted (6.03.2024) by *Work Life Balance and Miscellaneous Provisions Act 2023 (8/2023)*, s. 13, S.I. No. 91 of 2024.

[Decision under section 41 or 44 of Act of 2015 in relation to dispute under Part IIA

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(3)*, 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)(b) 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 under *section 13C(1)(a)* of the employee's request,
 - (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.]

C20 Application of section modified (1.01.2023) by *Sick Leave Act 2022 (24/2022)*, s. 14(3), S.I. No. 606 of 2022.

Decision under section 41 or 44 of Act of 2015

14. (1) Where an employee believes that his or her employer has failed to comply with the provisions of this Act, the employee may make a complaint in accordance with Part 4 of the Act of 2015.

...

(3) A decision of the Labour Court under section 44 of the Act of 2015 on appeal from a decision of an adjudication officer referred to in subsection (2) may include an award of compensation (in favour of the employee concerned to be paid by the employer concerned) of such amount, as the Labour Court 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.

C21 Application of Part modified (10.03.2022) by *Maritime Area Planning Act 2021 (50/2021)*, s. 153 and sch. 9, S.I. No. 112 of 2022.

Protection for persons reporting alleged relevant ground, etc.

153. ...

(5) Subject to *subsection (6)*, an employer shall not penalise or threaten penalisation against an employee, or cause or permit any other person to penalise or threaten penalisation against an employee, for— ...

(6) *Subsection (5)* shall not apply to a communication, or giving of information, that is a protected disclosure within the meaning of the Protected Disclosures Act 2014.

(7) *Schedule 9* shall have effect for the purposes of *subsection (5)*.

...

SCHEDULE 9

Redress for Contravention of section 153(5)

Section 153

Complaints to rights commissioner

1. (1) In proceedings under Part 4 of the Workplace Relations Act 2015 in respect of a complaint of a contravention of *section 153 (5)*, it shall not be necessary for the employee to show that he or she has at least one year's continuous service with the employer concerned.
- (2) Where a complaint under *subparagraph (1)* is made, the rights commissioner shall—
 - (a) give the parties an opportunity to be heard by the commissioner and to present to the commissioner any evidence relevant to the complaint,
 - (b) give a decision in writing in relation to it, and
 - (c) notify the parties of that decision.
- (3) 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 153 (5)* 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 to take a specified course of action, which may include, in a case where the penalisation constitutes a dismissal, reinstatement or reengagement, or
 - (c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances of the case, but not exceeding 104 weeks' remuneration in respect of the employee's employment calculated in accordance with regulations made under section 17 of the Unfair Dismissals Act 1977.
- (4) Subject to *subparagraph (10)*, a rights commissioner shall not entertain a complaint under this paragraph if it is presented to him or her after the expiration of the period of 6 months beginning on the date of the contravention to which the complaint relates.
- (5) Notwithstanding *subparagraph (4)*, a rights commissioner may entertain a complaint under this paragraph presented to him or her after the expiration of the period referred to in that subparagraph (but not later than 6 months after such expiration) if he or she is satisfied that the failure to present the complaint within that period was due to exceptional circumstances.
- (6) A complaint shall be presented by giving notice of it in writing to a rights commissioner and the notice shall contain such particulars and be in such form as may be specified from time to time by the Minister for Enterprise, Trade and Employment.
- (7) A copy of a notice under *subparagraph (6)* shall be given to the other party concerned by the rights commissioner.
- (8) Proceedings under this paragraph before a rights commissioner shall be conducted otherwise than in public.
- (9) A rights commissioner shall give the Labour Court a copy of each decision given by the commissioner under *subparagraph (2)*.
- (10) Where a delay by an employee in presenting a complaint under this paragraph is due to any misrepresentation by the employer, *subparagraph (4)* shall be construed as if the reference to the date of the contravention were a reference to the date on which the misrepresentation came to the employee's notice.

Appeals from decisions of rights commissioner

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(3)*, shall affirm, vary or set aside the decision of the adjudication officer.

Paragraphs 1 and 2: supplemental provisions

3. In proceedings under Part 4 of the Workplace Relations Act 2015 in relation to a complaint that *section 153 (5)* has been contravened, it shall be presumed, until the contrary is proved, that the employee concerned acted reasonably and in good faith in forming the opinion and making the communication concerned.

(1) (a) If penalisation of an employee, in contravention of *section 153 (5)*, constitutes a dismissal of the employee as referred to in paragraph (a) of the definition of “penalisation” in *section 153 (10)*, the employee (or, in the case of an employee who has not reached the age of 18 years, the employee’s parent or guardian with the consent of the employee) may institute proceedings in respect of that dismissal under the Unfair Dismissals Acts 1977 to 2015 or to recover damages at common law for wrongful dismissal and, if the employee or his or her parent or guardian, as the case may be, does so, a complaint in relation to such dismissal may not be presented to an adjudication officer under section 41 of the Workplace Relations Act 2015.

(b) If an employee (or, in the case of an employee who has not reached the age of 18 years, the employee’s parent or guardian with the consent of the employee) presents a complaint to an adjudication officer under section 41 of the Workplace Relations Act 2015 in respect of a dismissal referred to in *clause (a)*, the employee or his or her parent or guardian, as the case may be, may not institute proceedings in respect of that dismissal under the Unfair Dismissals Acts 1977 to 2015 or to recover damages at common law for wrongful dismissal.

C22 Application of section modified (1.08.2016) by *Paternity Leave and Benefit Act 2016* (11/2016), s. 28(2), S.I. No. 435 of 2016.

Decision under section 41 or 44 of Act of 2015

28. ...

(2) A decision of the Labour Court under section 44 of the Act of 2015 on appeal from a decision referred to in *subsection (1)* may include such directions to the parties to the appeal as the Labour Court considers necessary or expedient for the resolution of the matter, and if the decision is in favour of the employee then, without prejudice to the power to give such directions, the Labour Court may order—

(a) the grant of leave for such period as may be so specified,

(b) an award of compensation (in favour of the employee to be paid by the relevant employer) of such amount, not exceeding 2 weeks’ remuneration in respect of the employee’s employment calculated in such manner as may be prescribed, by the Minister for Jobs, Enterprise and Innovation, as the Labour Court considers just and equitable having regard to all of the circumstances, or

(c) both such grant and such award.

...

C23 Application of section modified by *Redundancy Payments Act 1967* (21/1967), s. 39A; as inserted (1.10.2015) by *National Minimum Wage (Low Pay Commission) Act 2015* (22/2015), s. 13(1), commenced as per subs. (2) by S.I. No. 410 of 2015.

[Appeal to Labour Court from decision of adjudication officer]

39A. Section 44 of the Act of 2015 shall apply to a decision of an adjudication officer given in relation to an appeal under subsection (15), or a question referred to the Director General under subsection (16), of section 39 of this Act as it applies to a decision of an adjudication officer under section 41 of that Act, subject to the following modifications:

(a) the substitution of the following subsection for subsection (1):

"(1) (a) A party to an appeal under subsection (15), or proceedings in relation to a question referred to the Director General under subsection (16), of section 39 of the Act of 1967 may appeal a decision of an adjudication officer given in that appeal or those proceedings to the Labour Court and, where the party does so, the Labour Court shall—

(i) give the parties to the second-mentioned appeal an opportunity to be heard by it and to present to it any evidence relevant to the appeal,

(ii) make a decision in relation to the appeal affirming, varying or setting aside the decision of the adjudication officer to which the appeal relates, and

(iii) give the parties to the appeal a copy of that decision in writing.

(b) The Labour Court shall have power to make any decision in an appeal under this paragraph that an adjudication officer has power to make on the hearing of an appeal under subsection (15), or a question referred to the Director General under subsection (16), of section 39 of the Act of 1967.";

and

(b) any other necessary modifications.]

C24 Application of section modified by *Protection of Employees (Employers' Insolvency) Act 1984* (21/1984), s. 9A; as inserted by *National Minimum Wage (Low Pay Commission) Act 2015* (22/2015), s. 15(1), commenced as per subs. (2) by S.I. No. 410 of 2015.

[Appeal to Labour Court from declaration of adjudication officer under section 9

9A. Section 44 of the Act of 2015 shall apply to a declaration of an adjudication officer given in relation to a complaint under section 9 as it applies to a decision of an adjudication officer given in proceedings under section 41 of that Act, subject to the following modifications:

(a) the substitution of the following subsection for subsection (1):

"(1) A party to proceedings in relation to a complaint under section 9 of the Act of 1984 may appeal a declaration of an adjudication officer given in those proceedings to the Labour Court and, where the party does so, the Labour Court shall—

(a) give the parties to the appeal an opportunity to be heard by it and to present to it any evidence relevant to the appeal,

(b) make a decision in relation to the appeal affirming, varying or setting aside the declaration of the adjudication officer to which the appeal relates, and

(c) give the parties to the appeal a copy of that decision in writing.";

and

(b) any other necessary modifications.]

C25 Application of section modified by *Employment Equality Act 1998* (21/1998), s. 83; as substituted by *National Minimum Wage (Low Pay Commission) Act 2015* (22/2015), s. 17(1)(a), commenced as per subs. (2) by S.I. No. 410 of 2015.

Appeals from the Director to the Labour Court.

[83. Section 44 of the Act of 2015 shall apply to a decision of the Director General of the Workplace Relations Commission under section 79 as it applies to a decision of an adjudication officer under section 41 of that Act, subject to the following modifications:

(a) the substitution of the following subsection for subsection (1):

"(1) (a) A party to a case referred to the Director General of the Workplace Relations Commission under section 77 of the Act of 1998 may appeal a decision of the Director General given in an investigation in relation to that case under section 79 of that Act to the Labour Court and, where the party does so, the Labour Court shall—

(i) give the parties to the appeal an opportunity to be heard by it and to present to it any evidence relevant to the appeal,

(ii) make a decision in relation to the appeal affirming, varying or setting aside the decision of the adjudication officer to which the appeal relates, and

(iii) give the parties to the appeal a copy of that decision in writing.

(b) The Labour Court shall have power to grant such redress in an appeal under this paragraph as the Director General has power to grant in an investigation under section 79 of the Act of 1998.";

and

(b) any other necessary modifications.]

C26 Application of section restricted (1.08.2015) by *Industrial Relations (Amendment) Act 2015 (27/2015)*, s. 23(3), S.I. No. 329 of 2015.

Decision of adjudication officer under section 41 of Act of 2015

23. ...

(3) A decision of the Court under section 44 of the Act of 2015, on appeal from a decision of an adjudication officer to which this section applies, shall affirm, vary or set aside the decision of the adjudication officer.

Enforcement of decision of Labour Court

45. (1) If an employer fails to carry out in accordance with its terms a decision of the Labour Court in relation to an appeal under *section 44* before the expiration of 42 days from the date on which notice of the decision is given to the parties, the District Court shall—

(a) on application to it in that behalf by the employee concerned or the Commission, or

(b) on application to it in that behalf, with the consent of the employee, by any trade union or excepted body of which the complainant is a member,

without hearing the employer or any evidence (other than in relation to the matters aforesaid) make an order directing the employer to carry out the decision in accordance with its terms.

(2) The reference in *subsection (1)* to a decision of the Labour Court is a reference to such a decision in relation to which, at the expiration of the time for bringing an appeal against it, no such appeal has been brought, or if such an appeal has been brought it has been abandoned and the references to the date on which notice of the decision was given to the parties shall, in a case where such an appeal is abandoned, be construed as a reference to the date of such abandonment.

(3) The District Court may, in an order under this section, if in all the circumstances it considers it appropriate to do so, where the order relates to the payment of compensation, direct the employer concerned to pay to the employee concerned interest on the compensation at the rate referred to in section 22 of the Act of 1981, in respect of the whole or any part of the period beginning 42 days after the date on which the decision of the Labour Court is communicated to the parties and ending on the date of the order.

(4) An application under this section to the District Court shall be made to a judge of the District Court assigned to the District Court district in which the employer concerned ordinarily resides or carries on any profession, business or occupation.

Appeal to High Court on point of law

46. A party to proceedings before the Labour Court under this Part may, not later than 42 days from the service on that party of notice of the decision

of the Labour Court in those proceedings, appeal that decision to the High Court on a point of law, and the decision of the High Court in relation thereto shall be final and conclusive.

Disposal of complaints by written submissions only

47. (1) The Director General may, where he or she considers that a complaint presented, or dispute referred, to him or her under *section 41* may be dealt with by written submissions only, inform the parties to the complaint or dispute, by notification in writing, of his or her intention to deal with the complaint or dispute in that manner.
- (2) Where a party to a complaint presented, or dispute referred, to the Director General under *section 41* is given a notification under *subsection (1)* and, not later than 42 days after having been given the notification, that party informs the Director General that he or she objects to the complaint or dispute being dealt with in the manner specified in the notification, the Director General shall not deal with the complaint or dispute concerned in that manner.
- (3) The Labour Court may, where it considers that an appeal under *section 44* may be dealt with by written submissions only, inform the parties to the appeal, by notification in writing, of its intention to deal with the appeal in that manner.
- (4) Where a party to an appeal under *section 44* is given a notification under *subsection (3)* and, not later than 42 days after having been given the notification, he or she informs the Labour Court that he or she objects to the appeal being dealt with in the manner specified in the notification, the Labour Court shall not deal with the appeal in that manner.

Striking out of cases that are not pursued

48. (1) Where a complaint is presented to the Director General under *section 41*, the Director General may strike out the complaint where he or she is satisfied that the complainant has not pursued the complaint within the period of one year (or such other period as may be prescribed) immediately preceding its being struck out.
- (2) Where a decision of an adjudication officer is appealed to the Labour Court under *section 44*, the Labour Court may strike out the appeal if it is satisfied that the appellant has not pursued the appeal within the period of one year (or such other period as may be prescribed) immediately preceding its being struck out.
- (3) The Director General shall, as soon as may be after he or she strikes out a complaint in accordance with this section, notify the complainant and respondent to the complaint in writing of the striking out of the complaint.
- (4) The Labour Court shall, as soon as may be after he or she strikes out an appeal in accordance with this section, notify the appellant and respondent to the appeal in writing of the striking out of the appeal.
- (5) Where a complaint or appeal is struck out under this section, the complainant or appellant shall not be entitled to prosecute the proceedings any further.

Provisions relating to winding up and bankruptcy

49. (1) There shall be included among the debts that, under *section 285* of the *Companies Act 1963* or *section 621* of the *Companies Act 2014* are, in the

distribution of the assets of a company being wound up, to be paid in priority to all other debts, all compensation payable by virtue of this Part by the company to an employee, and the said section 285 or 621, as may be appropriate, shall have effect accordingly, and formal proof of the debts to which priority is given under this subsection shall not be required except in cases where provision is otherwise made in relation thereto under the [Companies Act 1963](#) or the [Companies Act 2014](#), as may be appropriate.

- (2) There shall be included among the debts that, under [section 81](#) of the [Bankruptcy Act 1988](#) are, in the distribution of the property of a bankrupt or arranging debtor, to be paid in priority to all other debts, all compensation payable by virtue of this Part by the bankrupt or arranging debtor, as the case may be, to an employee, and that section shall have effect accordingly, and formal proof of the debts to which priority is given under this subsection shall not be required except in cases where provision is otherwise made in relation thereto under that Act.

Amendment of section 20 of Act of 1946

50. Section 20 of the Act of 1946 is amended by the insertion of the following subsection:

“(5A) Without prejudice to the generality of subsection (5), rules under that subsection may make provision in relation to any or all of the following matters:

- (a) the bringing of appeals to the Court under *Part 4* of the *Workplace Relations Act 2015*;
- (b) the hearing of appeals by the Court under section 28 of that Act or the said *Part 4*;
- (c) the times and places of hearings of such appeals;
- (d) the representation of the parties at the hearing of such appeals;
- (e) the notification and publication of decisions of the Labour Court on the hearing of such appeals;
- (f) the giving of notice of appeal from decisions of adjudication officers;
- (g) any matters consequential on, or incidental to, any of the foregoing matters.”.

Offence to fail or refuse to pay compensation

- 51.** (1) It shall be an offence for a person to fail to comply with an order under [section 43](#) or [45](#) directing an employer to pay compensation to an employee.
- (2) It shall be a defence to proceedings for an offence under this section for the defendant to prove on the balance of probabilities that he or she was unable to comply with the order due to his or her financial circumstances.
- (3) A person guilty of an offence under this section shall be liable, on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months or both.

Amendment of enactments

- 52.** (1) The enactments specified in column (3) of *Part 1* of [Schedule 7](#) are amended to the extent specified in column (4) of that Part.

- (2) The enactments specified in column (3) of *Part 2* of *Schedule 7* are amended to the extent specified in column (4) of that Part.
- (3) Subject to *section 53*, the amendment effected by this section of the enactments specified in column (3) of *Part 1*, and column (3) of *Part 2*, of *Schedule 7* shall not apply in relation to complaints or disputes made, presented or referred to a rights commissioner or the Employment Appeals Tribunal under any such enactment before the commencement of this Part.

Certain decisions and recommendations of rights commissioners appealable to Labour Court under *section 44*

- F32[**53.** (1) Where a decision or recommendation in relation to a complaint or dispute to which *subsection (2)* or *(4)* of *section 8* applies was made by a rights commissioner before the commencement of this Part and no appeal was brought from the decision or recommendation before such commencement, the decision or recommendation shall be appealable to the Labour Court under *section 44* as if the decision or recommendation were a decision of an adjudication officer under *section 41*.
- (2) Where a decision or recommendation in relation to a complaint or dispute to which *subsection (2)* or *(4)* of *section 8* applies was not made before the commencement of this Part, any decision or recommendation made by a rights commissioner in relation to the complaint or dispute after such commencement shall be appealable to the Labour Court under *section 44* as if the decision were a decision of an adjudication officer under *section 41*.]

Annotations

Amendments:

- F32** Substituted (1.10.2015) by *National Minimum Wage (Low Pay Commission) Act 2015* (22/2015), s. 20(1)(h), S.I. No. 411 of 2015.

F33[Performance of functions of rights commissioners after commencement of this Part

- 53A.** The functions standing vested in a rights commissioner immediately before the commencement of this Part shall, in relation to complaints or disputes referred to in *subsection (2)* or *(4)* of *section 8* or *subsection (3)* of *section 52*, continue to be performable after such commencement by a person who immediately before such commencement was a rights commissioner.]

Annotations

Amendments:

- F33** Inserted (1.10.2015) by *National Minimum Wage (Low Pay Commission) Act 2015* (22/2015), s. 20(1)(i), S.I. No. 411 of 2015.

PART 5

DISSOLUTION OF LABOUR RELATIONS COMMISSION

Definition

54. In this Part “dissolution day” shall be construed in accordance with *section 55*.

Dissolution day for purposes of this Part

55. The Minister shall, by order, appoint a day to be the dissolution day for the purposes of this Part.

Annotations**Editorial Notes:**

E21 Power pursuant to section exercised (1.10.2015) by *Labour Relations Commission (Dissolution Day) Order 2015* (S.I. No. 413 of 2015).

Dissolution of Labour Relations Commission

56. (1) The Labour Relations Commission established by section 24 of the Act of 1990 shall, on the dissolution day, stand dissolved.

(2) *Section 17* shall apply to the person who immediately before the dissolution day performed the functions of accounting officer of the Labour Relations Commission subject to the modifications that—

(a) references in that section to the Director General shall be construed as references to that person, and

(b) references to the Commission shall be construed as references to the Labour Relations Commission.

Transfer of functions from Labour Relations Commission to Commission

57. (1) All functions that, immediately before the dissolution day, were vested in the Labour Relations Commission are transferred to the Commission.

(2) References in any enactment or instrument under an enactment to the Labour Relations Commission in so far as they relate to a function transferred by this section shall be construed as references to the Commission.

(3) This section shall come into operation on the dissolution day.

Transfer of property of Labour Relations Commission to Commission

58. (1) On the dissolution day all property (other than land), including choses-in-action, that immediately before that day, was vested in the Labour Relations Commission shall stand vested in the Commission without any assignment.

