



An Roinn Gnóthaí Fostaíochta
agus Coimirce Sóisialaí
Department of Employment Affairs
and Social Protection

Employment (Miscellaneous Provisions) Act 2018

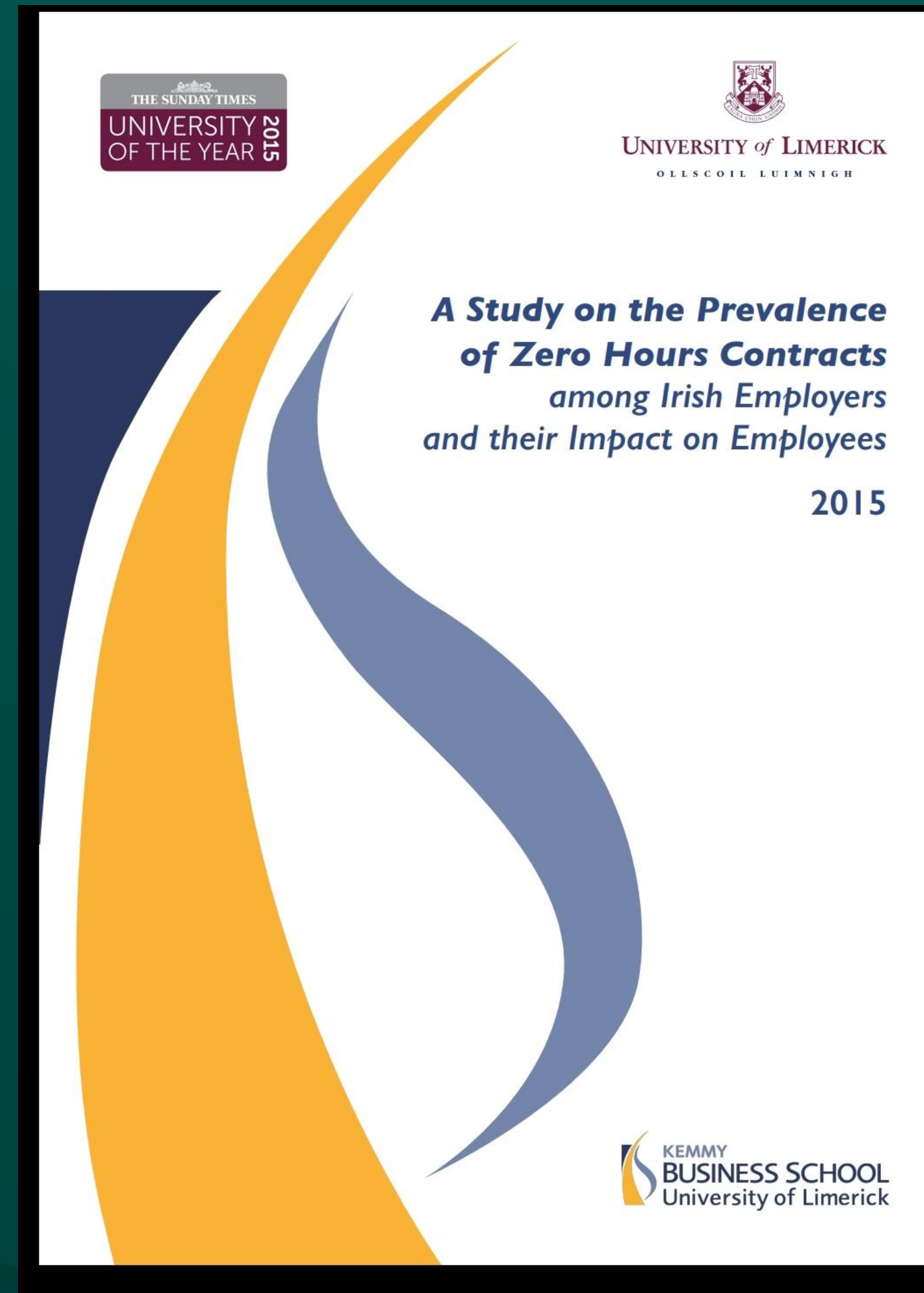
Orlaith Mannion
2019



PREHISTORY



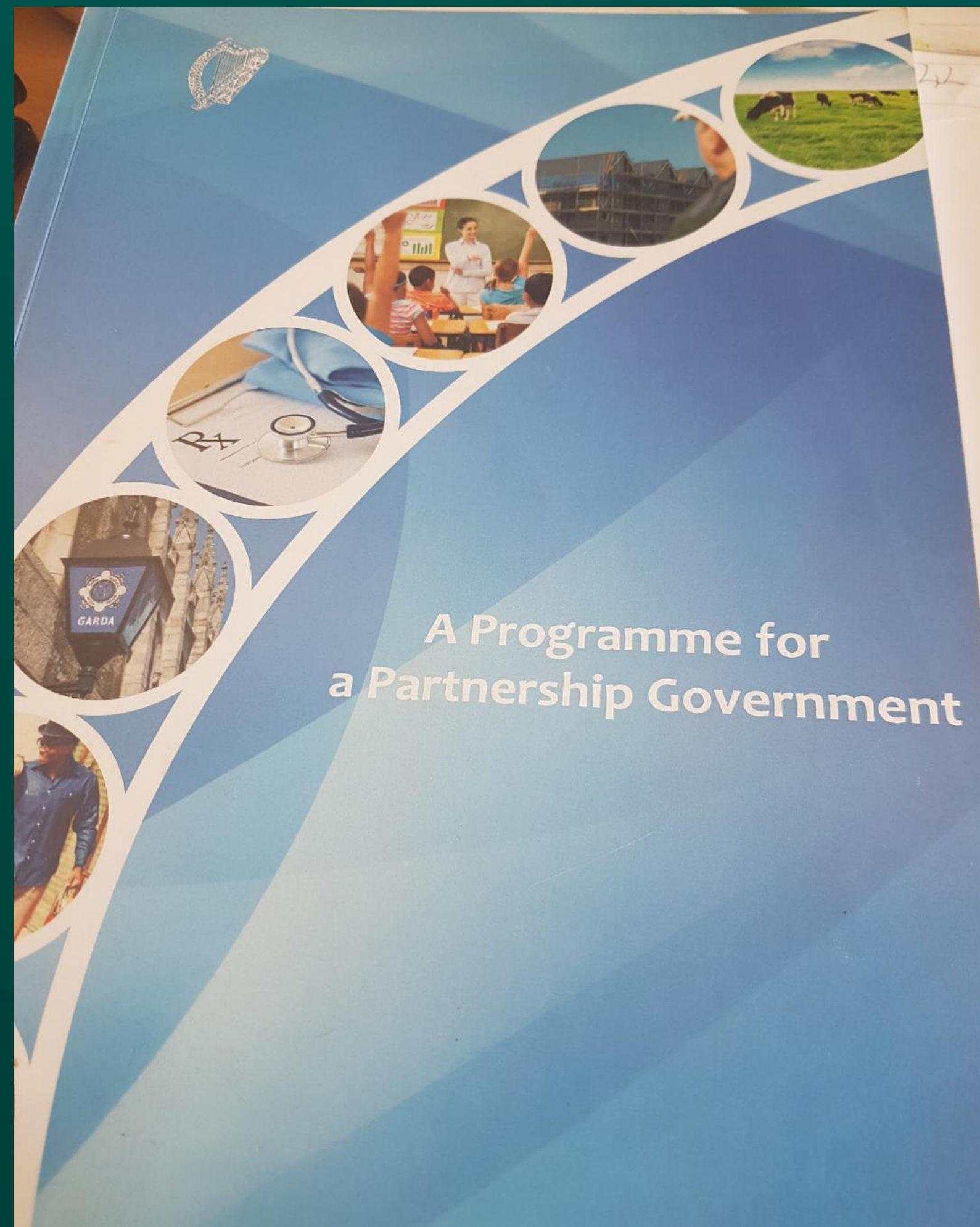






- UL report had 14 recommendations
- Public consultation followed –
Approx. 50 submissions
- Detailed dialogue with ICTU and
IBEC

Programme for Government commitments



- to tackle problems caused by the increased casualization of work
- to strengthen the regulation of precarious work



President of Ireland ✓

@PresidentIRL

Having considered the Employment (Miscellaneous Provisions) Bill 2017, the President has today, 25 December, signed the Bill and it has accordingly become law.

13:13 · 25 Dec 18 · [Twitter Web Client](#)

42 Retweets **249** Likes



What main Acts does it amend?

- *Terms of Employment (Information) Act 1994*
- *Organisation of Working Time Act 1997*



Who does it apply to?

contract of employment' means—

- (a) a **contract of service** or apprenticeship, or
- (b) any other contract whereby an individual agrees with another person, who is carrying on the business of an employment agency within the meaning of either the Employment Agency Act 1971 or the Protection of Employees (Temporary Agency Work) Act 2012 and is acting in the course of that business, to do or perform personally any work or service for a third person (whether or not the third person is a party to the contract), whether the contract is express or implied and if express, whether it is oral or in writing;

“employee” means a person who has entered into or works under (or, where the employment has ceased, entered into or worked under) a contract of employment and references, in relation to an employer, to an employee shall be construed as references to an employee employed by that employer; and for the purposes of this Act, a person holding office under, or in the service of, the State (including a member of the Garda Síochána or the Defence Forces) or otherwise as a civil servant, within the meaning of the Civil Service Regulation Act, 1956, shall be deemed to be an employee employed by the State or Government, as the case may be, and an officer or servant of a local authority for the purposes of the Local Government Act 2001 (as amended by the Local Government Reform Act 2014), a harbour authority, a health board or [an education and training board] shall be deemed to be an employee employed by the authority [or board], as the case may be;



5 on Day 5 statement

- Name of employer and employee
- Address of employer
- If it is a temporary contract, when it expires
- Pay
- **The number of hours which the employer reasonably expects the employee will work**
 - (i) per normal working day
 - and
 - (ii) per normal working week.