(2) Every chose-in-action vested in the Commission by virtue of *subsection (1)* may, on and from the dissolution day, be sued on, recovered or enforced by the Commission in its own name, and it shall not be necessary for the Commission, or the Labour Relations Commission, to give notice to any person bound by the chose-in-action of the vesting effected by that subsection.

- (3) On the dissolution day all records that, immediately before that day, were records of the Labour Relations Commission shall be records of the Commission and shall, accordingly, be transferred to the Commission.

Transfer of rights and liabilities of Labour Relations Commission to Commission

59. (1) All rights and liabilities of the Labour Relations Commission subsisting immediately before the dissolution day and arising by virtue of any contract or commitment (expressed or implied) shall on that day stand transferred to the Commission.
- (2) Every right and liability transferred by *subsection (1)* to the Commission may, on and after the dissolution day, be sued on, recovered or enforced by or against the Commission in its own name, and it shall not be necessary for the Commission, or the Labour Relations Commission, to give notice to the person whose right or liability is transferred by that subsection of such transfer.

Liability for loss occurring before dissolution day

60. (1) A claim in respect of any loss or injury alleged to have been suffered by any person arising out of the performance before the dissolution day of any of the functions of the Labour Relations Commission shall after that day, lie against the Commission and not against the Labour Relations Commission.
- (2) Any legal proceedings pending immediately before the dissolution day to which the Labour Relations Commission is a party, shall be continued, with the substitution in the proceedings of the Commission for the Labour Relations Commission.
- (3) Where, before the dissolution day, agreement has been reached between the parties concerned in settlement of a claim to which *subsection (1)* relates, the terms of which have not been implemented, or judgment in such a claim has been given in favour of a person but has not been enforced, the terms of the agreement or judgment, as the case may be, shall, in so far as they are enforceable against the Labour Relations Commission, be enforceable against the Commission and not the Labour Relations Commission.
- (4) Any claim made or proper to be made by the Labour Relations Commission in respect of any loss or injury arising from the act or default of any person before the dissolution day shall be regarded as having been made by or proper to be made by the Commission and may be pursued and sued for by the Commission as if the loss or injury had been suffered by the Commission.

Provisions consequent upon transfer of functions, property, rights and liabilities to Commission

61. (1) Anything commenced and not completed before the dissolution day by or under the authority of the Labour Relations Commission may, in so far as it relates to a function transferred to the Commission under *section 57*, be carried on or completed on or after the dissolution day by the Commission.
- (2) Every instrument made under an enactment and every document (including any certificate) granted or made, in the performance of a function transferred by *section 57*, shall, if and in so far as it was operative

immediately before the dissolution day, have effect on and after that day as if it had been granted or made by the Commission.

- (3) References to the Labour Relations Commission in the memorandum or articles of association of any company shall, on and after the dissolution day, be construed as references to the Commission.
- (4) A certificate signed by the Minister that any property, right or liability has or, as the case may be, has not vested in the Commission under *section 58* or *59* shall be sufficient evidence, unless the contrary is shown, of the fact so certified for all purposes.

Final accounts and final annual report of Labour Relations Commission

62. (1) The Commission shall, in respect of the period specified under *subsection (3)*, prepare final accounts of the Labour Relations Commission.
- (2) The Commission shall submit the final accounts to the Comptroller and Auditor General for audit not later than 3 months after the dissolution day.
- (3) For the purposes of *subsection (1)*, the Minister may specify a period that is longer or shorter than a financial year of the Labour Relations Commission.
- (4) The Commission shall prepare the final annual report for the Labour Relations Commission and submit the report to the Minister not later than 5 months after the dissolution day.

PART 6

DISSOLUTION OF EMPLOYMENT APPEALS TRIBUNAL

Definition

63. In this Part “dissolution day” shall be construed in accordance with *section 64*.

Dissolution day for purposes of this Part

64. The Minister shall, by order, appoint a day to be the dissolution day for the purposes of this Part.

Dissolution of Employment Appeals Tribunal

65. (1) The Employment Appeals Tribunal established by section 39 of the Act of 1967 shall, on the dissolution day, stand dissolved.
- (2) *Section 17* shall apply to the person who immediately before the dissolution day performed the functions of accounting officer of the Employment Appeals Tribunal subject to the modifications that—
 - (a) references in that section to the Director General shall be construed as references to that person, and
 - (b) references to the Commission shall be construed as references to the Employment Appeals Tribunal.

Transfer of functions from Employment Appeals Tribunal

- 66.(1) (a) All functions that, immediately before the dissolution day, were vested in the Employment Appeals Tribunal are transferred to the Commission in so far as they relate to any claim for redress, dispute or complaint determined by the Employment Appeals Tribunal under an employment enactment before that day.
- (b) All functions that, immediately before the dissolution day, were vested in the Employment Appeals Tribunal are transferred to the Labour Court in so far as they relate to appeals determined by the Employment Appeals Tribunal under an employment enactment before that day.
- (2) (a) References in any enactment or instrument under an enactment to the Employment Appeals Tribunal in so far as they relate to a function transferred by *paragraph (a)* of *subsection (1)* shall be construed as references to the Commission.
- (b) References in any enactment or instrument under an enactment to the Employment Appeals Tribunal in so far as they relate to a function transferred by *paragraph (b)* of *subsection (1)* shall be construed as references to the Labour Court.
- (3) This section shall come into operation on the dissolution day.

Transfer of property of Employment Appeals Tribunal to Labour Court

67. (1) On the dissolution day all property, including choses-in-action, that immediately before that day, was vested in the Employment Appeals Tribunal shall stand vested in the Labour Court without any assignment.
- (2) Every chose-in-action vested in the Labour Court by virtue of *subsection (1)* may, on and from the dissolution day, be sued on, recovered or enforced by the Labour Court in its own name, and it shall not be necessary for the Labour Court, or the Employment Appeals Tribunal, to give notice to any person bound by the chose-in-action of the vesting effected by that subsection.
- (3) On the dissolution day all records that, immediately before that day, were records of the Employment Appeals Tribunal shall be records of the Labour Court and shall, accordingly, be transferred to the Labour Court.

Transfer of rights and liabilities of Employment Appeals Tribunal to Labour Court

68. (1) All rights and liabilities of the Employment Appeals Tribunal subsisting immediately before the dissolution day and arising by virtue of any contract or commitment (expressed or implied) shall on that day stand transferred to the Labour Court.
- (2) Every right and liability transferred by *subsection (1)* to the Labour Court may, on and after the dissolution day, be sued on, recovered or enforced by or against the Labour Court in its own name, and it shall not be necessary for the Labour Court, or the Employment Appeals Tribunal, to give notice to the person whose right or liability is transferred by that subsection of such transfer.

Liability for loss occurring before dissolution day

69. (1) A claim in respect of any loss or injury alleged to have been suffered by any person arising out of the performance before the dissolution day

of any of the functions of the Employment Appeals Tribunal shall after that day, lie against the Labour Court and not against the Employment Appeals Tribunal.

- (2) Any legal proceedings pending immediately before the dissolution day to which the Employment Appeals Tribunal is a party, shall be continued, with the substitution in the proceedings of the Labour Court for the Employment Appeals Tribunal.
- (3) Where, before the dissolution day, agreement has been reached between the parties concerned in settlement of a claim to which *subsection (1)* relates, the terms of which have not been implemented, or judgment in such a claim has been given in favour of a person but has not been enforced, the terms of the agreement or judgment, as the case may be, shall, in so far as they are enforceable against the Employment Appeals Tribunal, be enforceable against the Labour Court and not the Employment Appeals Tribunal.
- (4) Any claim made or proper to be made by the Employment Appeals Tribunal in respect of any loss or injury arising from the act or default of any person before the dissolution day shall be regarded as having been made by or proper to be made by the Labour Court and may be pursued and sued for by the Labour Court as if the loss or injury had been suffered by the Labour Court.

Provisions consequent upon transfer of functions, property, rights and liabilities

- 70.** (1) Anything commenced and not completed before the dissolution day by or under the authority of the Employment Appeals Tribunal may—
- (a) in so far as it relates to a function transferred to the Commission by *section 66*, be carried on or completed on or after the dissolution day by the Commission, and
 - (b) in so far as it relates to a function transferred to the Labour Court by that section, be carried on or completed on or after the dissolution day by the Labour Court.
- (2) (a) Every instrument made under an enactment and every document (including any certificate) granted or made, in the performance of a function transferred by *section 66* to the Commission, shall, if and in so far as it was operative immediately before the dissolution day, have effect on and after that day as if it had been granted or made by the Commission.
 - (b) Every instrument made under an enactment and every document (including any certificate) granted or made, in the performance of a function transferred by *section 66* to the Labour Court, shall, if and in so far as it was operative immediately before the dissolution day, have effect on and after that day as if it had been granted or made by the Labour Court.
 - (3) References to the Employment Appeals Tribunal in the memorandum or articles of association of any company shall, on and after the dissolution day, be construed as references to the Labour Court.
 - (4) A certificate signed by the Minister that any property, right or liability has or, as the case may be, has not vested in the Labour Court under *section 67* or *68* shall be sufficient evidence, unless the contrary is shown, of the fact so certified for all purposes.

PART 7

MISCELLANEOUS

Fees

71. The Minister may, in respect of—

- (a) such services provided by the Commission as may be prescribed, and
- (b) such services provided by the Labour Court as may be prescribed,

charge the recipient of any such service a fee for the purpose of defraying the cost of the provision of that service by the Commission or the Labour Court, as the case may be.

Annotations**Editorial Notes:**

- E22** Power pursuant to section exercised (26.11.2015) by *Workplace Relations Act 2015 (Fees) Regulations 2015* (S.I. No. 536 of 2015).

Forgery of documents

72. (1) A person who forges, or utters knowing it to be forged, a notice, certificate or other document purporting to be issued, granted or given under this Act (in this section referred to as a “forged document”) shall be guilty of an offence.
- (2) A person who alters with intent to defraud or deceive, or utters knowing it to be so altered, a notice, certificate or other document issued, granted or given under this Act (in this section referred to as an “altered document”) shall be guilty of an offence.
- (3) A person who, without lawful authority, has in his or her possession a forged document or an altered document shall be guilty of an offence.

Prohibition on unauthorised disclosure of confidential information

73. (1) A relevant person shall not disclose confidential information obtained by him or her while performing functions under this Act unless he or she is required by law, or duly authorised by the Commission, to so do.
- (2) *Subsection (1)* shall not operate to prevent the disclosure of information—
- (a) in a report to the Board or the Director General,
 - (b) by or on behalf of the Board or the Commission to a Minister of the Government,
 - (c) in a report referred to in paragraph (a) of subsection (1) of section 26 of the Act of 1990 or a notice referred to in paragraph (a) of subsection (3) of that section.
- (3) A person who contravenes *subsection (1)* shall be guilty of an offence.
- (4) In this section—

“confidential information” includes information that is expressed by the Commission to be confidential either as regards particular information or as regards information of a particular class or description;

“relevant person” means—

- (a) the Director General,
- (b) a member of the Board,
- (c) a member of the staff of the Commission,
- (d) an adviser or consultant to the Commission or a member of the staff of such adviser or consultant, or
- (e) any other person engaged under a contract for services by the Commission or a member of the staff of such person.

Amendment of section 21 of Act of 1946

74. Section 21 of the Act of 1946 is amended—

(a) in subsection (1), by—

- (i) the substitution of “The Court may, for the purposes of any proceedings before it under this Act, the *Unfair Dismissals Act 1977* or *Part 4* of the *Workplace Relations Act 2015*, or any investigation under the *Industrial Relations (Amendment) Act 2001*, do all or any of the following things” for “The Court may for the purposes of any proceedings before it under this Act or any investigation under the *Industrial Relations (Amendment) Act 2001* do all or any of the following things”, and

(ii) the substitution of the following paragraph for paragraph (b):

“(b) take evidence on oath and, for that purpose, cause to be administered oaths to persons attending as witnesses before it”,

and

(b) F34[...]

Annotations

Amendments:

- F34** Deleted (1.10.2015) by *National Minimum Wage (Low Pay Commission) Act 2015* (22/2015), s. 20(1)(j), S.I. No. 411 of 2015.

Amendment of section 10 of Act of 1946

75. (1) Section 10 of the Act of 1946 is amended by—

(a) the substitution of the following subsection for subsection (3):

“(3) Subject to subsection (3A) (inserted by *section 75(1)(b)* of the *Workplace Relations Act 2015*), the chairman shall—

- (a) except in the case of a person reappointed to be chairman under subsection (3B) (inserted by that section), be appointed by the Minister from among persons in respect of whom a recommendation for the purposes of this section has been made by the Public Appointments

Service consequent upon the holding of a competition in accordance with the [Public Service Management \(Recruitment and Appointments\) Act 2004](#), and

(b) hold office subject to such terms and conditions as the Minister, with the consent of the Minister for Public Expenditure and Reform determines.”,

(b) the insertion of the following subsections:

“(3A) The person who immediately before the commencement of *section 75* of the *Workplace Relations Act 2015* stood appointed as chairman shall, from such commencement, continue to be chairman for the unexpired period of the term of his appointment subject to the same terms and conditions as applied to his appointment immediately before such commencement.

(3B) The Minister may reappoint a person whose term of office as chairman expires by the efflux of time to be the chairman.”,

(c) the substitution of the following subsection for subsection (4):

“(4) (a) The Minister shall—

(i) in respect of each workers’ member, designate an organisation (in this section referred to as a ‘designated body’) representative of trade unions of workers to nominate persons for the purposes of this section, and

(ii) in respect of each employers’ member, designate a trade union (in this section also referred to as a ‘designated body’) of employers to nominate persons for the purposes of this section,

and each such designated body shall nominate 3 persons for those purposes.

(b) The Minister shall—

(i) from among persons nominated under this subsection by a designated body referred to in subparagraph (i) of paragraph (a) appoint a person to be a workers’ member of the Court, and

(ii) from among persons nominated under this subsection by a designated body referred to in subparagraph (ii) of paragraph (a) appoint a person to be an employers’ member of the Court.”,

and

(d) the insertion of the following subsections:

“(4A) (a) A person who, immediately before the commencement of *section 75* of the *Workplace Relations Act 2015*, stood appointed as a workers’ member of the Court shall, from such commencement, continue to be a workers’ member of the Court for the unexpired period of the term of his appointment subject to the same terms and conditions as applied to his appointment immediately before such commencement.

(b) A person who, immediately before the commencement of *section 75* of the *Workplace Relations Act 2015*, stood appointed as an employers’ member of the Court shall, from such commencement, continue to be an employers’ member of the Court for the unexpired period of the term of his appointment subject to the

same terms and conditions as applied to his appointment immediately before such commencement.

(4B) (a) The Minister may, after consultation with the designated body concerned, reappoint a person whose term of office as a workers' member of the Court expires by the efflux of time to be a workers' member of the Court.

(b) The Minister may, after consultation with the designated body concerned, reappoint a person whose term of office as an employers' member of the Court expires by the efflux of time to be an employers' member of the Court.

(4C) Where a person—

(a) appointed under subsection (4) to be a member of the Court,

(b) who continues to be a member of the Court by virtue of subsection (4A), or

(c) reappointed in accordance with subsection (4B) to be a member of the Court,

is, for whatever reason, unable to perform his functions as such member and the Minister is of the opinion that his inability to so perform his functions would unduly disrupt the performance by the Court or a division of the Court of its functions, a temporary vacancy in the membership of the Court shall be deemed to exist and the Minister may, after consultation with the designated body that nominated the person under that subsection, appoint a person to fill that temporary vacancy subject to such terms and conditions as the Minister shall determine.”.

Amendment of Act of 1967

76. (1) The Act of 1967 is amended—

(a) in subsection (1) of section 2, by the insertion of the following definitions:

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

‘adjudication officer’ has the same meaning as it has in the *Act of 2015*;

‘Director General’ means the Director General of the Workplace Relations Commission;”

(b) in section 24, by—

(i) the substitution, in paragraph (c) of subsection (1), of “Director General” for “Tribunal”,

(ii) the substitution, in subsection (2A) (inserted by [section 12](#) of the [Redundancy Payments Act 1971](#)), of “adjudication officer, if he is satisfied” for “Tribunal, if it is satisfied”, and

(iii) the substitution, in subsection (3) (inserted by [section 13](#) of the [Redundancy Payments Act 1979](#)) of—

(I) “Director General” for “Tribunal” in each place that it occurs, and

(II) “at his discretion” for “at its discretion”,

(c) in section 39, by—

(i) the substitution, in subsection (15), of “Director General” for “Tribunal” in each place that it occurs,

(ii) the substitution, in subsection (16), of “Director General” for “Tribunal”,

(iii) the insertion of the following subsection:

“(16A) The Director General shall refer to an adjudication officer for adjudication by that officer an appeal under subsection (15) or a question referred to the Director General under subsection (16).”

(iv) the insertion of the following subsection:

“(16B) Subsections (15) and (16) of *section 41* of the Act of 2015 shall apply in relation to an appeal under subsection (15) or a question referred to the Director General under subsection (16) as they apply to a complaint or dispute to which the said *section 41* applies, subject to the following modifications:

(a) references to complaint or dispute shall be construed as references to such an appeal or such a question;

(b) references in the said *subsection (15)* to complainant or respondent shall be construed as references to employee or employer;

(c) the reference in the said *subsection (16)* to parties to a complaint or dispute under that section shall be construed as a reference to the employee or employer concerned; and

(d) any other necessary modifications.”

(v) the substitution, in subsection (17), of “adjudication officer concerned” for “Tribunal” in each place that it occurs,

(vi) the substitution, in paragraph (a) of subsection (19), of “Director General” for “Tribunal”, and

(vii) the substitution, in paragraphs (b), (c), (d), (e), (f), (g) and (i) of subsection (19), of “an adjudication officer” for “the Tribunal” in each place that it occurs,

(d) F35[...]

and

(e) by the substitution of the following section for section 40 (inserted by *section 9* of the *Redundancy Payments Act 1971*):

“Appeal to High Court on point of law

40. A party to proceedings before the Labour Court under this Part may, not later than 42 days from the service on that party of notice of the decision of the Labour Court in those proceedings, appeal that decision to the High Court on a point of law, and the decision of the High Court in relation thereto shall be final and conclusive.”

(2) The amendments to the Act of 1967 effected by this section shall not apply in relation to—

(a) an appeal to the Employment Appeals Tribunal under subsection (15) of section 39 of that Act brought before the commencement of this section, or

- (b) a question referred to in subsection (16) of that section falling to be decided by a deciding officer before the commencement of this section.

Annotations

Amendments:

- F35** Deleted (1.10.2015) by *National Minimum Wage (Low Pay Commission) Act 2015 (22/2015)*, s. 20(1)(k), S.I. No. 411 of 2015.

Amendment of section 2 of Act of 1969

- 77.** Section 2 (inserted by [section 9](#) of the [Industrial Relations Act 1976](#)) of the Act of 1969 is amended by the deletion, in subsection (2), of the words “less one”.

Certain functions of Labour Court performable by chairman or deputy chairman of Labour Court

- 78.** The Act of 1969 is amended by the insertion of the following section:

“**3A.** Such functions of the Court as may be prescribed by order made by the Minister, after consultation with the chairman, may be performed by the chairman or a deputy chairman sitting alone.”.

Amendment of section 4 of Act of 1969

- 79.** Section 4 of the Act of 1969 is amended by—

- (a) the substitution of the following subsection for subsection (1) —

“(1) (a) Subject to subsection (1A) (inserted by [section 79\(b\)](#) of the [Workplace Relations Act 2015](#)), the Minister shall appoint persons to be deputy chairmen from among persons in respect of whom recommendations for the purposes of this section have been made by the Public Appointments Service consequent upon the holding of a competition or competitions in accordance with the [Public Service Management \(Recruitment and Appointments\) Act 2004](#).

- (b) A deputy chairman shall hold office subject to such terms and conditions as the Minister, with the consent of the Minister for Public Expenditure and Reform determines.”.

- (b) the insertion of the following subsections:

“(1A) A person who immediately before the commencement of [section 79](#) of the [Workplace Relations Act 2015](#) stood appointed as deputy chairman shall, from such commencement, continue to be deputy chairman for the unexpired period of the term of his appointment subject to the same terms and conditions as applied to his appointment immediately before such commencement.

- (1B) The Minister may reappoint a person whose term of office as deputy chairman expires by the efflux of time to be a deputy chairman, and paragraph (a) of subsection (1) shall not apply in respect of the reappointment of such person.

- (1C) Where a person—

- (a) appointed under subsection (1) to be a deputy chairman,

(b) who continues to be a deputy chairman by virtue of subsection (1A), or

(c) reappointed in accordance with subsection (1B) to be a deputy chairman,

is, for whatever reason, unable to perform his functions as deputy chairman and the Minister is of the opinion that his inability to so perform his functions would unduly disrupt the performance by the Court or a division of the Court of its functions, a temporary vacancy among the deputy chairmen shall be deemed to exist and the Minister may, after consultation with the chairman, appoint a person to fill that temporary vacancy subject to such terms and conditions as the Minister shall determine.

(1D) If a deputy chairman dies, resigns, ceases to be qualified for office and ceases to hold office or is removed from office, or a deputy chairman's term of office expires and he is not reappointed under subsection (1B), the Minister may appoint a person to be a deputy chairman to fill the vacancy so occasioned pending the appointment of a deputy chairman to fill that vacancy in accordance with subsection (1), and the person so appointed shall hold office subject to such terms and conditions as the Minister, with the consent of the Minister for Public Expenditure and Reform, determines.”

(c) the substitution of the following subsection for subsection (2):

“(2) (a) The Minister may designate a deputy chairman to perform the functions of the chairman in the absence of the chairman or where the office of chairman is vacant, and a deputy chairman so designated shall in such absence or upon such position becoming vacant perform those functions.

(b) References in any enactment shall, for the purposes of the performance of the functions of chairman by a deputy chairman designated under paragraph (a), include references to that deputy chairman.

(c) A person who, immediately before the commencement of *section 79* of the *Workplace Relations Act 2015*, stood appointed under subsection (1) shall be deemed to have been designated under paragraph (a).”

(d) the deletion of subsections (3) and (4), and

(e) the substitution of the following subsection for subsection (7):

“(7) The Civil Service Regulation Acts 1956 to 2005 shall not apply to the office of deputy chairman of the Court.”

Amendment of Act of 1977

80. (1) The Act of 1977 is amended—

(a) in section 1, by the insertion of the following definitions:

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

‘adjudication officer’ has the same meaning as it has in the *Act of 2015*;

‘Director General’ means the Director General of the Workplace Relations Commission;”

- (b) by the substitution, in paragraph (d) of subsection (2A) of section 2, of “the adjudication officer or the Labour Court” for “the rights commissioner, the Tribunal or the Circuit Court”,
- (c) by the substitution, in subsection (5) of section 2A of “the adjudication officer or the Labour Court” for “the rights commissioner, the Tribunal or the Circuit Court”,
- (d) by the substitution, in subsection (2A) of section 5, of “the adjudication officer or the Labour Court” for “the rights commissioner, the Tribunal or the Circuit Court”,
- (e) by the substitution, in subsection (7) of section 6, of “the adjudication officer or the Labour Court” for “the rights commissioner, the Tribunal or the Circuit Court”,
- (f) in subsection (1) of section 7, by the substitution of “the adjudication officer or the Labour Court” for “the rights commissioner, the Tribunal or the Circuit Court”,
- (g) in section 8, by—
 - (i) F36[...]
 - (ii) F36[...]
 - (iii) F36[...]
 - (iv) F36[...]
 - (v) the substitution, in subsection (2), of—
 - (I) “the Director General” for “a rights commissioner or the Tribunal, as the case may be”, and
 - (II) “the Director General” for “the rights commissioner or the Tribunal,” in each place that it occurs,
 - (vi) the deletion, in subsection (2), of “, as the case may be,” in each place that it occurs,
 - (vii) the substitution, in subsection (6), of “an adjudication officer” for “a rights commissioner”,
 - (viii) the substitution of the following subsection for subsection (7):
 - “(7) An adjudication officer shall notify the Labour Court of any decision he makes under this section.”,
 - (ix) F36[...]
 - (x) F36[...]
 - (xi) F36[...]
 - (xii) by the substitution, in subsection (12), of “the adjudication officer or the Labour Court, as may be appropriate” for “the rights commissioner, the Tribunal or the Circuit Court, as the case may be”,
- (h) by the insertion of the following sections:

“Application of provisions of Act of 2015 to claim for redress

8A. (1) *Sections 42 and 43* of the *Workplace Relations Act 2015* shall apply to a claim referred to an adjudication officer under section 8 as they apply to a complaint or dispute referred to an adjudication

officer under *section 41* of that Act, subject to the following modifications:

- (a) references to a complaint or dispute shall be construed as references to a claim referred to an adjudication officer under section 8 of this Act;
 - (b) the reference to *section 41* shall be construed as a reference to section 8 of this Act; and
 - (c) any other necessary modifications.
- (2) *Section 44* of the *Workplace Relations Act 2015* shall apply to a decision of an adjudication officer given in respect of a claim for redress under this Act by an employee as it applies to a decision of an adjudication officer given in proceedings under *section 41* of that Act, subject to the following modifications:
- (a) the reference in *subsection (1)* of the said *section 44* to—
 - (i) proceedings under *section 41* shall be construed as a reference to a claim under section 8 of this Act, and
 - (ii) those proceedings shall be construed as a reference in relation to that claim;

and
 - (b) any other necessary modifications.

Disposal of claims by written submission only

- 8B.** (1) The Director General may, where he or she considers that a claim for redress under this Act may be dealt with by written submissions only, inform the parties to the claim, by notification in writing, of his or her intention to deal with the claim in that manner.
- (2) Where a party to a claim for redress under this Act is given a notification under subsection (1) and, not later than 42 days after having been given the notification, that party informs the Director General that he or she objects to the claim being dealt with in the manner specified in the notification, the Director General shall not deal with the claim in that manner.

Striking out of claims that are not pursued

- 8C.** (1) Where a claim for redress under this Act is referred to the Director General under section 8, the Director General may strike out the claim if he or she is satisfied that the claim has not been pursued by the employee during the period of one year (or such other period as may be prescribed by regulations made by the Minister) immediately preceding its being struck out.
- (2) The Director General shall, as soon as may be after he or she strikes out a claim for redress under this Act in accordance with this section, notify the parties to the claim in writing of the striking out of the claim.
- (3) Where a claim for redress under this Act is struck out under this section, the employee who brought the claim shall not be entitled to prosecute the claim any further.”,
- (i) by the deletion of section 9,
 - (j) the insertion of the following section:

“Appeal to High Court on point of law

10A. A party to proceedings before the Labour Court under this Act may, not later than 42 days from the service on that party of notice of the decision of the Labour Court in those proceedings, appeal that decision to the High Court on a point of law, and the decision of the High Court in relation thereto shall be final and conclusive.”.

(k) the substitution of the following section for section 11:

“11. (1) A notice or other document that is required to be served on or given to a person under this Act shall be addressed to the person concerned by name, and may be so served on or given to the person in one of the following ways:

(a) by delivering it to the person;

(b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address;

(c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address; or

(d) by electronic means, in a case in which the person has given notice in writing to the person serving or giving the notice or document concerned of his or her consent to the notice or document (or notices or documents of a class to which the notice or document belongs) being served on, or given to, him or her in that manner.

(2) For the purpose of this section, a company within the meaning of the Companies Acts shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business.”.

and

(l) the substitution, in subsection (2) of section 15, of—

(i) “decision has been made by an adjudication officer” for “recommendation has been made by a rights commissioner”, and

(ii) the deletion of “or the hearing of a claim by the Tribunal has commenced”.

F37[(1A) The functions standing vested in a rights commissioner immediately before the commencement of this section shall, in relation to a claim for redress referred to in *subsection (2)*, continue to be performable after such commencement by a person who immediately before such commencement was a rights commissioner.]

(2) The amendments to the Act of 1977 effected by this section shall not apply in relation to a claim for redress under that Act brought before the commencement of this section.

Annotations**Amendments:**

F36 Deleted (1.10.2015) by *National Minimum Wage (Low Pay Commission) Act 2015 (22/2015)*, s. 20(1)(l)(i), S.I. No. 411 of 2015.

F37 Inserted (1.10.2015) by *National Minimum Wage (Low Pay Commission) Act 2015* (22/2015), s. 20(1)(l)(ii), S.I. No. 411 of 2015.

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

81. (1) Section 1 of the Act of 1984 is amended, in subsection (1), by the insertion of the following definition:

“ ‘Act of 2015’ means the *Workplace Relations Act 2015*;”.

(2) Section 6 of the Act of 1984 is amended—

(a) in subparagraph (xxx) of paragraph (a) of subsection (2), by the deletion of “and” after “that Schedule,”,

(b) in subparagraph (xxxi) of that paragraph, by the substitution of “that Schedule, and” for “that Schedule.”,

(c) in that paragraph, by the insertion of the following subparagraph (inserted by paragraph 6 of Schedule 2 of the [Protected Disclosures Act 2014](#)):

“(xxxii) any amount that an employer within the meaning of the *Act of 2015* is required to pay by virtue of a decision of an adjudication officer or the Labour Court under *Part 4* of that Act.”,

(d) in paragraph (b) of subsection (2), by the substitution of “, (xxxi) or (xxxii)” for “or (xxxi) ”,

(e) in paragraph (c) of subsection (2), by—

(i) the substitution of “, (xxxi) or (xxxii)” for “or (xxxi) ”, and

(ii) the substitution of the following subparagraph for subparagraph (i):

“(i) the decision or recommendation, as appropriate, of the rights commissioner, or the decision of the adjudication officer under *Part 4* of the *Act of 2015*,”,

and

(f) in the definition of “relevant date” in subsection (9), by the substitution of “, (xxxi) or (xxxii) ” for “or (xxxi) ”.

(3) Section 9 of the Act of 1984 is amended by—

(a) the substitution of the following subsection for subsection (1):

“(1) A person who has applied for a payment—

(a) under section 6 of a debt described in subparagraph (i), (ii) or (iv) of subsection (2)(a) of that section, or

(b) to be made under section 7 of this Act into the resources of a pension scheme,

may present a complaint to the Director General that—

(i) the Minister has failed to make such payment, or

(ii) any such payment made by the Minister is less than the amount that the Minister is required to pay under section 6 or 7, as may be appropriate.”,

(b) the insertion of the following subsections:

“(1A) The Director General shall refer a complaint presented to him or her under subsection (1) for adjudication by an adjudication officer.

(1B) An adjudication officer shall not entertain a complaint referred to him or her under this section if it has been presented to the Director General after the expiration of the period of 6 months beginning on the date of the decision by the Minister in relation to the application to which the complaint relates.

(1C) An adjudication officer may entertain a complaint to which this section applies presented to the Director General after the expiration of the period referred to in subsection (1B) (but not later than 6 months after such expiration) if he or she is satisfied that the failure to present the complaint within that period was due to reasonable cause.”,

(c) the substitution of the following subsection for subsection (3):

“(3) Where a claim for payment is made under section 6 or 7 and it appears to the Minister that a doubt exists as to whether or not such claim is allowable (in whole or in part), he may refer any matter arising in connection with the claim to the Director General, and the Director General shall refer the matter for adjudication by an adjudication officer.”,

(d) the substitution, in subsection (4), of “adjudication officer” for “Tribunal” and “he” for “it”,

(e) the insertion of the following subsection:

“(6) In this section—

‘adjudication officer’ has the same meaning as it has in the *Act of 2015*;
and

‘Director General’ means the Director General of the Workplace Relations Commission.”,

and

(f) the deletion of subsections (2) and (5).

F38[(4) The amendment of the Act of 1984 effected by this section shall not apply in relation to a complaint presented to the Employment Appeals Tribunal under section 9 of that Act before the commencement of this section.]

(5) F39[...]

Annotations

Amendments:

F38 Substituted (1.10.2015) by *National Minimum Wage (Low Pay Commission) Act 2015* (22/2015), s. 20(1)(m)(ii), S.I. No. 411 of 2015.

F39 Deleted (1.10.2015) by *National Minimum Wage (Low Pay Commission) Act 2015* (22/2015), s. 20(1)(m)(i), S.I. No. 411 of 2015.

Amendment of Part VII of Pensions Act 1990

82. Part VII of the *Pensions Act 1990* is amended by—

- (a) the deletion, in section 65, of the definition of “the Director” (inserted by *section 24* of the *Social Welfare (Miscellaneous Provisions) Act 2003*),
- (b) the substitution of “Director General of the Workplace Relations Commission” for “Director” in each place that it occurs, and
- (c) the substitution of “decision” for “recommendation” in each place that it occurs.

Amendment of Act of 1998

83. (1) The Act of 1998 is amended—

(a) in section 39, by—

- (i) the deletion of paragraph (bb) (inserted by *section 25* of the *Parental Leave Act 1998*), and
- (ii) the deletion of paragraph (c),

(b) by the insertion, in subsection (1) of section 74, of the following definitions:

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

‘adjudication officer’ has the same meaning as it has in the Act of 2015;

‘mediation officer’ has the same meaning as it has in the *Act of 2015*;”,

(c) by the substitution of—

- (i) “adjudication officer” for “equality officer” in each place that it occurs,
- (ii) “Director General of the Workplace Relations Commission” for “Director of the Equality Tribunal” and “Director” in each place that they occur, and
- (iii) “mediation officer” for “equality mediation officer” in each place that it occurs,

(d) in section 75, by—

- (i) the deletion of subsections (1), (2), (2A), (3), (4), (4A) and (8), and
- (ii) the deletion, in subsection (4B), of “or any other enactment”,

(e) the substitution of the following section for section 78:

“78. *Section 39* of the *Act of 2015* shall apply to a case referred to the Director General of the Workplace Relations Commission under section 77 of this Act as it applies to a complaint presented, or dispute referred, to the Director General of the Workplace Relations Commission under *section 41* of the *Act of 2015*, subject to the modification that references to a complaint or dispute under the said *section 39* shall be construed as references to a case so referred.”,

(f) in section 79, by the deletion of subsections (5A) and (7),

(g) F40[...]

(h) by the substitution, after the word “published” in subsection (1) of section 89, of “on the internet in such form and in such manner as the Director General of the Workplace Relations Commission considers appropriate”,

(i) by the substitution of the following section for section 91:

“91. (1) *Section 43* of the *Act of 2015* shall apply to a decision of the Director General of the Workplace Relations Commission under section 79 as it applies to a decision of an adjudication officer under *section 41* of that Act, subject to—

(a) the modification that the following paragraph is substituted for paragraph (a) of subsection (1):

‘(a) on application to it in that behalf by the complainant concerned, the Irish Human Rights and Equality Commission, or’,

and

(b) the following modifications:

(i) references to a complaint or dispute referred to an adjudication officer under *section 41* shall be construed as references to a case referred to the Director General of the Workplace Relations Commission under section 77 of this Act;

(ii) references to a complaint or dispute shall be construed as references to a case referred to the Director General of the Workplace Relations Commission under section 77 of this Act;

(iii) references to decision of an adjudication officer shall be construed as references to decision of the Director General of the Workplace Relations Commission under section 79 of this Act;

(iv) the reference to decision of an adjudication officer under that section shall be construed as a reference to decision of the Director General of the Workplace Relations Commission under section 79 of this Act; and

(v) references to employee shall be construed as references to complainant within the meaning of Part VII of this Act and references to employer shall be construed as references to respondent within such meaning.

(2) *Section 45* of the *Act of 2015* shall apply to a decision of the Labour Court under *section 44* of that Act upon an appeal from a decision of the Director General of the Workplace Relations Commission under section 79 subject to the modification that the following paragraph is substituted for paragraph (b) of subsection (1):

‘(b) on application to it in that behalf, with the consent of the complainant, by the Irish Human Rights and Equality Commission,’,

(j) by the deletion of section 92,

(k) by the insertion, after “Chairman of the Labour Court” in paragraph (a) of subsection (1) of section 94, of “, an inspector appointed under *section 26* of the *Act of 2015*”,

(l) by the substitution, in subsection (3) of section 100, of “Workplace Relations Commission” for “Minister”,

(m) F40[...]

(n) in section 103, by—

(i) the substitution, in subsection (1), of “under this Part or *section 44* of the *Act of 2015* in accordance with section 83” for “under this Part”,

(ii) the substitution, in subsection (2), of “under this Part or under *section 44* of the *Act of 2015* in accordance with section 83” for “under this Part”,

(iii) the deletion of paragraphs (a) and (d) of subsection (3), and

(iv) the substitution of the following paragraph for paragraph (c) of subsection (3):

“(c) a decision under *section 44* of the *Act of 2015* to which section 83 applies.”.

(2) The amendment of the Act of 1998 effected by this section shall not apply in relation to a case referred to the Director of the Equality Tribunal under section 77 of that Act before the commencement of this section.

F41[(3) The functions standing vested in an equality officer immediately before the commencement of this section shall, in relation to a case referred to in *subsection (2)*, continue to be performable after such commencement by a person who immediately before such commencement was an equality officer.

(4) The functions standing vested in an equality mediation officer immediately before the commencement of this section shall, in relation to a case referred to in *subsection (2)*, continue to be performable after such commencement by a person who immediately before such commencement was an equality mediation officer.]

Annotations

Amendments:

F40 Deleted (1.10.2015) by *National Minimum Wage (Low Pay Commission) Act 2015 (22/2015)*, s. 20(1)(n)(i), S.I. No. 411 of 2015.

F41 Inserted (1.10.2015) by *National Minimum Wage (Low Pay Commission) Act 2015 (22/2015)*, s. 20(1)(n)(ii), S.I. No. 411 of 2015.

Amendment of Equal Status Act 2000

84. (1) The Act of 2000 is amended—

(a) in subsection (1) of section 2, by—

(i) the insertion of the following definitions:

" *Act of 2015*’ means the Workplace Relations Act 2015;

‘adjudication officer’ has the same meaning as it has in the *Act of 2015*;

‘mediation officer’ has the same meaning as it has in the *Act of 2015*;

‘Labour Court’ means the body established by the *Industrial Relations Act 1946*;”,

and

- (ii) the deletion of the definition of “Director”,
- (b) by the substitution (other than in subparagraph (ii) of paragraph (j) of subsection (2) of section 3) of “Director of the Workplace Relations Commission” for “Director” in each place that it occurs,
- (c) by the substitution, in subparagraph (ii) of paragraph (j) of subsection (2) of section 3, of “adjudication officer” for “Director”,
- (d) in section 20, by—
 - (i) the deletion of the definitions of “equality mediation officer” and “equality officer”, and
 - (ii) the insertion of the following definition:

“ ‘Minister’ means the Minister for Jobs, Enterprise and Innovation;”,
- (e) in Part III, by—
 - (i) the substitution of “adjudication officer” for “equality officer” in each place that it occurs, and
 - (ii) the substitution of “mediation officer” for “equality mediation officer” in each place that it occurs,
- (f) in section 30, by the insertion after the word “published” of “on the internet in such form and manner as the Director General of the Workplace Relations Commission considers appropriate”,
- (g) F42[...]
- (h) by the deletion of section 32,
- (i) in section 41, by the substitution of “Minister for Jobs, Enterprise and Innovation” for “Minister” in each place that it occurs, and
- (j) in section 44, by—
 - (i) the substitution of the following subsection for subsection (1):

“(1) Summary proceedings for an offence under this Act may be brought and prosecuted by the Workplace Relations Commission or the Irish Human Rights and Equality Commission.”,
 - (ii) the substitution of the following subsection for subsection (2):

“(2) Where an offence under this Act is committed by a body corporate and is proved to have been so committed with the consent or connivance of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person shall, as well as the body corporate, be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.”,

and

 - (iii) the deletion of subsection (3).
- (2) The amendment of the Act of 2000 effected by this section shall not apply in relation to a case referred to the Director of the Equality Tribunal under section 21 of that Act before the commencement of this section.
- F43[(3) The functions standing vested in an equality officer immediately before the commencement of this section shall, in relation to a case referred to

in subsection (2), continue to be performable after such commencement by a person who immediately before such commencement was an equality officer.