Failure to provide this statement to employee within a month is an offence.



To deliberately or recklessly provide false or misleading information on this statement is also be an offence.



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Sanctions for employers guilty of these offences

- Class A fine (maximum €5000) or imprisonment of up to 12 months imprisonment or both

OR

- A Workplace inspector could issue a fixed payment notice instead (maximum €2000) in lieu of prosecution.

Penalisation



- Threats of penalisation
- An employee invoking any right under the Acts
- Opposing in good faith something that is unlawful under the Acts
- Giving evidence under the Acts
- Giving notice of any of the above.



Prohibition of zero hours contracts in most circumstances

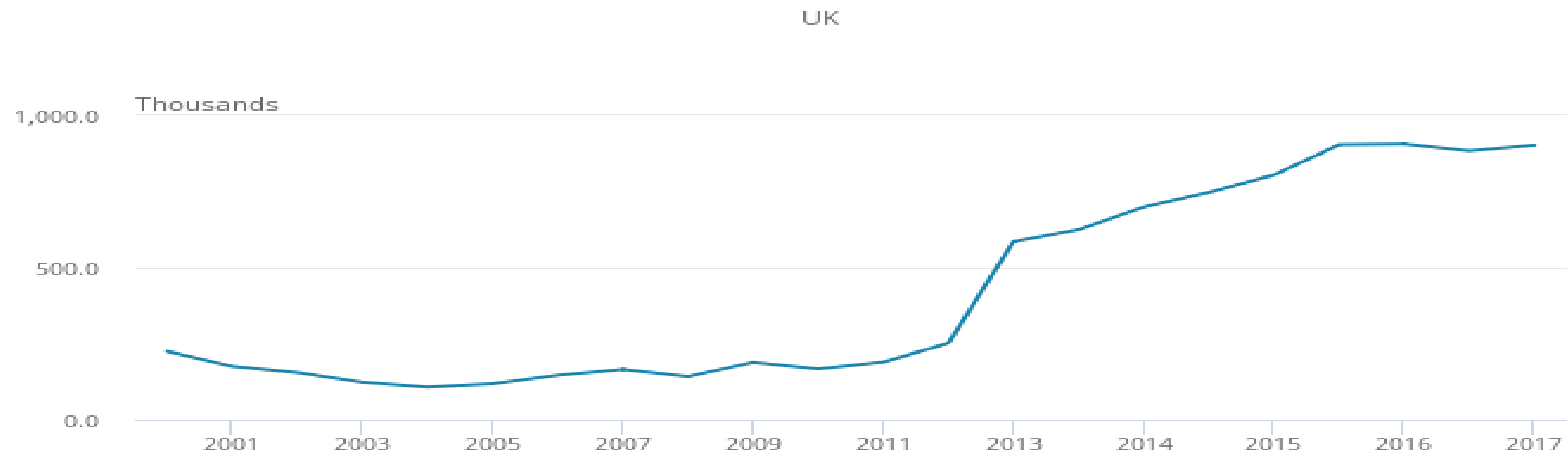


Exceptions:

- If and when contracts
- Casual work
- Emergencies
- Short-term relief work for that employer.



Figure 1: Number (thousands) of people in employment reporting they are on a zero-hours contract, October to December 2000 to October to December 2017



Source: Labour Force Survey (LFS) - Office for National Statistics



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Minimum payment for being called into work and not given that work

3 x National Minimum Wage (€9.80 since January 2019)

Or

3 x Employment Regulation Order (€10.80 in cleaning industry and €11.35 for security sector)

Banded hours



Intention of this provision is to give employees on variable hours contracts more security about the amount of hours they work.





After a year of employment, an employee may ask her employer to be placed on a band of hours that reflects the hours that she worked in the previous year.



TABLE

BANDS OF WEEKLY WORKING HOURS

Band	From	To
A	3 hours	6 hours
B	6 hours	11 hours
C	11 hours	16 hours
D	16 hours	21 hours
E	21 hours	26 hours
F	26 hours	31 hours
G	31 hours	36 hours
H	36 hours and over	

”



The employer has four weeks to consider the request.

Reasons an employer can refuse:

- No evidence to support the claim
- Significant adverse changes to the business e.g. loss of substantial contract
- Emergency
- Temporary situation that no longer exists e.g. maternity leave cover.



If the employee is unhappy with the employer's decision regarding banded hours, she may pursue mediation/adjudication in the Workplace Relations Commission.



Client: Department of Social Protection
Source: The Sunday Business Post
Date: 03/03/2019

Dunnes workers to seek revised contracts

BY COLETTE SEXTON
NEWS CORRESPONDENT

More than 1,000 Dunnes Stores workers will apply for revised contracts when new employment legislation comes into effect next month.

Trade union Mandate said it would be making at least 1,300 requests for new contracts on behalf of its members who are on contracts that do not reflect their actual working hours.

Of these workers, the vast majority are employees of Dunnes Stores, with up to