(4) The functions standing vested in an equality mediation officer immediately before the commencement of this section shall, in relation to a case referred to in subsection (2), continue to be performable after such commencement by a person who immediately before such commencement was an equality mediation officer.]

Annotations

Amendments:

- F42** Deleted (1.10.2015) by *National Minimum Wage (Low Pay Commission) Act 2015* (22/2015), s. 20(1)(o)(i), S.I. No. 411 of 2015.
- F43** Inserted (1.10.2015) by *National Minimum Wage (Low Pay Commission) Act 2015* (22/2015), s. 20(1)(o)(ii), S.I. No. 411 of 2015.

Amendment of section 5 of Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007

85. Section 5 of the *Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007* is amended by—

- (a) the substitution, in paragraph (a) of subsection (2), of “Minister” for “National Implementation Body (being the body of that name established, under the aegis of the Department of the Taoiseach, to oversee the attainment and maintenance of industrial peace and stability)”,
- (b) the substitution, in subsection (3), of “person” for “body”, and
- (c) the substitution, in subsection (10), of “person” for “body”.

Other amendments

86. (1) The *Organisation of Working Time Act 1997* is amended—

- (a) in section 19, by the insertion of the following subsection:

“(1A) For the purposes of this section, a day that an employee was absent from work due to illness shall, if the employee provided to his or her employer a certificate of a registered medical practitioner in respect of that illness, be deemed to be a day on which the employee was—

- (a) at his or her place of work or at his or her employer’s disposal, and
- (b) carrying on or performing the activities or duties of his or her work.”,
- (b) in section 20, by the substitution of the following paragraph for paragraph (c) of subsection (1):

“(c) to the leave being granted—

- (i) within the leave year to which it relates,
- (ii) with the consent of the employee, within the period of 6 months after the end of that leave year, or
- (iii) where the employee—

(I) is, due to illness, unable to take all or any part of his or her annual leave during that leave year or the period specified in subparagraph (ii), and

(II) has provided a certificate of a registered medical practitioner in respect of that illness to his or her employer,

within the period of 15 months after the end of that leave year.”,

and

(c) in section 23, by the substitution of the following subsection for subsection (1):

“(1) (a) Where—

(i) an employee ceases to be employed, and

(ii) the whole or any portion of the annual leave in respect of the relevant period remains to be granted to the employee,

the employee shall, as compensation for the loss of that annual leave, be paid by his or her employer an amount equal to the pay, calculated at the normal weekly rate or, as the case may be, at a rate proportionate to the normal weekly rate, that he or she would have received had he or she been granted that annual leave.

(b) In this subsection—

‘relevant period’ means—

(i) in relation to a cessation of employment of an employee to whom subparagraph (i) of paragraph (c) of subsection (1) of section 20 applies, the current leave year,

(ii) in relation to a cessation of employment of an employee to whom subparagraph (ii) of the said paragraph (c) applies, that occurs during the first 6 months of the current leave year—

(I) the current leave year, and

(II) the leave year immediately preceding the current leave year,

(iii) in relation to a cessation of employment of an employee to whom subparagraph (iii) of the said paragraph (c) applies, that occurs during the first 12 months of the period of 15 months referred to in the said subparagraph (iii) —

(I) the current leave year, and

(II) the leave year immediately preceding the current leave year,

or

(iv) in relation to a cessation of employment of an employee to whom subparagraph (iii) of the said paragraph (c) applies that occurs during the final 3 months of the period of 15 months referred to in the said subparagraph (iii) —

(I) the current leave year, and

(II) the 2 leave years immediately preceding the current leave year.”.

- (2) Section 23 of the Act of 1990 is amended, in paragraph (a) of subsection (3), by the deletion of “(other than established civil servants within the meaning of the [Civil Service Regulation Act 1956](#))”.
- (3) Section 2B (inserted by [section 2](#) of the [Financial Emergency Measures in the Public Interest Act 2013](#)) of the [Financial Emergency Measures in the Public Interest \(No. 2\) Act 2009](#) is repealed.

SCHEDULE 1

Employment Enactments

Section 2

Part 1

Acts of the Oireachtas

1. [Payment of Wages Act 1991](#)
2. [Adoptive Leave Act 1995](#)
3. [Protection of Young Persons \(Employment\) Act 1996](#)
4. [Transnational Information and Consultation of Employees Act 1996](#)
5. [Organisation of Working Time Act 1997](#)
6. [Parental Leave Act 1998](#)
7. [National Minimum Wage Act 2000](#)
8. [Carer's Leave Act 2001](#)
9. [Protection of Employees \(Part-Time Work\) Act 2001](#)
10. [Protection of Employees \(Fixed-Term Work\) Act 2003](#)
11. [Maternity Protection Acts 1994 and 2004](#)
12. [Minimum Notice and Terms of Employment Acts 1973 to 2005](#)
13. [Employees \(Provision of Information and Consultation\) Act 2006](#)
14. [Unfair Dismissals Acts 1977 to 2007](#)
15. [Employment Equality Acts 1998 to 2011](#)
16. [Protection of Employees \(Employers' Insolvency\) Acts 1984 to 2012](#)
17. [Protection of Employees \(Temporary Agency Work\) Act 2012](#)
18. [Redundancy Payments Acts 1967 to 2014](#)
19. [Protection of Employment Acts 1977 to 2014](#)
20. [Terms of Employment \(Information\) Acts 1994 to 2014](#)
- F44[21. [Paternity Leave and Benefit Act 2016](#)]
- F45[22. [Parent's Leave and Benefit Act 2019](#)]
- F46[23. [Sick Leave Act 2022](#)]

Annotations**Amendments:**

- F44** Inserted (1.08.2016) by *Paternity Leave and Benefit Act 2016* (11/2016), s. 37(b), S.I. No. 435 of 2016.
- F45** Inserted (1.11.2019) by *Parent's Leave and Benefit Act 2019* (35/2019), s. 38(b), S.I. No. 629 of 2019.
- F46** Inserted (1.01.2023) by *Sick Leave Act 2022* (24/2022), s. 15(b), S.I. No. 606 of 2022.

Part 2

Provisions of Acts of Oireachtas

1. Part IV of the Industrial Relations Act 1946
2. Section 4(1) of the Protections for Persons Reporting Child Abuse Act 1998
3. Section 8A(5) of the Prevention of Corruption (Amendment) Act 2001
4. Section 50 of the Competition Act 2002
- F47[5. Section 26(3) of the Employment Permits Act 2006]
6. Section 8 of the Industrial Relations (Miscellaneous Provisions) Act 2004
7. Section 55M(1) of the Health Act 2004
8. Section 27 of the Safety, Health and Welfare at Work Act 2005
9. Section 87 of the Consumer Protection Act 2007
10. Section 26(1) of the Chemicals Act 2008
11. Section 62(1) of the Charities Act 2009
12. Section 223(3) of the National Asset Management Agency Act 2009
13. Section 38 of the Inland Fisheries Act 2010
14. Section 20(1) of the Criminal Justice Act 2011
15. Section 67(5) of the Property Services (Regulation) Act 2011
16. Section 35 of the Further Education and Training Act 2013
17. Section 41(1) of the Central Bank (Supervision and Enforcement) Act 2013
18. Section 12(1) of the Protected Disclosures Act 2014
- F48[19. Part 2 of the Industrial Relations (Amendment) Act 2015]
- F50[20. Part 3 of the Work Life Balance and Miscellaneous Provisions Act 2023]
- F49[20. Section 6(3) of the Protected Disclosures Act 2014]

Annotations**Amendments:**

- F47** Substituted (8.02.2016) by *Credit Guarantee (Amendment) Act 2016* (1/2016), s. 19(b), commenced on enactment.
- F48** Inserted (1.08.2015) by *Industrial Relations (Amendment) Act 2015* (27/2015), s. 24(c), S.I. No. 329 of 2015.
- F49** Inserted (1.01.2023) by *Protected Disclosures (Amendment) Act 2022* (27/2022), s. 35(a), S.I. No. 510 of 2022.
- F50** Inserted (6.03.2024) by *Work Life Balance and Miscellaneous Provisions Act 2023* (8/2023), s. 40(c), S.I. No. 90 of 2024.

Modifications (not altering text):**Editorial Notes:**

- E23** *Prevention of Corruption (Amendment) Act 2001* mentioned in para. 3 was repealed (30.07.2018) by *Criminal Justice (Corruption Offences) Act 2018* (9/2018), s. 4 and sch. 2, S.I. No. 298 of 2018. The anti-corruption provisions introduced by the 2018 Act are included in the list of “relevant offences” in *Criminal Justice Act 2011* (22/2011), s. 3 and sch. 1 para. 28A. The *Criminal Justice Act 2011*, s. 20(1) is listed above at para. 14.

Part 3

Statutory Instruments

1. European Communities (Parental Leave) Regulations 2000 (S.I. No. 231 of 2000)
2. European Communities (Protection of Employment) Regulations 2000 (S.I. No. 488 of 2000)
3. European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 (S.I. No. 131 of 2003)
4. European Communities (Organisation of Working Time) (Activities of Doctors in Training) Regulations 2004 (S.I. No. 494 of 2004)
5. Organisation of Working Time (Inclusion of Transport Activities) Regulations 2004 (S.I. No. 817 of 2004)
6. Organisation of Working Time (Inclusion of Offshore Work) Regulations 2004 (S.I. No. 819 of 2004)
7. European Communities (Organisation of Working Time) (Mobile Staff in Civil Aviation) Regulations 2006 (S.I. No. 507 of 2006)
8. European Communities (European Public Limited - Liability Company) (Employee Involvement) Regulations 2006 (S.I. No. 623 of 2006)
9. European Communities (European Cooperative Society) (Employee Involvement) Regulations 2007 (S.I. No. 259 of 2007)
10. F51[...]

F52[11. European Union (Cross-Border Conversions, Mergers and Divisions) Regulations 2023 (S.I. No. 233 of 2023)]

12. European Communities (Working Conditions of Mobile Workers engaged in Interoperable Cross-border Services in the Railway Sector) Regulations 2009 (S.I. No. 377 of 2009)

13. European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations 2012 (S.I. No. 36 of 2012)

F53[14. European Union (Posting of Workers) Regulations 2016 (S.I. No. 412 of 2016)]

Annotations

Amendments:

F51 Deleted (29.05.2020) by *European Union (Reporting, Analysis and Follow-up of Occurrences in Civil Aviation) Regulations 2020* (S.I. No. 195 of 2020), reg. 7(3)(a).

F52 Substituted (24.05.2023) by *European Union (Cross-Border Conversions, Mergers and Divisions) Regulations 2023* (S.I. No. 233 of 2023), reg. 95 and sch. 4 ref. 2.

F53 Inserted (27.07.2016) by *European Union (Posting of Workers) Regulations 2016* (S.I. No. 412 of 2016), reg. 12.

SCHEDULE 2

Repeals and Revocations

Section 8

Part 1

Acts of the Oireachtas

Reference (1)	Number and Year (2)	Short title (3)	Extent of Repeal (4)
1.	No. 26 of 1946	<i>Industrial Relations Act 1946</i>	Sections 45C, 45D and 45E
2.	No. 14 of 1969	<i>Industrial Relations Act 1969</i>	Section 13(1), (4), (5) and (7)
3.	No. 4 of 1973	<i>Minimum Notice and Terms of Employment Act 1973</i>	Sections 11 and 13
4.	No. 25 of 1991	<i>Payment of Wages Act 1991</i>	Sections 8 and 9

Reference (1)	Number and Year (2)	Short title (3)	Extent of Repeal (4)
5.	No. 22 of 1993	Unfair Dismissals (Amendment) Act 1993	Sections 11 and 12
6.	No. 5 of 1994	Terms of Employment (Information) Act 1994	Sections 9 and 10
7.	No. 34 of 1994	Maternity Protection Act 1994	Part V (other than sections 30(1), (2), (3), (5) and (6), 32 and 33A)
8.	No. 2 of 1995	Adoptive Leave Act 1995	Part V (other than sections 31, 32(1), (2) and (4) and 33)
9.	No. 16 of 1996	Protection of Young Persons (Employment) Act 1996	Sections 20, 21 and 22
10.	No. 20 of 1997	Organisation of Working Time Act 1997	Sections 8, 27 (other than subsections (1) and (3)), 29, 30 and 31
11.	No. 30 of 1998	Parental Leave Act 1998	Part IV (other than sections 18(1) and (2) and 21) and sections 24 and 27(5)
12.	No. 5 of 2000	National Minimum Wage Act 2000	Part 5 (other than sections 24, 25, 26, 29, 34, 35, 36, 37, 38, 39 and 40)
13.	No. 19 of 2001	Carer's Leave Act 2001	Part 4 (other than sections 17, 18 and 21) and sections 25 and 32
14.	No. 27 of 2001	Prevention of Corruption (Amendment) Act 2001	Schedule 1 (other than paragraphs 1(1) and (3), 2 and 3(7) and (8))
15.	No. 45 of 2001	Protection of Employees (Part-Time Work) Act 2001	Section 18
16.	No. 14 of 2002	Competition Act 2002	Schedule 3 (other than paragraphs 2, 3 and 5)
17.	No. 29 of 2003	Protection of Employees (Fixed-Term Work) Act 2003	Part 3 (other than sections 14 and 15)

Reference Number (1)	Number and Year (2)	Short title (3)	Extent of Repeal (4)
18.	No. 4 of 2004	Industrial Relations (Miscellaneous Provisions) Act 2004	Sections 9 (other than subsections (5) and (10)), 11, 12 and 13
19.	No. 42 of 2004	Health Act 2004	Sections 55M (other than subsections (1), (1A), (2), (3), (4), (6) and (11)), 55N, 55O and 55P
20.	No. 10 of 2005	Safety, Health and Welfare at Work Act 2005	Sections 30 and 31
21.	No. 9 of 2006	Employees (Provision of Information and Consultation) Act 2006	Paragraph 3 of Schedule 3
22.	No. 16 of 2006	Employment Permits Act 2006	Schedule 2 (other than paragraphs 1, 2, 5 and 6)
23.	No. 19 of 2007	Consumer Protection Act 2007	Paragraph 3 of Schedule 6
24.	No. 13 of 2008	Chemicals Act 2008	Section 26 (other than subsections (1), (1A), (2), (3), (5) and (7))
25.	No. 34 of 2009	National Asset Management Agency Act 2009	Schedule 2 (other than paragraphs 1 and 2)
26.	No. 10 of 2010	Inland Fisheries Act 2010	Schedule 4 (other than paragraphs 1 and 2)
27.	No. 22 of 2011	Criminal Justice Act 2011	Schedule 2 (other than paragraphs 1 and 2)
28.	No. 40 of 2011	Property Services (Regulation) Act 2011	Schedule 4 (other than paragraphs 1, 2 and 3(7) and (8))
29.	No. 13 of 2012	Protection of Employees (Temporary Agency Work) Act 2012	Schedule 2 (other than paragraphs 1, 2 and 6)
30.	No. 25 of 2013	Further Education and Training Act 2013	Schedule (other than paragraphs 1 and 2)
31.	No. 26 of 2013	Central Bank (Supervision and Enforcement) Act 2013	Schedule 5 (other than paragraphs 1 and 2)

Reference Number (1)	Number and Year (2)	Short title (3)	Extent of Repeal (4)
32.	No. 14 of 2014	Protected Disclosures Act 2014	Schedule 2 (other than paragraphs 1 and 2)

Part 2

Statutory Instruments

Reference (1)	Number and Year (2)	Short title (3)	Extent of Repeal (4)
1.	S.I. No. 488 of 2000	European Communities (Protection of Employment) Regulations 2000	Regulation 6
2.	S.I. No. 131 of 2003	European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003	Regulations 12, 13 and 14
3.	S.I. No. 507 of 2006	European Communities (Organisation of Working Time) (Mobile Staff in Civil Aviation) Regulations 2006	Regulation 17
4.	S.I. No. 259 of 2007	European Communities (European Cooperative Society) (Employee Involvement) Regulations 2007	Paragraph 4 of Schedule 2
5.	F54[...]	F54[...]	F54[...]
6.	S.I. No. 157 of 2008	European Communities (Cross-Border Mergers) Regulations 2008	Paragraph 4 of Schedule 2
7.	S.I. No. 377 of 2009	European Communities (Working Conditions of Mobile Workers Engaged in Interoperable Cross Border Services in the Railway Sector) Regulations 2009	Regulation 10
8.	S.I. No. 36 of 2012	European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations 2012	Regulations 20, 21 and 22

Annotations**Amendments:**

- F54** Deleted (29.05.2020) by *European Union (Reporting, Analysis and Follow-up of Occurrences in Civil Aviation) Regulations 2020* (S.I. No. 195 of 2020), reg. 7(3)(b).

SCHEDULE 3

Workplace Relations Commission

Section 10

1. (1) The Commission shall be a body corporate with perpetual succession and an official seal and shall have power to sue, and may be sued, in its corporate name, and shall, with the consent of the Minister and the Minister for Public Expenditure and Reform have power to acquire, hold and dispose of land or an interest in land, and shall have power to acquire, hold and dispose of any other property.
- (2) The seal of the Commission shall be authenticated by the signatures of both the Director General, and a member of the staff of the Commission authorised by the Board to act in that behalf.
- (3) Judicial notice shall be taken of the seal of the Commission and any document purporting to be an instrument made by, and to be sealed with the seal of, the Commission shall, unless the contrary is shown, be received in evidence and be deemed to be such instrument without further proof.
2. (1) The Commission shall have a board (in this Act referred to as the “Board”) consisting of the following members, that is to say—
 - (a) a chairperson, and
 - (b) 8 ordinary members.
- (2) The chairperson and the ordinary members of the Board shall be appointed by the Minister.
- (3) Of the ordinary members of the Board—
 - (a) 2 shall be appointed by the Minister from among persons who, in the opinion of the Minister, represent the interests of employees,
 - (b) 2 shall be appointed by the Minister from among persons who, in the opinion of the Minister, represent the interests of employers,
 - (c) one shall be appointed by the Minister from among persons who, in the opinion of the Minister, represent the interests of bodies who seek to promote equality in the workplace, and
 - (d) 3 shall be appointed by the Minister from among persons who, in the opinion of the Minister, have experience and expertise in relation to workplace relations, resolution of disputes in the workplace, employment law or equality law.

- (4) The Minister shall, in so far as is practicable, endeavour to ensure that among the members of the Board there is an equitable balance between men and women.
- (5) (a) The chairperson of the Board shall hold office for the period of 5 years from the date of his or her appointment.
- (b) A member of the Board appointed under *clause (a), (b) or (c) of subparagraph (3)* shall hold office for the period of 2 years from the date of his or her appointment.
- (c) A member of the Board appointed under *clause (d) of subparagraph (3)* shall hold office for the period of 3 years from the date of his or her appointment.
- (6) Subject to *subparagraph (7)*, a member (other than the chairperson) of the Board whose term of office expires by the efflux of time shall be eligible for reappointment to the Board.
- (7) A person who is reappointed to the Board in accordance with *subparagraph (5)* shall not hold office for periods the aggregate of which exceeds 6 years.
3. (1) A member of the Board may resign from office by giving notice in writing to the Minister of his or her resignation and the resignation shall take effect on the day on which the Minister receives the notice.
- (2) The Minister may at any time remove from office a member of the Board if, in the Minister's opinion—
- (a) the member has become incapable through ill-health of performing his or her functions,
- (b) the member has committed stated misbehaviour, or
- (c) the member's removal appears to the Minister to be necessary for the effective performance by the Board of its functions.
- (3) A member of the Board shall cease to be qualified for office and shall cease to hold office if he or she—
- (a) is adjudicated bankrupt,
- (b) makes a composition or arrangement with creditors,
- (c) is sentenced by a court of competent jurisdiction to a term of imprisonment,
- (d) is convicted of any indictable offence in relation to a company,
- (e) is convicted of any indictable offence in relation to a company or any other body corporate,
- (f) is convicted of an offence involving fraud or dishonesty, whether in connection with a company or not, or
- F55[(g) is, or is deemed to be, the subject of an order under section 160 of the Companies Act 1990 or a disqualification order within the meaning of Chapter 4 of Part 14 of the Companies Act 2014.]
- (4) A member of the Board shall, subject to the provisions of this Act, hold office upon such terms and conditions as may be determined by the Minister, with the consent of the Minister for Public Expenditure and Reform.

- (5) There may be paid by the Minister to members of the Board such allowances in respect of expenses (if any) incurred by them as the Minister may, with the consent of the Minister for Public Expenditure and Reform, determine.
4. (1) If a member of the Board dies, resigns, ceases to be qualified for office and ceases to hold office or is removed from office, the Minister may appoint a person to be a member of the Board to fill the casual vacancy so occasioned in the same manner as the member of the Board who occasioned the casual vacancy was appointed.
- (2) A person appointed to be a member of the Board pursuant to *subparagraph (1)* shall hold office for that period of the term of office of the member who occasioned the casual vacancy concerned that remains unexpired at the date of his or her appointment and shall, subject to *subparagraph (7)* of *paragraph 2*, be eligible for reappointment as a member of the Board on the expiry of the said period.
5. (1) The Board shall hold such and so many meetings as may be necessary for the due fulfilment of its functions.
- (2) The Minister shall fix the date, time and place of the first meeting of the Board.
- (3) At a meeting of the Board—
- (a) the chairperson of the Board shall, if present, be the chairperson of the meeting, or
- (b) if and so long as the chairperson of the Board is not present or if that office is vacant, the other members of the Board who are present shall choose one of their number to be chairperson of the meeting.
- (4) Every question at a meeting of the Board shall be determined by a majority of the votes of the members of the Board present and voting on the question, and, in the case of an equal division of votes, the chairperson shall have a second or casting vote.
- (5) Subject to *subparagraph (7)*, the Board may act notwithstanding one or more vacancies among its members.
- (6) Subject to the provisions of this Act, the Board shall regulate its procedure by rules or otherwise.
- (7) The quorum for a meeting of the Board shall, unless the Minister otherwise directs, be 5.

Annotations**Amendments:**

- F55** Substituted (1.10.2015) by *National Minimum Wage (Low Pay Commission) Act 2015* (22/2015), s. 20(1)(p), S.I. No. 411 of 2015.

SCHEDULE 4

Enactments Specified for Purposes of section 28

Section 28

Number and Year (1)	Short title (2)	Provision (3)
F56[...] No. 25 of 1991	F56[...] Payment of Wages Act 1991	F56[...] Section 5
No. 34 of 1994	Maternity Protection Act 1994	Section 18
F56[...] No. 20 of 1997	F56[...] Organisation of Working Time Act 1997	F56[...] Sections 6(2), 11, 12, 13, 14(1), 15(1), 16(2), 17, 18, 19(1), 19(1A), 21, 22 and 23(1) and (2)
No. 19 of 2001	Carer's Leave Act 2001	Section 13(2)
No. 13 of 2012	Protection of Employees (Temporary Agency Work) Act 2012	Section 14
F57[No. 14 of 2014	Protected Disclosures Act 2014	Section 6(3)]

Annotations**Amendments:**

- F56** Deleted (1.10.2015) by *National Minimum Wage (Low Pay Commission) Act 2015* (22/2015), s. 20(1)(q), S.I. No. 411 of 2015.
- F57** Inserted (1.01.2023) by *Protected Disclosures (Amendment) Act 2022* (27/2022), s. 35(b), S.I. No. 510 of 2022.

SCHEDULE 5

Provisions and Enactments Specified for Purposes of *Part 4**Section 41*

Part 1

1. **Section 4(2) or 5 of the Minimum Notice and Terms of Employment Act 1973**
 2. **Section 9 or 10 of the Protection of Employment Act 1977**
- F58[3. Sections 4B(1) and (2), 4C and 5 of the Payment of Wages Act 1991]

- F59[4. Section 3, 4, 5, 6, 6C, 6D, 6E, 6F or 6G of the Terms of Employment (Information) Act 1994]
5. Section 13 or 17 of the Protection of Young Persons (Employment) Act 1996
 6. Section 17 of the Transnational Information and Consultation of Employees Act 1996
 7. A relevant provision within the meaning of section 27 of the Organisation of Working Time Act 1997
 8. Section 4(1) of the Protections for Persons Reporting Child Abuse Act 1998
 9. Section 8A(5) of the Prevention of Corruption (Amendment) Act 2001
 10. Section 9 or 15 of the Protection of Employees (Part-Time Work) Act 2001
 11. Section 50(3) of the Competition Act 2002
 12. Protection of Employees (Fixed-Term Work) Act 2003
 13. Section 8 of the Industrial Relations (Miscellaneous Provisions) Act 2004
 14. Section 55M(1) of the Health Act 2004
 15. Section 27 of the Safety, Health and Welfare at Work Act 2005
 16. Section 26(3) of the Employment Permits Act 2006
 17. Section 13 of the Employees (Provision of Information and Consultation) Act 2006
 18. Section 87(3) of the Consumer Protection Act 2007
 19. Section 26(1) of the Chemicals Act 2008
 20. Section 62(1) of the Charities Act 2009
 21. Section 223(3) of the National Asset Management Agency Act 2009
 22. Section 38(1) of the Inland Fisheries Act 2010
 23. Section 20(1) of the Criminal Justice Act 2011
 24. Section 67(5) of the Property Services (Regulation) Act 2011
 25. Section 6, 13(1) or 23 of the Protection of Employees (Temporary Agency Work) Act 2012
 26. Section 35(1) of the Further Education and Training Act 2013
 27. Section 41(1) of the Central Bank (Supervision and Enforcement) Act 2013
 28. Section 12(1) of the Protected Disclosures Act 2014
- F60[29. A registered employment agreement within the meaning of Chapter 2 of Part 2 of the Industrial Relations (Amendment) Act 2015]
30. Section 20(1) of the Industrial Relations (Amendment) Act 2015]

Annotations**Amendments:**

- F58** Substituted (27.10.2022) by *Payment of Wages (Amendment)(Tips and Gratuities) Act 2022* (23/2022), ss. 8, 10(2), S.I. No. 543 of 2022.
- F59** Substituted (16.12.2022) by *European Union (Transparent and Predictable Working Conditions) Regulations 2022* S.I. No. 686 of 2022, reg. 12.
- F60** Inserted (1.08.2015) by *Industrial Relations (Amendment) Act 2015* (27/2015), s. 24(d)(i), S.I. No. 329 of 2015.

Editorial Notes:

- E24** Previous affecting provision: para. 4 substituted (4.03.2019) by *Employment (Miscellaneous Provisions) Act 2018* (38/2018), s. 19(b), S.I. No. 69 of 2019, superseded as per F-note above.
- E25** *Prevention of Corruption (Amendment) Act 2001* mentioned in para. 9 was repealed (30.07.2018) by *Criminal Justice (Corruption Offences) Act 2018* (9/2018), s. 4 and sch. 2, S.I. No. 298 of 2018. The anti-corruption provisions introduced by the 2018 Act are included in the list of “relevant offences” in *Criminal Justice Act 2011* (22/2011), s. 3 and sch. 1 para. 28A. The *Criminal Justice Act 2011*, s. 20(1) is listed above at para. 23.

Part 2

1. European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 (S.I. No. 131 of 2003) (other than Regulation 4(4) (a))
2. Regulation 5, 6, 7, 8, 9 or 10 of the European Communities (Organisation of Working Time) (Activities of Doctors in Training) Regulations 2004 (S.I. No. 494 of 2004)
3. European Communities (Organisation of Working Time) (Mobile Staff in Civil Aviation) Regulations 2006 (S.I. No. 507 of 2006)
4. Regulation 19 of the European Communities (European Public Limited - Liability Company) (Employee Involvement) Regulations 2006 (S.I. No. 623 of 2006)
5. Regulation 20(1) of the European Communities (European Cooperative Society) (Employee Involvement) Regulations 2007 (S.I. No. 259 of 2007)
6. F61[...]
- F62[7. Regulation 89(1) of the European Union (Cross-Border Conversions, Mergers and Divisions) Regulations 2023 (S.I. No. 233 of 2023)]
8. European Communities (Working Conditions of Mobile Workers engaged in Interoperable Cross-border Services in the Railway Sector) Regulations 2009 (S.I. No. 377 of 2009)
9. Regulation 5, 8, 9, 10, 11 or 12 of the European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations 2012 (S.I. No. 36 of 2012)

10. An employment regulation order under section 42C (inserted by [section 12 of the Industrial Relations \(Amendment\) Act 2012](#)) of the [Industrial Relations Act 1946](#)

F63[[11. A sectoral employment order within the meaning of Chapter 3 of Part 2 of the Industrial Relations \(Amendment\) Act 2015](#)]

Annotations

Amendments:

- F61** Deleted (29.05.2020) by *European Union (Reporting, Analysis and Follow-up of Occurrences in Civil Aviation) Regulations 2020* (S.I. No. 195 of 2020), reg. 7(3)(c).
- F62** Substituted (24.05.2023) by *European Union (Cross-Border Conversions, Mergers and Divisions) Regulations 2023* (S.I. No. 233 of 2023), reg. 95 and sch. 4 ref. 2.
- F63** Inserted (1.08.2015) by *Industrial Relations (Amendment) Act 2015* (27/2015), s. 24(d)(ii), S.I. No. 329 of 2015.

Part 3

1. Parts II, III and IV of the [Maternity Protection Act 1994](#)

2. [Adoptive Leave Act 1995](#)

3. [Parental Leave Act 1998](#)

4. [National Minimum Wage Act 2000](#)

5. [Carer's Leave Act 2001](#) (other than a dispute to which paragraph (a), (b) or (c) of section 17(1) of that Act applies)

F64[[6. Parts 2 and 3 of the Paternity Leave and Benefit Act 2016](#)]

F65[[7. Parts 2 and 3 of the Parent's Leave and Benefit Act 2019](#)]

F66[[8. Sick Leave Act 2022](#)]

F67[[9. Part 3 of the Work Life Balance and Miscellaneous Provisions Act 2023.](#)]

Annotations

Amendments:

- F64** Inserted (1.08.2016) by *Paternity Leave and Benefit Act 2016* (11/2016), s. 37(c), S.I. No. 435 of 2016.
- F65** Inserted (1.11.2019) by *Parent's Leave and Benefit Act 2019* (35/2019), s. 38(c), S.I. No. 629 of 2019.
- F66** Inserted (1.01.2023) by *Sick Leave Act 2022* (24/2022), s. 15(c), S.I. No. 606 of 2022.
- F67** Inserted (6.03.2024) by *Work Life Balance and Miscellaneous Provisions Act 2023* (8/2023), s. 40(d), S.I. No. 90 of 2024.

SCHEDULE 6

Relevant Redress Provision

Sections 41 and 44

Part 1

Decisions of Adjudication Officers

Acts of Oireachtas

1. Section 45A of the *Industrial Relations Act 1946*
2. *Section 12* of the *Minimum Notice and Terms of Employment Act 1973*
3. Section 11A of the *Protection of Employment Act 1977*
4. *Section 6* of the *Payment of Wages Act 1991*
5. *Section 7(2)* of the *Terms of Employment (Information) Act 1994*
6. *Section 32(1)* of the *Maternity Protection Act 1994*
7. *Section 33(1)* of the *Adoptive Leave Act 1995*
8. *Section 18* of the *Protection of Young Persons (Employment) Act 1996*
9. Section 17A of the *Transnational Information and Consultation of Employees Act 1996*
10. *Section 27(3)* of the *Organisation of Working Time Act 1997*
11. *Section 21(1)* of the *Parental Leave Act 1998*
12. *Section 4(5)* of the *Protections for Persons Reporting Child Abuse Act 1998*
13. *Section 26* of the *National Minimum Wage Act 2000*
14. *Section 21(1)* of the *Carer's Leave Act 2001*
15. Paragraph 1(3) of Schedule 1 to the *Prevention of Corruption (Amendment) Act 2001*
16. *Section 16* of the *Protection of Employees (Part-Time Work) Act 2001*
17. Paragraph 5 of Schedule 3 to the *Competition Act 2002*
18. *Section 14* of the *Protection of Employees (Fixed-Term Work) Act 2003*
19. *Section 9(5)* of the *Industrial Relations (Miscellaneous Provisions) Act 2004*
20. Section 55M(6) of the *Health Act 2004*
21. *Section 28* of the *Safety, Health and Welfare at Work Act 2005*
22. Paragraph 1 of Schedule 3 to the *Employees (Provision of Information and Consultation) Act 2006*
23. Paragraph 1 of Schedule 2 to the *Employment Permits Act 2006*

24. Paragraph 2 of Schedule 6 to the [Consumer Protection Act 2007](#)
25. [Section 26\(5\)](#) of the [Chemicals Act 2008](#)
26. [Section 62\(5\)](#) of the [Charities Act 2009](#)
27. Paragraph 1 of Schedule 2 to the [National Asset Management Agency Act 2009](#)
28. Paragraph 1 of Schedule 4 to the [Inland Fisheries Act 2010](#)
29. Paragraph 1 of Schedule 2 to the [Criminal Justice Act 2011](#)
30. Paragraph 1 of Schedule 4 to the [Property Services \(Regulation\) Act 2011](#)
31. Paragraph 1 of Schedule 2 to the [Protection of Employees \(Temporary Agency Work\) Act 2012](#)
32. Paragraph 1 of the Schedule to the [Further Education and Training Act 2013](#)
33. Paragraph 1 of Schedule 5 to the [Central Bank \(Supervision and Enforcement\) Act 2013](#)
34. Paragraph 1 of Schedule 2 to the [Protected Disclosures Act 2014](#)
- F68[35. [Section 23\(2\)](#) of the [Industrial Relations \(Amendment\) Act 2015](#)]
- F69[36. [Section 28\(1\)](#) of the [Paternity Leave and Benefit Act 2016](#)]
- F70[37. [Sections 24\(1\)](#) and (2) of the [Parent's Leave and Benefit Act 2019](#)]
- F71[38. F72[[Section 14](#)] of the [Sick Leave Act 2022](#)]
- F75[39. [Section 21A](#) of the [Parental Leave Act 1998](#)
40. [Section 27](#) of the [Work Life Balance and Miscellaneous Provisions Act 2023](#)]

Statutory Instruments

1. Regulation 10 of the European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 ([S.I. No. 131 of 2003](#))
2. Regulation 15 of the European Communities (Organisation of Working Time) (Mobile Staff in Civil Aviation) Regulations 2006 ([S.I. No. 507 of 2006](#))
3. Paragraph 2 of Schedule 2 to the European Communities (European Public Limited - Liability Company) (Employee Involvement) Regulations 2006 ([S.I. No. 623 of 2006](#))
4. Paragraph 2 of Schedule 2 to the European Communities (European Cooperative Society) (Employee Involvement) Regulations 2007 ([S.I. No. 259 of 2007](#))
- F73[5. In relation to a complaint of a contravention of Article 16(9) of Regulation (EU) No. 376/2014 of the European Parliament and of the Council of 3 April 2014¹, paragraph 1 of the Schedule to the European Union

¹ Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Commission and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007.

(Reporting, Analysis and Follow-up of Occurrences in Civil Aviation) Regulations 2020 (S.I. No. 195 of 2020)]

F74[6. Paragraph 2 of Schedule 3 to the European Union (Cross-Border Conversions, Mergers and Divisions) Regulations 2023 (S.I. No. 233 of 2023)]

7. Regulation 8 of the European Communities (Working Conditions of Mobile Workers engaged in Interoperable Cross-Border Services in the Railway Sector) Regulations 2009 (S.I. No. 377 of 2009)

8. Regulation 18 of the European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations 2012 (S.I. No. 36 of 2012)

Annotations

Amendments:

- F68** Inserted (1.08.2015) by *Industrial Relations (Amendment) Act 2015* (27/2015), s. 24(e)(i), S.I. No. 329 of 2015.
- F69** Inserted (1.08.2016) by *Paternity Leave and Benefit Act 2016* (11/2016), s. 37(d)(i), S.I. No. 435 of 2016.
- F70** Inserted (1.11.2019) by *Parent's Leave and Benefit Act 2019* (35/2019), s. 38(d)(i), S.I. No. 629 of 2019.
- F71** Inserted (1.01.2023) by *Sick Leave Act 2022* (24/2022), s. 15(d)(i), S.I. No. 606 of 2022.
- F72** Substituted (1.01.2024) by *Social Welfare (Miscellaneous Provisions) Act 2023* (37/2023), s. 22(a), commenced as per s. 1(3).
- F73** Substituted (29.05.2020) by *European Union (Reporting, Analysis and Follow-up of Occurrences in Civil Aviation) Regulations 2020* (S.I. No. 195 of 2020), reg. 7(3)(d).
- F74** Substituted (24.05.2023) by *European Union (Cross-Border Conversions, Mergers and Divisions) Regulations 2023* (S.I. No. 233 of 2023), reg. 95 and sch. 4 ref. 2.
- F75** Inserted (6.03.2024) by *Work Life Balance and Miscellaneous Provisions Act 2023* (8/2023), s. 40(e)(i), S.I. No. 90 of 2024.

Editorial Notes:

- E26** *Prevention of Corruption (Amendment) Act 2001* mentioned in para. 15 was repealed (30.07.2018) by *Criminal Justice (Corruption Offences) Act 2018* (9/2018), s. 4 and sch. 2, S.I. No. 298 of 2018. The anti-corruption provisions introduced by the 2018 Act are included in the list of "relevant offences" in *Criminal Justice Act 2011* (22/2011), s. 3 and sch. 1 para. 28A. *Criminal Justice Act 2011*, sch. 2 para. 1 is listed above at para. 29.

Part 2

Decisions of Labour Court

Acts of Oireachtas

1. Section 45B of the *Industrial Relations Act 1946*
2. Section 12A of the *Minimum Notice and Terms of Employment Act 1973*
3. Section 11B of the *Protection of Employment Act 1977*

4. Section 7 of the Payment of Wages Act 1991
5. Section 8 of the Terms of Employment (Information) Act 1994
6. Section 32(2) of the Maternity Protection Act 1994
7. Section 33(2) of the Adoptive Leave Act 1995
8. Section 19 of the Protection of Young Persons (Employment) Act 1996
9. Section 17B of the Transnational Information and Consultation of Employees Act 1996
10. Section 28 of the Organisation of Working Time Act 1997
11. Section 21(1) of the Parental Leave Act 1998
12. Section 4(6) of the Protections for Persons Reporting Child Abuse Act 1998
13. Section 29 of the National Minimum Wage Act 2000
14. Section 21(2) of the Carer's Leave Act 2001
15. Paragraph 2(1) of Schedule 1 to the Prevention of Corruption (Amendment) Act 2001
16. Section 17 of the Protection of Employees (Part-Time Work) Act 2001
17. Paragraph 6A of Schedule 3 to the Competition Act 2002
18. Section 15 of the Protection of Employees (Fixed-Term Work) Act 2003
19. Section 10 of the Industrial Relations (Miscellaneous Provisions) Act 2004
20. Section 55M(11) of the Health Act 2004
21. Section 29 of the Safety, Health and Welfare at Work Act 2005
22. Paragraph 2 of Schedule 3 to the Employees (Provision of Information and Consultation) Act 2006
23. Paragraph 2 of Schedule 2 to the Employment Permits Act 2006
24. Paragraph 3A of Schedule 6 to the Consumer Protection Act 2007
25. Section 26(6A) of the Chemicals Act 2008
26. Section 62(8A) of the Charities Act 2009
27. Paragraph 2 of Schedule 2 to the National Asset Management Agency Act 2009
28. Paragraph 2 of Schedule 4 to the Inland Fisheries Act 2010
29. Paragraph 2 of Schedule 2 to the Criminal Justice Act 2011
30. Paragraph 2 of Schedule 4 to the Property Services (Regulation) Act 2011
31. Paragraph 2 of Schedule 2 to the Protection of Employees (Temporary Agency Work) Act 2012
32. Paragraph 2 of the Schedule to the Further Education and Training Act 2013

33. Paragraph 2 of Schedule 5 to the [Central Bank \(Supervision and Enforcement\) Act 2013](#)
34. Paragraph 2 of Schedule 2 to the [Protected Disclosures Act 2014](#)
- F76[35. [Section 23\(3\)](#) of the [Industrial Relations \(Amendment\) Act 2015](#)]
- F77[36. [Section 28\(2\)](#) of the [Paternity Leave and Benefit Act 2016](#)]
- F78[37. [Section 24\(3\)](#) of the [Parent's Leave and Benefit Act 2019](#)]
- F79[38. F80[[Section 14](#)] of the [Sick Leave Act 2022](#)]
- F83[39. [Section 21A](#) of the [Parental Leave Act 1998](#)
40. [Section 27](#) of the [Work Life Balance and Miscellaneous Provisions Act 2023](#)]

Statutory Instruments

1. Regulation 11 of the European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 ([S.I. No. 131 of 2003](#))
 2. Regulation 16 of the European Communities (Organisation of Working Time) (Mobile Staff in Civil Aviation) Regulations 2006 ([S.I. No. 507 of 2006](#))
 3. Paragraph 3 of Schedule 2 to the European Communities (European Public Limited - Liability Company) (Employee Involvement) Regulations 2006 ([S.I. No. 623 of 2006](#))
 4. Paragraph 3 of Schedule 2 to the European Communities (European Cooperative Society) (Employee Involvement) Regulations 2007 ([S.I. No. 259 of 2007](#))
- F81[5. In relation to a complaint of a contravention of Article 16(9) of Regulation (EU) No. 376/2014 of the European Parliament and of the Council of 3 April 2014, paragraph 2 of the Schedule to the European Union (Reporting, Analysis and Follow-up of Occurrences in Civil Aviation) Regulations 2020 ([S.I. No. 195 of 2020](#)).]
- F82[6. Paragraph 3 of Schedule 3 to the European Union (Cross-Border Conversions, Mergers and Divisions) Regulations 2023 ([S.I. No. 233 of 2023](#))]
7. Regulation 9 of the European Communities (Working Conditions of Mobile Workers engaged in Interoperable Cross-Border Services in the Railway Sector) Regulations 2009 ([S.I. No. 377 of 2009](#))
 8. Regulation 19 of the European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations 2012 ([S.I. No. 36 of 2012](#))

Annotations

Amendments:

- F76** Inserted (1.08.2015) by *Industrial Relations (Amendment) Act 2015* (27/2015), s. 24(e)(ii), S.I. No. 329 of 2015.
- F77** Inserted (1.08.2016) by *Paternity Leave and Benefit Act 2016* (11/2016), s. 37(d)(ii), S.I. No. 435 of 2016.

F78	Inserted (1.11.2019) by <i>Parent's Leave and Benefit Act 2019</i> (35/2019), s. 38(d)((ii), S.I. No. 629 of 2019.
F79	Inserted (1.01.2023) by <i>Sick Leave Act 2022</i> (24/2022), s. 15(d)(ii), S.I. No. 606 of 2022.
F80	Substituted (1.01.2024) by <i>Social Welfare (Miscellaneous Provisions) Act 2023</i> (37/2023), s. 22(b), commenced as per s. 1(3).
F81	Substituted (29.05.2020) by <i>European Union (Reporting, Analysis and Follow-up of Occurrences in Civil Aviation) Regulations 2020</i> (S.I. No. 195 of 2020), reg. 7(3)(e).
F82	Substituted (24.05.2023) by <i>European Union (Cross-Border Conversions, Mergers and Divisions) Regulations 2023</i> (S.I. No. 233 of 2023), reg. 95 and sch. 4 ref. 2.
F83	Inserted (6.03.2024) by <i>Work Life Balance and Miscellaneous Provisions Act 2023</i> (8/2023), s. 40(e)(ii), S.I. No. 90 of 2024.

SCHEDULE 7

Section 52

Part 1

Amendment of Acts of the Oireachtas

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
1.	No. 26 of 1946	Industrial Relations Act 1946	The following section is substituted for section 45A: “Decision of adjudication officer under <i>section 41</i> of <i>Workplace Relations Act 2015</i>” 45A. A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of an employment regulation order in relation to a worker 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 to comply with the employment regulation order, or

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
			<p>(c) require the employer to pay to the 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 worker's employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977."</p> <p>The following section is substituted for section 45B:</p> <p>"Decision of Labour Court on appeal from decision referred to in section 45A</p> <p>45B. A decision of the Labour Court under section 44 of the <i>Workplace Relations Act 2015</i>, on appeal from a decision of an adjudication officer referred to in section 45A, shall affirm, vary or set aside the decision of the adjudication officer."</p>
2.	No. 4 of 1973	Minimum Notice and Terms of Employment Act 1973	<p>The following section is substituted for section 12:</p> <p>"Decision of adjudication officer under section 41 of <i>Workplace Relations Act 2015</i></p> <p>12. (1) A decision of an adjudication officer under section 41 of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of section 4(2) or 5 may, where the adjudication officer finds that that section was contravened by the employer in relation to the employee who presented the complaint, include a direction that the employer concerned pay to the employee compensation for any loss sustained by the employee by reason of the contravention.</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
3.	No. 7 of 1977	Protection of Employment Act 1977	<p data-bbox="967 483 1399 712">(2) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a dispute as to the entitlements of an employer under section 6 may include such directions as the adjudication officer considers appropriate.”</p> <p data-bbox="999 730 1399 757">The following section is inserted:</p> <p data-bbox="999 784 1399 862">“Decision of Labour Court on appeal from decision referred to in section 12</p> <p data-bbox="967 887 1399 1115">12A. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i>, on appeal from a decision of an adjudication officer referred to in section 12, shall affirm, vary or set aside the decision of the adjudication officer.”.</p> <p data-bbox="999 1133 1399 1189">The following sections are inserted in Part II:</p> <p data-bbox="999 1216 1399 1294">“Decision of adjudication officer under <i>section 41</i> of <i>Workplace Relations Act 2015</i></p> <p data-bbox="967 1319 1399 1518">11A. A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of section 9 or 10 shall do one or more of the following, namely—</p> <p data-bbox="999 1536 1399 1615">(a) declare that the complaint is or, as the case may be, is not well founded,</p> <p data-bbox="999 1641 1399 1774">(b) require the employer to comply with the provision of the Act of 1977 concerned and, for that purpose, to take a specified course of action,</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
4.	No. 25 of 1991	Payment of Wages Act 1991	<p>(c) require the employer to pay to the employee compensation of such amount (if any) as is just and equitable having regard to all of the circumstances, but not exceeding 4 weeks' remuneration in respect of the employee's employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977.</p> <p>Decision of Labour Court on appeal from decision referred to in section 11A</p> <p>11B. A decision of the Labour Court under section 44 of the <i>Workplace Relations Act 2015</i>, on appeal from a decision of an adjudication officer referred to in section 11A, shall affirm, vary or set aside the decision of the adjudication officer.”.</p> <p>The following section is substituted for section 6:</p> <p>“Decision of adjudication officer under section 41 of <i>Workplace Relations Act 2015</i></p> <p>6. (1) A decision of an adjudication officer under section 41 of the <i>Workplace Relations Act 2015</i>, in relation to a complaint of a contravention of section 5 as respects a deduction made by an employer from the wages of an employee or the receipt from an employee by an employer of a payment, that the complaint is, in whole or in part, well founded as respects the deduction or payment shall include a direction to the employer to pay to the employee compensation of such amount (if any) as he considers reasonable in the circumstances not exceeding—</p> <p>(a) the net amount of the wages (after the making of any lawful deduction therefrom) that—</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
			<p>(i) in case the complaint related to a deduction, would have been paid to the employee in respect of the week immediately preceding the date of the deduction if the deduction had not been made, or</p> <p>(ii) in case the complaint related to a payment, were paid to the employee in respect of the week immediately preceding the date of payment,</p> <p>or</p> <p>(b) if the amount of the deduction or payment is greater than the amount referred to in paragraph (a), twice the former amount.</p> <p>(2) (a) An adjudication officer shall not give a decision referred to in subsection (1) in relation to a deduction or payment referred to in that subsection at any time after the commencement of the hearing of proceedings in a court brought by the employee concerned in respect of the deduction or payment.</p> <p>(b) An employee shall not be entitled to recover any amount in proceedings in a court in respect of such a deduction or payment as aforesaid at any time after an adjudication officer has given a decision referred to in subsection (1) in relation to the deduction or payment.”</p> <p>The following section is substituted for section 7:</p> <p>“Decision of Labour Court on appeal from decision referred to in section 6</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
5.	No. 5 of 1994	Terms of Employment (Information) Act 1994	<p data-bbox="999 483 1399 712">7. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i>, on appeal from a decision of an adjudication officer referred to in section 6, shall affirm, vary or set aside the decision of the adjudication officer.”.</p> <p data-bbox="999 728 1399 784">The following section is substituted for section 7:</p> <p data-bbox="999 813 1399 896">“Complaint to adjudication officer under <i>section 41</i> of <i>Workplace Relations Act 2015</i>”</p> <p data-bbox="967 913 1399 1115">7. (1) An employee shall not be entitled to present a complaint under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in respect of a contravention of section 3, 4, 5 or 6, if the employer concerned has—</p> <p data-bbox="999 1133 1399 1301">(a) complied with a direction under section 6A given in relation to the contravention before the commencement of <i>section 8</i> of the <i>Workplace Relations Act 2015</i>, or</p> <p data-bbox="999 1319 1399 1520">(b) been given a direction under that section in relation to the contravention and the period specified in the direction within which he or she is required to comply with the direction has not yet expired.</p> <p data-bbox="967 1538 1399 1740">(2) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of section 3, 4, 5 or 6 shall do one or more of the following, namely—</p> <p data-bbox="999 1758 1399 1841">(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p data-bbox="999 1859 1141 1888">(b) either—</p> <p data-bbox="1034 1906 1399 2080">(i) confirm all or any of the particulars contained or referred to in any statement furnished by the employer under section 3, 4, 5 or 6, or</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
			<p>(ii) alter or add to any such statement for the purpose of correcting any inaccuracy or omission in the statement and the statement as so altered or added to shall be deemed to have been given to the employee by the employer,</p> <p>(c) require the employer to give or cause to be given to the employee concerned a written statement containing such particulars as may be specified by the adjudication officer,</p> <p>(d) order the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances, but not exceeding 4 weeks' remuneration in respect of the employee's employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977."</p> <p>The following section is substituted for section 8:</p> <p>"Decision of Labour Court on appeal from decision referred to in section 7</p> <p>8. A decision of the Labour Court under section 44 of the <i>Workplace Relations Act 2015</i>, on appeal from a decision of an adjudication officer referred to in section 7, shall affirm, vary or set aside the decision of the adjudication officer."</p>
6.	No. 34 of 1994	Maternity Protection Act 1994	<p>The following subsection is substituted for subsection (1) of section 30:</p> <p>"(1) This Part does not apply to a dispute relating to—</p> <p>(a) the dismissal of an employee, or</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
			<p>(b) a matter that is within the competence of the Authority under the 1989 Act.”.</p> <p>The following section is substituted for section 32:</p> <p>“Decision under <i>section 41 or 44 of Workplace Relations Act 2015</i></p> <p>32. (1) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a dispute between an employee and the relevant employer relating to any entitlement of the employee under Part II, III or IV (or any matter arising out of or related to such entitlement) may include such directions to the parties to the dispute as the adjudication officer considers necessary or expedient for the resolution of the dispute, and if the decision is in favour of the employee then, without prejudice to the power to give such directions, the adjudication officer may order—</p> <p>(a) the grant of leave to the employee for such period as may be so specified,</p> <p>(b) an award of compensation (in favour of the employee to be paid by the relevant employer) of such amount, not exceeding 20 weeks’ remuneration in respect of the employee’s employment calculated in such manner as may be prescribed, as the adjudication officer considers just and equitable having regard to all of the circumstances, or</p> <p>(c) both such grant and such award.</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
			<p>(2) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i> on appeal from a decision referred to in subsection (1) may include such directions to the parties to the appeal as the Labour Court considers necessary or expedient for the resolution of the matter, and if the decision is in favour of the employee then, without prejudice to the power to give such directions, the Labour Court may order—</p> <p>(a) the grant of leave for such period as may be so specified,</p> <p>(b) an award of compensation (in favour of the employee to be paid by the relevant employer) of such amount, not exceeding 20 weeks' remuneration in respect of the employee's employment calculated in such manner as may be prescribed, as the Labour Court considers just and equitable having regard to all of the circumstances, or</p> <p>(c) both such grant and such award.</p> <p>(3) In this section 'remuneration' includes allowances in the nature of pay and benefits in lieu of or in addition to pay."</p> <p>Section 33A(1) is amended, in the definition of "proceedings" by—</p> <p>(a) the substitution, in paragraph (a), of " <i>Part 4</i> of the <i>Workplace Relations Act 2015</i>" for "this Part",</p> <p>(b) the deletion, in paragraph (b), of "or the Circuit Court",</p> <p>(c) the substitution of "adjudication officer" for "rights commissioner" in each place that it occurs, and</p> <p>(d) the substitution of "Labour Court" for "Tribunal" in each place that it occurs.</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
7.	No. 2 of 1995	Adoptive Leave Act 1995	<p>The following subsection is substituted for subsection (2) of section 32:</p> <p>“(2) This Part does not apply to—</p> <p>(a) a dispute in relation to a dismissal, including a dismissal within the meaning of the Act of 1977, or the termination of a contract of employment,</p> <p>(b) a claim under Part IV of the Act of 1967 as extended by section 29.”.</p> <p>The following section is substituted for section 33:</p> <p>“Decision under <i>section 41 or 44 of Workplace Relations Act 2015</i></p> <p>33. (1) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a dispute between an adopting parent and the relevant employer relating to the adopting parent’s entitlements under this Act or any matter in connection with such entitlements may include—</p> <p>(a) such directions to the parties to the complaint as the adjudication officer considers necessary or expedient for the resolution of the matter, and</p> <p>(b) an award of compensation (in favour of the adopting parent to be paid by the employer) of such amount, not exceeding 20 weeks’ remuneration in respect of the adopting parent’s employment calculated in accordance with regulations under section 32, as the adjudication officer considers just and equitable having regard to all of the circumstances.</p> <p>(2) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i> on appeal from a decision of an adjudication officer referred to in subsection (1) may include—</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
8.	No. 16 of 1996	Protection of Young Persons (Employment) Act 1996	<p>(a) such directions to the parties to the complaint as the Labour Court considers necessary or expedient for the resolution of the matter, and</p> <p>(b) an award of compensation (in favour of the adopting parent to be paid by the employer) of such amount, not exceeding 20 weeks' remuneration in respect of the adopting parent's employment calculated in accordance with regulations under section 32, as the Labour Court considers just and equitable having regard to all of the circumstances.</p> <p>(3) In this section 'remuneration' includes allowances in the nature of pay and benefits in lieu of or in addition to pay."</p> <p>The following section is substituted for section 18:</p> <p>"Decision of adjudication officer under section 41 of Workplace Relations Act 2015</p> <p>18. A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of section 13 or 17 shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) order the employer to take a specified course of action,</p> <p>(c) order the employer to pay to the employee compensation of such amount (if any) as is just and equitable having regard to all of the circumstances."</p> <p>The following section is substituted for section 19:</p> <p>"Decision of Labour Court on appeal from decision referred to in section 18</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
9.	No. 20 of 1996	Transnational Information and Consultation of Employees Act 1996	<p>19. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i>, on appeal from a decision of an adjudication officer referred to in section 18, shall affirm, vary or set aside the decision of the adjudication officer.”.</p> <p>The following section is inserted:</p> <p>“Decision of adjudication officer under <i>section 41</i> of <i>Workplace Relations Act 2015</i></p> <p>17A. A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of section 17 shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) order the employer to take a specified course of action,</p> <p>(c) order the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances.”.</p> <p>The following section is inserted:</p> <p>“Decision of Labour Court on appeal from decision referred to in section 17A</p> <p>17B. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i>, on appeal from a decision of an adjudication officer referred to in section 17A, shall affirm, vary or set aside the decision of the adjudication officer.”.</p>
10.	No. 20 of 1997	Organisation of Working Time Act 1997	Section 27 is amended by the substitution of the following subsection for subsection (3):

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
11.	No. 30 of 1998	Parental Leave Act 1998	<p>“(3) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of a relevant provision shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) require the employer to comply with the relevant provision,</p> <p>(c) require the employer to pay to the employee compensation of such amount (if any) as is just and equitable having regard to all of the circumstances, but not exceeding 2 years’ remuneration in respect of the employee’s employment.”.</p> <p>The following section is substituted for section 28:</p> <p>“Decision of Labour Court on appeal from decision referred to in section 27(3)</p> <p>28. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i> on appeal from a decision of an adjudication officer referred to in subsection (3) of section 27 shall affirm, vary or set aside the decision of the adjudication officer.”.</p> <p>Section 18 is amended by the substitution of the following subsection for subsection (2):</p> <p>“(2) This Part does not apply to a dispute—</p> <p>(a) relating to a dismissal from employment, including a dismissal within the meaning of the Unfair Dismissals Acts 1977 to 2007,</p> <p>(b) consisting of a question to which section 39(15) of the <i>Redundancy Payments Act 1967</i>, applies.”.</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
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The following section is substituted for section 21:

“Decision under *section 41 or 44* of *Workplace Relations Act 2015*”

- 21.** (1) A decision of an adjudication officer under *section 41* of the *Workplace Relations Act 2015* in relation to a dispute between an employee and his or her employer relating to the entitlements of the employee under this Act (or any matter arising out of or related to those entitlements or otherwise arising under this Act) or a decision of the Labour Court under *section 44* of the said *Workplace Relations Act 2015* on appeal from the first-mentioned decision, may contain such directions to the parties concerned as the adjudication officer or the Labour Court, as the case may be, considers necessary or expedient for the resolution of the dispute or matter and such other redress as the adjudication officer or the Labour Court, as the case may be, considers appropriate having regard to all of the circumstances and the provisions of this Act, and accordingly may specify—
- (a) the grant to the employee of parental leave of such length to be taken at such time or times and in such manner as may be so specified,
 - (b) an award of compensation in favour of the employee concerned to be paid by the employer concerned, or
 - (c) both a grant referred to in paragraph (a) and an award referred to in paragraph (b).

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
			<p>(2) An award of compensation referred to in subsection (1) (b) 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 such manner as may be prescribed.</p> <p>(3) A decision of an adjudication officer or the Labour Court referred to in subsection (1) may, if the adjudication officer or the Labour Court, as the case may be, considers it reasonable having regard to the illness or other incapacity of the employee concerned or any other circumstance, include a direction that parental leave be taken at a time that does not accord with section 6(3).</p> <p>(4) Without prejudice to the generality of subsections (1) and (2), a decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a dispute referred to in subsection (1) may contain a direction that the commencement of parental leave be postponed for a specified period (whether or not being the period specified in the relevant notice under section 11(1)), provided that the adjudication officer—</p> <p>(a) is satisfied that the taking of such leave at the time specified in the notice under section 8(1) concerned would have a substantially adverse effect by reason of any of the matters specified in section 11(1), and</p> <p>(b) considers that it is reasonable to give such a direction in the circumstances.</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
			<p>(5) Without prejudice to the generality of subsections (1) and (2), a decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i> on appeal from a decision of an adjudication officer referred to in subsection (1) may contain a direction that the commencement of parental leave be postponed for a specified period (whether or not being the period specified in the relevant notice under section 11(1)), provided that the Labour Court—</p> <p>(a) is satisfied that the taking of such leave at the time specified in the notice under section 8(1) concerned would have a substantially adverse effect by reason of any of the matters specified in section 11(1), and</p> <p>(b) considers that it is reasonable to give such a direction in the circumstances.</p>
			<p>(6) Without prejudice to the generality of subsections (1) and (2), a decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a dispute referred to in subsection (1) may contain a direction that—</p> <p>(a) the period of parental leave concerned be curtailed or that its form be varied or its commencement postponed for a specified period, or</p> <p>(b) parental leave taken by reason of being so curtailed be taken at a specified time,</p> <p>provided that the adjudication officer considers that the giving of such direction is reasonable due to there being a serious and substantial change in circumstances affecting the employer or the employee.</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
			<p>(7) Without prejudice to the generality of subsections (1) and (2), a decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i> on appeal from a decision of an adjudication officer referred to in subsection (1) may contain a direction that—</p> <p>(a) the period of parental leave concerned be curtailed or that its form be varied or its commencement postponed for a specified period, or</p> <p>(b) parental leave not taken by reason of being so curtailed be taken at a specified time,</p> <p>provided that the Labour Court considers that the giving of such direction is reasonable due to there being a serious and substantial change in circumstances affecting the employer or the employee.</p> <p>(8) Where appropriate, the confirmation document concerned shall be amended by the parties concerned so as to accord with a decision under this section.</p> <p>(9) In this section ‘remuneration’ includes allowances in the nature of pay and benefits in lieu of or in addition to pay.”.</p>
12.	No. 49 of 1998	<i>Protections for Persons Reporting Child Abuse Act 1998</i>	<p>Section 4 is amended by—</p> <p>(a) the substitution, in subsection (2), of “under <i>Part 4</i> of the <i>Workplace Relations Act 2015</i> before an adjudication officer or the Labour Court” for “under this section before a rights commissioner or the Employment Appeals Tribunal”,</p> <p>(b) the substitution, in subsection (3), of “under <i>Part 4</i> of the <i>Workplace Relations Act 2015</i>” for “under this section”,</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
13.	No. 5 of 2000	National Minimum Wage Act 2000	<p>(c) the substitution of the following subsection for subsection (5):</p> <p>“(5) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of subsection (1) shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) require the employer to comply with subsection (1), and, for that purpose, require the employer to take a specified course of action,</p> <p>(c) require the employer to pay to the employee compensation of such amount (if any) as is just and equitable having regard to all of the circumstances, but not exceeding 104 weeks’ remuneration in respect of the employee’s employment calculated in accordance with regulations under <i>section 17</i> of the <i>Unfair Dismissals Act 1977</i>.”,</p> <p>and</p> <p>(d) the substitution of the following subsection for subsection (6):</p> <p>“(6) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i>, on appeal from a decision of an adjudication officer referred to in subsection (5), shall affirm, vary or set aside the decision of the adjudication officer.”,</p> <p>and</p> <p>(e) the deletion of subsection (7).</p> <p>Section 24 is amended by—</p> <p>(a) the substitution of the following subsection for subsection (1):</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
			<p>“(1) For the purposes of this section, a dispute between an employee and his or her employer as to the employee’s entitlements under this Act exists where the employee and his or her employer cannot agree on the appropriate entitlement of the employee to pay in accordance with this Act resulting in an alleged underpayment to the employee.”,</p> <p>(b) the deletion of subsections (3), (5), (6) and (7),</p> <p>(c) the substitution, in subsection (2), of “The Director General of the Workplace Relations Commission shall not entertain a dispute in relation to an employee’s entitlements under this Act and, accordingly, shall not refer the dispute to an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i>” for “A dispute cannot be referred to or dealt with by a rights commissioner”, and</p> <p>(d) the substitution, in subsection (4), of—</p> <p>(i) “an adjudication officer” for “a rights commissioner”, and</p> <p>(ii) “the adjudication officer” for “the rights commissioner”.</p> <p>Section 25 is amended by—</p> <p>(a) the deletion, in subsection (1), of “, and sections 24 to 32 (except section 24(2)), with the necessary modifications, shall apply accordingly”,</p> <p>(b) the deletion of subsection (2), and</p> <p>(c) the substitution of the following subsection for subsection (3):</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
			<p>“(3) In proceedings under <i>Part 4</i> of the <i>Workplace Relations Act 2015</i> in respect of a matter that, by virtue of subsection (1), is a dispute for the purposes of section 24, it shall be presumed unless the contrary is proved on the balance of probabilities that any reduction in hours of work was for the purpose of avoiding the alleged increased liability referred to in subsection (1).”.</p> <p>The following section is substituted for section 26:</p> <p>“Decision of adjudication officer under <i>section 41</i> of <i>Workplace Relations Act 2015</i>”</p> <p>26. (1) A decision of an adjudication officer in relation to a dispute in respect of the entitlements of an employee under this Act referred to the adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> may contain—</p> <p>(a) a direction to the employer to pay to the employee—</p> <p>(i) an award of arrears, being the difference between any amount paid or allowed by the employer to the employee for pay and the minimum amount the employee was entitled to be paid or allowed in accordance with this Act in respect of the period to which the dispute relates, and</p> <p>(ii) reasonable expenses of the employee in connection with the dispute,</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
			<p>(b) a requirement that the employer rectify, within a specified time (not being later than 42 days after the date the decision is communicated to the employer) or in a specified manner, any matter, including the payment of any amount, in respect of which the employer is in contravention of this Act, or</p> <p>(c) both such direction and such requirement, as the adjudication officer considers appropriate.</p> <p>(2) An adjudication officer shall maintain a register of all decisions made by him or her under this section and shall make the register available for inspection by members of the public during normal office hours.”.</p> <p>The following section is substituted for section 29:</p> <p>“Decision of Labour Court on appeal from decision referred to in section 26</p> <p>29. (1) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i> on appeal from a decision of an adjudication officer referred to in section 26 shall either—</p> <p>(a) affirm the decision of the adjudication officer, or</p> <p>(b) contain—</p> <p>(i) a direction to the employer to pay to the employee—</p> <p>(I) an award of arrears, being the difference between any amount paid or allowed by the employer to the employee for pay and the minimum amount the employee was entitled to be paid or allowed in accordance with this Act in respect of the period to which the dispute relates, and</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
			<p>(II) reasonable expenses of the employee in connection with the dispute,</p> <p>(ii) a requirement that the employer rectify, within a specified time (not being later than 42 days after the date the decision is communicated to the employer) or in a specified manner, any matter, including the payment of any amount, in respect of which the employer is in contravention of this Act, or</p> <p>(iii) both such direction and such requirement, as the Labour Court considers appropriate.”.</p> <p>Section 34 is amended by the insertion of the following subsection:</p> <p>“(6) In this section ‘inspector’ has the same meaning as it has in the <i>Workplace Relations Act 2015</i>.”.</p>
14.	No. 19 of 2001	<i>Carer’s Leave Act 2001</i>	<p>Section 2 is amended, in subsection (1), by the substitution of the following definition for the definition of Minister:</p> <p>“ ‘Minister’ means the Minister for Justice and Equality;”.</p> <p>Section 17 is amended—</p> <p>(a) in subsection (1), by the deletion of the words “applies to any dispute between an employee and the employer relating to any entitlement of the employee under this Act (or any matter arising out of or related to such an entitlement) but”, and</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
			<p>(b) in subsection (2), by the substitution of “an adjudication officer within the meaning of the <i>Workplace Relations Act 2015</i> or the Labour Court, as may be appropriate,” for “the rights commissioner”.</p> <p>The following section is substituted for section 21:</p> <p>“Decision under <i>section 41</i> or <i>44</i> of <i>Workplace Relations Act 2015</i>”</p> <p>21. (1) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a dispute to which this Part applies between an employee and an employer concerning the employee’s entitlements under this Act may include—</p> <p>(a) a grant of carer’s leave to the employee of such length to be taken at such time or times and in such manner as the adjudication officer may specify,</p> <p>(b) an award of compensation (in favour of the employee concerned to be paid by the employer concerned) of such amount, not exceeding 26 weeks’ remuneration in respect of the employee’s employment calculated in such manner as may be prescribed, as the adjudication officer considers just and equitable having regard to all of the circumstances, or</p> <p>(c) both such grant and such award.</p> <p>(2) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i> on appeal from a decision of an adjudication officer referred to in subsection (1) may include—</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
15.	No. 27 of 2001	Prevention of Corruption (Amendment) Act 2001	<p>(a) a grant of carer's leave to the employee of such length to be taken at such time or times and in such manner as the Labour Court may specify,</p> <p>(b) an award of compensation (in favour of the employee concerned to be paid by the employer concerned) of such amount, not exceeding 26 weeks' remuneration in respect of the employee's employment calculated in such manner as may be prescribed, as the Labour Court considers just and equitable having regard to all of the circumstances, or</p> <p>(c) both such grant and such award.</p> <p>(3) Where appropriate, the confirmation document concerned shall be amended by the parties concerned so as to accord with a decision referred to in subsection (1) or (2).</p> <p>(4) In this section 'remuneration' includes allowances in the nature of pay and benefits in lieu of or in addition to pay."</p> <p>Schedule 1 is amended—</p> <p>(a) in paragraph 1, by—</p> <p>(i) the substitution of the following subparagraph for subparagraph (1):</p> <p>"(1) In proceedings under <i>Part 4</i> of the <i>Workplace Relations Act 2015</i> in respect of a complaint of a contravention of section 8A(5), it shall not be necessary for the employee to show that he or she has at least one year's continuous service with the employer concerned.",</p> <p>(ii) the substitution of the following subparagraph for subparagraph (3):</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
			<p>“(3) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of section 8A(5) shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) require the employer to take a specified course of action, which may include, in a case where the penalisation constitutes a dismissal within the meaning of section 8A(13), reinstatement or reengagement, or</p> <p>(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances, but not exceeding 104 weeks’ remuneration in respect of the employee’s employment calculated in accordance with regulations under <i>section 17</i> of the <i>Unfair Dismissals Act 1977</i>.”,</p> <p>(b) by the substitution of the following paragraph for paragraph 2:</p> <p>“2. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i>, on appeal from a decision of an adjudication officer referred to in paragraph 1(3), shall affirm, vary or set aside the decision of the adjudication officer.”,</p> <p>(c) in paragraph 3 by—</p> <p>(i) the substitution of the following subparagraph for subparagraph (7):</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
16.	No. 45 of 2001	Protection of Employees (Part-Time Work) Act 2001	<p>“(7) In proceedings under <i>Part 4</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint that section 8A(5) has been contravened, it shall be presumed, until the contrary is proved, that the employee concerned acted reasonably and in good faith in forming the opinion and making the communication concerned.”,</p> <p>(ii) the substitution, in clause (a) of subparagraph (8), of “a complaint in respect of the contravention shall not be referable to an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> or a mediation officer under <i>section 39</i> of that Act” for “such dismissal may not be presented to a rights commissioner under paragraph 1(1)”, and</p> <p>(iii) the substitution, in clause (b) of subparagraph (8), of “a complaint to the Director General of the Workplace Relations Commission under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in respect of a contravention” for “a complaint to a rights commissioner under paragraph 1(1) in respect of a dismissal”.</p> <p>Section 15 is amended, in subsection (3), by the substitution of “under <i>Part 4</i> of the <i>Workplace Relations Act 2015</i>” for “under this Part”.</p> <p>The following section is substituted for section 16:</p> <p>“Decision of adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i>”</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
			<p>16. A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of section 9 or 15 shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) require the employer to comply with the relevant provision,</p> <p>(c) require the employer to pay to the employee 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 employment."</p> <p>The following section is substituted for section 17:</p> <p>"Decision of Labour Court on appeal from a decision referred to in section 16</p> <p>17. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i>, on appeal from a decision of an adjudication officer referred to in section 16, shall affirm, vary or set aside the decision of the adjudication officer."</p>
17.	No. 14 of 2002	<i>Competition Act 2002</i>	<p>Schedule 3 is amended—</p> <p>(a) in paragraph 2, by the substitution of "<i>Part 4 of the Workplace Relations Act 2015</i>" for "this Schedule before a rights commissioner or the Employment Appeals Tribunal",</p> <p>(b) in paragraph 3, by the substitution of "<i>Part 4 of the Workplace Relations Act 2015</i>" for "this Schedule",</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
18.	No. 29 of 2003	Protection of Employees (Fixed-Term Work) Act 2003	<p>(c) by the substitution of the following paragraph for paragraph 5:</p> <p>“5. A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of section 50(3) shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) require the employer to comply with section 50(3) and, for that purpose, require the employer to take a specified course of action,</p> <p>(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances, but not exceeding 104 weeks’ remuneration in respect of the employee’s employment calculated in accordance with regulations under <i>section 17</i> of the <i>Unfair Dismissals Act 1977</i>.”,</p> <p>(d) the insertion of the following paragraph:</p> <p>“6A. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i>, on appeal from a decision of an adjudication officer referred to in paragraph 5, shall affirm, vary or set aside the decision of the adjudication officer.”.</p> <p>The following section is substituted for section 14:</p> <p>“Decision of adjudication officer under <i>section 41</i> of <i>Workplace Relations Act 2015</i></p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
			<p>14. A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of this Act shall do one or more of the following, namely—</p> <p>(a) declare whether the complaint was or was not well founded,</p> <p>(b) require the employer to comply with the relevant provision,</p> <p>(c) require the employer to reinstate or reengage the employee (including on a contract of indefinite duration), or</p> <p>(d) require the employer to pay to the employee 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 employment."</p> <p>The following section is substituted for section 15:</p> <p>"Decision of Labour Court on appeal from decision referred to in section 14</p> <p>15. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i>, on appeal from a decision of an adjudication officer referred to in section 14, shall affirm, vary or set aside the decision of the adjudication officer."</p>
19.	No. 4 of 2004	<i>Industrial Relations (Miscellaneous Provisions) Act 2004</i>	<p>The following subsection is substituted for subsection (5) of section 9:</p> <p>"(5) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of section 8 shall</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
			<p>do one or more of the following, namely—</p> <p>(a) declare that the complaint is or, as the case may be, is not well founded,</p> <p>(b) direct that the conduct the subject of the complaint cease, or</p> <p>(c) require the respondent to pay to the complainant compensation of such amount (if any) as the adjudication officer considers just and equitable in the circumstances, but not exceeding 2 years' remuneration in respect of the employee's employment."</p> <p>The following section is substituted for section 10:</p> <p>"Decision of Labour Court on appeal from decision referred to in section 9</p> <p>10. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i>, on appeal from a decision of an adjudication officer referred to in subsection (5) of section 9, shall affirm, vary or set aside the decision of the adjudication officer."</p>
20.	No. 42 of 2004	Health Act 2004	<p>Section 55M is amended—</p> <p>(a) in subsection (2), by the substitution of "adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i>" for "rights commissioner",</p> <p>(b) in subsection (3), by the substitution of "under <i>Part 4</i> of the <i>Workplace Relations Act 2015</i>" for "before a rights commissioner or the Labour Court",</p> <p>(c) in subsection (4), by the substitution of "<i>Part 4</i> of the <i>Workplace Relations Act 2015</i>" for "this section",</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
21.	No. 10 of 2005	Safety, Health and Welfare at Work Act 2005	<p>(d) the substitution of the following subsection for subsection (6):</p> <p>“(6) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of subsection (1) shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) require the employer to comply with subsection (1) and to take a specified course of action, or</p> <p>(c) order the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all the circumstances.”,</p> <p>and</p> <p>(e) the substitution of the following subsection for subsection (11):</p> <p>“(11) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i>, on appeal from a decision of an adjudication officer referred to in subsection (6), shall affirm, vary or set aside the decision of the adjudication officer.”.</p> <p>The following section is substituted for section 28:</p> <p>“Decision of adjudication officer under <i>section 41</i> of <i>Workplace Relations Act 2015</i></p> <p>28. A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of section 27 shall do one or more of the following, namely—</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
22.	No. 9 of 2006	Employees (Provision of Information and Consultation) Act 2006	<p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) require the employer to take a specified course of action, or</p> <p>(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all the circumstances.”.</p> <p>The following section is substituted for section 29:</p> <p>“Decision of Labour Court on appeal from decision referred to in section 28</p> <p>29. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i>, on appeal from a decision of an adjudication officer referred to in section 28, shall affirm, vary or set aside the decision of the adjudication officer.”.</p> <p>Schedule 3 is amended by—</p> <p>(a) the substitution of the following paragraph for paragraph 1:</p> <p>“Decision of adjudication officer under <i>section 41</i> of <i>Workplace Relations Act 2015</i></p> <p>1. A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of section 13 shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) require the employer to take a specified course of action, or</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
23.	No. 16 of 2006	Employment Permits Act 2006	<p>(c) require the employer to pay to the employee 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 employment.",</p> <p>and</p> <p>(b) the substitution of the following paragraph for paragraph 2:</p> <p>“Decision of Labour Court on appeal from decision referred to in paragraph 1</p> <p>2. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i> 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.”,</p> <p>Schedule 2 is amended—</p> <p>(a) by the substitution of the following paragraph for paragraph 1:</p> <p>“1. A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of section 26(3) shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) require the employer to take a specified course of action, or</p> <p>(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances.”,</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
24.	No. 19 of 2007	Consumer Protection Act 2007	<p>and</p> <p>(b) by the substitution of the following paragraph for paragraph 2:</p> <p>“2. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i> 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.”.</p> <p>Schedule 6 is amended—</p> <p>(a) by the substitution of the following paragraph for paragraph 2:</p> <p>“2. A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of section 87(3) shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) require the employer to comply with section 87(3) and, for that purpose, require the employer to take a specified course of action, or</p> <p>(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances, but not exceeding 104 weeks’ remuneration in respect of the employee’s employment calculated in accordance with regulations under <i>section 17</i> of the <i>Unfair Dismissals Act 1977</i>.”,</p> <p>(b) by the insertion of the following paragraph:</p> <p>“3A. A decision of the Labour Court under <i>section 44</i> of the</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
25.	No. 13 of 2008	Chemicals Act 2008	<p><i>Workplace Relations Act 2015</i> on appeal from a decision of an adjudication officer referred to in paragraph 2 shall affirm, vary or set aside the decision of the adjudication officer.”,</p> <p>and</p> <p>(c) in paragraph 4—</p> <p>(i) by the substitution, in subparagraph (1), of “<i>Part 4 of the Workplace Relations Act 2015</i>” for “this Schedule before a rights commissioner or the Employment Appeals Tribunal”, and</p> <p>(ii) by the substitution, in subparagraph (2), of “<i>Part 4 of the Workplace Relations Act 2015</i>” for “this Schedule”.</p> <p>Section 26 is amended—</p> <p>(a) in subsection (2), by the substitution of “under <i>Part 4 of the Workplace Relations Act 2015</i>” for “under this section before a rights commissioner or the Employment Appeals Tribunal”,</p> <p>(b) in subsection (3), by the substitution of “<i>Part 4 of the Workplace Relations Act 2015</i>” for “this section”,</p> <p>(c) by the substitution of the following subsection for subsection (5):</p> <p>“(5) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of subsection (1) shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
26.	No. 6 of 2009	Charities Act 2009	<p>Section 62 is amended—</p> <p>(a) in subsection (2), by the substitution of “ <i>Part 4</i> of the <i>Workplace Relations Act 2015</i>” for “this section before a rights commissioner or the Employment Appeals Tribunal”,</p> <p>(b) in subsection (3), by the substitution of “ <i>Part 4</i> of the <i>Workplace Relations Act 2015</i>” for “this section”,</p> <p>(c) by the substitution of the following subsection for subsection (5):</p> <p>(b) require the employer to comply with subsection (1) and, for that purpose, require the employer to take a specified course of action, or</p> <p>(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all the circumstances, but not exceeding 104 weeks’ remuneration in respect of the employee’s employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977.”,</p> <p>and</p> <p>(d) by the insertion of the following subsection:</p> <p>“(6A) A decision of the Labour Court under section 44 of the <i>Workplace Relations Act 2015</i>, on appeal from a decision of an adjudication officer referred to in subsection (5) of section 26, shall affirm, vary or set aside the decision of the adjudication officer.”.</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
27.	No. 34 of 2009	National Asset Management Agency Act 2009	<p>“(5) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of subsection (1) shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) require the employer to comply with subsection (1) and, for that purpose, require the employer to take a specified course of action, or</p> <p>(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances, but not exceeding 104 weeks’ remuneration in respect of the employee’s employment calculated in accordance with regulations under <i>section 17</i> of the <i>Unfair Dismissals Act 1977</i>.”,</p> <p>(d) by the insertion of the following subsection:</p> <p>“(8A) A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i>, on appeal from a decision of an adjudication officer referred to in subsection (5), shall affirm, vary or set aside the decision of the adjudication officer.”,</p> <p>and</p> <p>(e) by the deletion of subsection (4), (6), (7) and (8).</p> <p>Schedule 2 is amended by—</p> <p>(a) the substitution of the following paragraph for paragraph 1:</p> <p>“Decision under <i>section 41</i> of <i>Workplace Relations Act 2015</i></p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
			<p>1. A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of section 223(3) shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) require the employer to take a specified course of action, or</p> <p>(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all the circumstances.”,</p> <p>and</p> <p>(b) the substitution of the following paragraph for paragraph 2:</p> <p>“Decision of Labour Court on appeal from decision referred to in paragraph 1</p> <p>2. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i>, 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.”.</p>
28.	No. 10 of 2010	Inland Fisheries Act 2010	<p>Schedule 4 is amended by—</p> <p>(a) the substitution of the following paragraph for paragraph 1:</p> <p>“Decision under <i>section 41</i> of <i>Workplace Relations Act 2015</i></p> <p>1. A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention by IFI of section 38(1) shall do one or more of the following, namely—</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
29.	No. 22 of 2011	Criminal Justice Act 2011	<p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) require IFI to take a specified course of action, or</p> <p>(c) require IFI to pay the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all the circumstances but not exceeding 2 years' remuneration in respect of the employee's employment.",</p> <p>and</p> <p>(b) the substitution of the following paragraph for paragraph 2:</p> <p>“Decision of Labour Court on appeal from decision referred to in paragraph 1</p> <p>2. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i>, 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.”.</p> <p>Schedule 2 is amended by—</p> <p>(a) the substitution of the following paragraph for paragraph 1:</p> <p><i>“Decision under section 41 of Workplace Relations Act 2015</i></p> <p>1. A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of section 20(1) shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
30.	No. 40 of 2011	Property Services (Regulation) Act 2011	<p>(b) require the employer to take a specified course of action, which may include, in a case where the penalisation constitutes a dismissal, reinstatement or reengagement, or</p> <p>(c) require the employer to pay to the employee 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 employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977."</p> <p>and</p> <p>(b) the substitution of the following paragraph for paragraph 2:</p> <p>"Decision of Labour Court on appeal from decision referred to in paragraph 1</p> <p>2. A decision of the Labour Court under section 44 of the <i>Workplace Relations Act 2015</i>, 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."</p> <p>Schedule 4 is amended—</p> <p>(a) in paragraph 1, by—</p> <p>(i) the substitution of the following subparagraph for subparagraph (1):</p> <p>"(1) In proceedings under <i>Part 4</i> of the <i>Workplace Relations Act 2015</i> in respect of a complaint of a contravention of section 67(5), it shall not be necessary for the employee to show that he or she has at least one year's continuous service with the employer concerned."</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
			<p>(ii) the substitution of the following subparagraph for subparagraph (3):</p> <p>“(3) A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of section 67(5) shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) require the employer to take a specified course of action, which may include, in a case where the penalisation constitutes a dismissal, reinstatement or reengagement, or</p> <p>(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances, but not exceeding 104 weeks’ remuneration in respect of the employee’s employment calculated in accordance with regulations under <i>section 17</i> of the <i>Unfair Dismissals Act 1977</i>.”,</p> <p>(b) by the substitution of the following paragraph for paragraph 2:</p> <p>“2. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i>, on appeal from a decision of an adjudication officer referred to in paragraph 1(3), shall affirm, vary or set aside the decision of the adjudication officer.”,</p> <p>and</p> <p>(c) in paragraph 3, by—</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
31.	No. 13 of 2012	Protection of Employees (Temporary Agency Work) Act 2012	<p>(i) the substitution, in subparagraph (7), of “ <i>Part 4 of the Workplace Relations Act 2015</i>” for “this Schedule before a rights commissioner or the Labour Court”,</p> <p>(ii) the substitution, in clause (a) of subparagraph (8), of “an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i>” for “a rights commissioner under paragraph 1(1)”, and</p> <p>(iii) the substitution, in clause (b) of subparagraph (8), of “an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i>” for “a rights commissioner under paragraph 1(1)”.</p> <p>Schedule 2 is amended by—</p> <p>(a) the substitution of the following paragraph for paragraph 1:</p> <p>“Decision under <i>section 41</i> of <i>Workplace Relations Act 2015</i>”</p> <p>1. A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> 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—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(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</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
32.	No. 25 of 2013	Further Education and Training Act 2013	<p>(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.”,</p> <p>and</p> <p>(b) the substitution of the following paragraph for paragraph 2:</p> <p>“Decision of Labour Court on appeal from decision referred to in paragraph 1</p> <p>2. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i>, 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.”.</p> <p>The Schedule is amended by—</p> <p>(a) the substitution of the following paragraph for paragraph 1:</p> <p>“Decision under <i>section 41</i> of <i>Workplace Relations Act 2015</i></p> <p>1. A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of subsection (1) of section 35 shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) require the employer to take a specified course of action, or</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
33.	No. 26 of 2013	Central Bank (Supervision and Enforcement) Act 2013	<p>(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all the circumstances but not exceeding 2 years' remuneration in respect of the employee's employment.",</p> <p>and</p> <p>(b) the substitution of the following paragraph for paragraph 2:</p> <p>“Decision of Labour Court on appeal from decision referred to in paragraph 1</p> <p>2. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i>, 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.”.</p> <p>Schedule 5 is amended by—</p> <p>(a) the substitution of the following paragraph for paragraph 1:</p> <p>“Decision under <i>section 41</i> of <i>Workplace Relations Act 2015</i></p> <p>1. A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of section 41(1) of this Act shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) require the employer to take a specified course of action, which may include, in a case where the penalisation constitutes a dismissal within the meaning of section 37(3), reinstatement or reengagement, or</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
34.	No. 14 of 2014	Protected Disclosures Act 2014	<p>(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all the circumstances, but not exceeding 2 years' remuneration in respect of the employee's employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977.”,</p> <p>and</p> <p>(b) the substitution of the following paragraph for paragraph 2:</p> <p>“Decision of Labour Court on appeal from decision referred to in paragraph 1</p> <p>2. A decision of the Labour Court under section 44 of the <i>Workplace Relations Act 2015</i>, 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.”.</p> <p>Schedule 2 is amended by—</p> <p>(a) the substitution of the following paragraph for paragraph 1:</p> <p>“Decision under section 41 of <i>Workplace Relations Act 2015</i></p> <p>1. A decision of an adjudication officer under section 41 of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of section 12(1) shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) require the employer to take a specified course of action,</p>

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
			(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all the circumstances, but not exceeding 260 weeks' remuneration in respect of the employee's employment calculated in accordance with regulations under section 17 of the <i>Unfair Dismissals Act 1977</i> .",
			and
			(b) the substitution of the following paragraph for paragraph 2:
			"Decision of Labour Court on appeal from decision referred to in paragraph 1
			2. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i> , 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."

Part 2

Amendment of Statutory Instruments

Reference (1)	Number and Year (2)	Short title (3)	Extent of Amendment (4)
1.	<i>S.I. No. 231 of 2000</i>	European Communities (Parental Leave) Regulations 2000	The following Regulation is substituted for Regulation 8: "8. An adjudication officer within the meaning of the <i>Workplace Relations Act 2015</i> or the Labour Court may, if the adjudication officer or the Labour Court, as the

Reference	Number and Year	Short title	Extent of Amendment
(1)	(2)	(3)	(4)
			case may be, considers it reasonable to do so, having regard to the illness or other incapacity of an employee entitled to parental leave by virtue of Regulation 3 or any other circumstance, direct that the leave be taken at a time other than a time that accords with Regulation 4.”.
2.	S.I. No. 131 of 2003	European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003	<p>The following Regulation is substituted for Regulation 10:</p> <p>“Decision under section 41 of Workplace Relations Act 2015</p> <p>10. A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of a provision (other than Regulation 4(4) (a)) of these Regulations shall do one or more of the following, namely—</p> <p>(a) declare that the complaint is or, as the case may be, is not well founded,</p> <p>(b) require the employer to comply with these Regulations and, for that purpose, to take a specified course of action, or</p> <p>(c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable in the circumstances, but—</p> <p>(i) in the case of a contravention of Regulation 8, not exceeding 4 weeks’ remuneration and,</p> <p>(ii) in the case of a contravention of any other Regulation, not exceeding 2 years’ remuneration,</p> <p>in respect of the employee’s employment calculated in accordance with regulations made under <i>section 17</i> of the <i>Unfair Dismissals Act 1977</i>.”.</p>

Reference	Number and Year	Short title	Extent of Amendment
(1)	(2)	(3)	(4)
			The following Regulation is substituted for Regulation 11:
			“Decision of Labour Court on appeal from decision referred to in Regulation 10
			11. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i> , on appeal from a decision of an adjudication officer referred to in Regulation 10, shall affirm, vary or set aside the decision of the adjudication officer.”.
3.	S.I. No. 507 of 2006	European Communities (Organisation of Working Time) (Mobile Staff in Civil Aviation) Regulations 2006	The following Regulation is substituted for Regulation 15:
			“Decision under <i>section 41</i> of <i>Workplace Relations Act 2015</i>
			15. A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of these Regulations 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 to comply with the relevant provision, or
			(c) require the employer to pay to the crew member 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 crew member’s employment.”.
			The following Regulation is substituted for Regulation 16:
			“Decision of Labour Court on appeal from decision referred to in Regulation 10

Reference	Number and Year	Short title	Extent of Amendment
(1)	(2)	(3)	(4)
4.	S.I. No. 623 of 2006	European Communities (European Public Limited - Liability Company) (Employee Involvement) Regulations 2006	<p>16. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i>, on appeal from a decision of an adjudication officer referred to in Regulation 15, shall affirm, vary or set aside the decision of the adjudication officer.”.</p> <p>Schedule 2 is amended by—</p> <p>(a) the substitution of the following paragraph for paragraph 2:</p> <p>“2. A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a contravention of Regulation 19(1) shall do one or more of the following:</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded;</p> <p>(b) require the relevant undertaking or the SE to take a specified course of action;</p> <p>(c) require the relevant undertaking or the SE to pay to the person referred to in subparagraph(1) compensation of such amount (if any) as is just and equitable having regard to all the circumstances but not exceeding 2 years’ remuneration in respect of the person’s employment.”,</p> <p>and</p> <p>(b) the substitution of the following paragraph for paragraph 3:</p> <p>“3. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i> on appeal from a decision of an adjudication officer referred to in paragraph 2 shall affirm, vary or set aside the decision of the adjudication officer.”.</p>

Reference	Number and Year	Short title	Extent of Amendment
(1)	(2)	(3)	(4)
5.	S.I. No. 259 of 2007	European Communities (European Cooperative Society) (Employee Involvement) Regulations 2007	<p>Schedule 2 is amended by—</p> <p>(a) the substitution of the following paragraph for paragraph 2:</p> <p>“Decision under <i>section 41</i> of <i>Workplace Relations Act 2015</i>”</p> <p>2. A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint by a person referred to in clause (a), (b), (c) or (d) of Regulation 20(1) of a contravention by a relevant undertaking of that Regulation shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) require the relevant undertaking or the SCE to take a specified course of action, or</p> <p>(c) require the relevant undertaking or the SCE to pay to the person referred to in clause (a), (b), (c) or (d) of Regulation 20(1) compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all the circumstances but not exceeding 2 years’ remuneration in respect of the person’s employment.”,</p> <p>and</p> <p>(b) the substitution of the following paragraph for paragraph 3:</p> <p>“Decision of Labour Court on appeal from decision referred to in paragraph 2”</p>

Reference	Number and Year	Short title	Extent of Amendment
(1)	(2)	(3)	(4)
			3. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i> , on appeal from a decision of an adjudication officer referred to in paragraph 2, shall affirm, vary or set aside the decision of the adjudication officer.”.
6.	F84[...]	F84[...]	F84[...]
7.	S.I. No. 157 of 2008	European Communities (Cross-Border Mergers) Regulations 2008	<p>Schedule 2 is amended by—</p> <p>(a) the substitution of the following paragraph for paragraph 2:</p> <p>“Decision under <i>section 41</i> of <i>Workplace Relations Act 2015</i></p> <p>2. A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint by a person referred to in clause (a), (b), (c) or (d) of Regulation 39(1) of a contravention by a relevant company of that Regulation shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded;</p> <p>(b) require the relevant company to take a specified course of action;</p> <p>(c) require the relevant company to pay to the person referred to in clause (a), (b), (c) or (d) of Regulation 39(1) compensation of such amount (if any) as adjudication officer considers just and equitable having regard to all the circumstances but not exceeding 2 years’ remuneration in respect of the person’s employment.”,</p> <p>and</p> <p>(b) the substitution of the following paragraph for paragraph 3:</p>

Reference	Number and Year	Short title	Extent of Amendment
(1)	(2)	(3)	(4)
			<p>“Decision of Labour Court on appeal from decision referred to in paragraph 2</p> <p>3. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i>, on appeal from a decision of an adjudication officer referred to in paragraph 2, shall affirm, vary or set aside the decision of the adjudication officer.”.</p>
8.	S.I. No. 377 of 2009	European Communities (Working Conditions of Mobile Workers Engaged in Interoperable Cross-Border Services in the Railway Sector) Regulations 2009	<p>The following Regulation is substituted for Regulation 8:</p> <p>“Decision of adjudication officer under <i>section 41</i> of <i>Workplace Relations Act 2015</i></p> <p>8. A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of these Regulations shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or was not well founded,</p> <p>(b) require the employer to comply with the relevant provision, or</p> <p>(c) require the employer to pay to the mobile worker compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all the circumstances, but not exceeding 2 years’ remuneration in respect of the mobile worker’s employment.”.</p> <p>The following Regulation is substituted for Regulation 9:</p> <p>“Decision of Labour Court on appeal from decision referred to in Regulation 8</p>

Reference	Number and Year	Short title	Extent of Amendment
(1)	(2)	(3)	(4)
9.	S.I. No. 36 of 2012	European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations 2012	<p>9. A decision of the Labour Court under <i>section 44</i> of the <i>Workplace Relations Act 2015</i>, on appeal from a decision of an adjudication officer referred to in Regulation 8, shall affirm, vary or set aside the decision of the adjudication officer.”.</p> <p>The following Regulation is substituted for Regulation 18:</p> <p>“Decision of adjudication officer under <i>section 41</i> of <i>Workplace Relations Act 2015</i></p> <p>18. A decision of an adjudication officer under <i>section 41</i> of the <i>Workplace Relations Act 2015</i> in relation to a complaint of a contravention of Regulation 5, 8, 9, 10, 11 or 12 shall do one or more of the following, namely—</p> <p>(a) declare that the complaint was or, as the case may be, was not well founded,</p> <p>(b) require the employer to comply with the provisions of these Regulations that have been contravened, or</p> <p>(c) require the employer to pay the mobile 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 104 weeks’ remuneration in respect of the mobile worker’s employment (calculated in accordance with requirements under <i>section 17</i> of the <i>Unfair Dismissals Act 1977</i>).”.</p> <p>The following Regulation is substituted for Regulation 19:</p> <p>“Decision of Labour Court on appeal from decision referred to in Regulation 18</p>

Reference	Number and Year	Short title	Extent of Amendment
(1)	(2)	(3)	(4)

19. 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 Regulation 18, shall affirm, vary or set aside the decision of the adjudication officer.”.

Annotations

Amendments:

F84 Deleted (29.05.2020) by *European Union (Reporting, Analysis and Follow-up of Occurrences in Civil Aviation) Regulations 2020* (S.I. No. 195 of 2020), reg. 7(3)(f).



Number 16 of 2015

WORKPLACE RELATIONS ACT 2015

REVISED

Updated to 6 March 2024

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 annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

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.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to 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.

Acts which affect or previously affected this revision

- *Social Welfare (Miscellaneous Provisions) Act 2023 (37/2023)*
- *Work Life Balance and Miscellaneous Provisions Act 2023 (8/2023)*
- *Protected Disclosures (Amendment) Act 2022 (27/2022)*
- *Sick Leave Act 2022 (24/2022)*
- *Payment of Wages (Amendment) (Tips and Gratuities) Act 2022 (23/2022)*
- *Maritime Area Planning Act 2021 (50/2021)*

- *Workplace Relations (Miscellaneous Provisions) Act 2021 (29/2021)*
- *Family Leave and Miscellaneous Provisions Act 2021 (4/2021)*
- *Parent's Leave and Benefit Act 2019 (35/2019)*
- *Employment (Miscellaneous Provisions) Act 2018 (38/2018)*
- *Criminal Justice (Corruption Offences) 2018 (9/2018)*
- *Paternity Leave and Benefit Act 2016 (11/2016)*
- *Credit Guarantee (Amendment) Act 2016 (1/2016)*
- *Industrial Relations (Amendment) Act 2015 (27/2015)*
- *National Minimum Wage (Low Pay Commission) Act 2015 (22/2015)*
- *Parental Leave Act 1998 (30/1998)*
- *Employment Equality Act 1998 (21/1998)*
- *Protection of Employees (Employers' Insolvency) Act 1984 (21/1984)*
- *Redundancy Payments Act 1967 (21/1967)*

All Acts up to and including *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024 (7/2024)*, enacted 6 March 2024, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Workplace Relations Act 2015 (Fixed Payment Notice) Regulations 2023 (S.I. No. 705 of 2023)*
- *European Union (Cross-Border Conversions, Mergers and Divisions) Regulations 2023 (S.I. No. 233 of 2023)*
- *European Union (Transparent and Predictable Working Conditions) Regulations 2022 (S.I. No. 686 of 2022)*
- *Workplace Relations Act 2015 (Workplace Relations Commission Code of Practice on the Right to Disconnect) Order 2021 (S.I. No. 159 of 2021)*
- *Employment Affairs and Employment Law (Transfer of Departmental Administration and Ministerial Functions) Order 2020 (S.I. No. 438 of 2020)*
- *European Union (Reporting, Analysis and Follow-up of Occurrences in Civil Aviation) Regulations 2020 (S.I. No. 195 of 2020)*
- *Labour Affairs and Labour Law (Transfer of Departmental Administration and Ministerial Functions) Order 2017 (S.I. No. 361 of 2017)*
- *Workplace Relations Act 2015 (Fixed Payment Notice) Regulations 2017 (S.I. No. 32 of 2017)*
- *Workplace Relations Commission Director General Superannuation Scheme 2016 (S.I. No. 595 of 2016)*
- *European Union (Posting of Workers) Regulations 2016 (S.I. No. 412 of 2016)*
- *Workplace Relations Act 2015 (Section 37) (Commencement) Order 2016 (S.I. No. 206 of 2016)*
- *Workplace Relations Act 2015 (Fees) Regulations 2015 (S.I. No. 536 of 2015)*
- *Workplace Relations Act 2015 (Fixed Payment Notice) Regulations 2015 (S.I. No. 419 of 2015)*
- *Labour Relations Commission (Dissolution Day) Order 2015 (S.I. No. 413 of 2015)*
- *Workplace Relations Act 2015 (Establishment Day) Order 2015 (S.I. No. 412 of 2015)*
- *Workplace Relations Act 2015 (Commencement) (No. 2) Order 2015 (S.I. No. 410 of 2015)*
- *Workplace Relations Act 2015 (Commencement) Order 2015 (S.I. No. 338 of 2015)*

All statutory instruments up to and including *European Communities (Reception Conditions) (Amendment) Regulations 2024 (S.I. No. 118 of 2024)*, made 6 March 2024, were considered in the preparation of this revision.