

Employment Law Changes 2015 & 2016

An essential guide for small business



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Today's Agenda

- Reform of the dispute resolution services
- Review of 2015 legislation changes
- Changes on the horizon for 2016

Workplace Relations Act 2015

- Reform of the dispute resolutions services for complaints lodged on/after 1 October 2015
- Cases involving 46 employment law acts
- Member feedback prior to 2015 reform:
‘Slow procedure’, ‘Inconsistent’, ‘2 year backlog’

Workplace Relations Act 2015

1. Rights Commissioner
2. Employment Appeals Tribunal
3. NERA
4. Labour Relations Commission
5. Equality Tribunal
6. Labour Court



1. W.R.C

2. Labour Court

1. WRC

- Advice
- Inspection
- Conciliation
- Mediation
- Adjudication

Cases heard in private



WRC

Inspection Service

- The Inspection Service monitors employment conditions to ensure the compliance and enforcement of employment rights legislation
- The WRC carry out workplace inspections and issue recommendations
- Employees or interested parties may request an employer's inspection

WRC

Conciliation Service

- Conciliation helps to resolve disputes when employers/employees have failed to reach an agreement during their internal negotiations
- An Industrial Relations Officer of the Commission acts as chairperson during meetings to negotiate an agreement

WRC

Mediation Service

- Following a complaint to the WRC, mediation is a first instance resolution service offered
- Mediation ensures that all the sides are heard and the participants are involved in finding an agreed solution
- Mediation needs to be voluntarily accepted by both parties, if not, the case is passed directly to an Adjudication Officer for an inquiry

WRC

Adjudication Service

- Adjudication Officers investigate disputes and claims that individuals or small groups of workers make under the employment legislation
- Adjudicators are independent in the performance of their duties and have a wide range of functions under this employment legislation
- Inquiries can be conducted through written submissions or in a hearing

2. Labour Court

- WRC - Appeals
- Establish JLCs / Register EROs & REAs
- Industrial Relations Act - Complaints
- Register 'Exception' Agreements

Cases heard in public



2015 Legislation Changes



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2015 Legislation Updates

Working Time Act 1997

Legislation amending the Working Time Act from 1 August 2015. (Workplace Relations Act 2015)

- Employees, from 1st August 2015, accrue annual leave during periods of certified sick leave
- Capped at a maximum “carry-over” of up to 15 months from the end of each given leave year
- No automatic entitlement to “pay out”
- Statutory annual leave only

2015 Legislation Updates

Working Time Act 1997

- Example A

Employee certified sick from 1st Nov 2015 to 31st Dec 2015

- Example B

Employee certified sick from 1st Jun 2015 to 31st Dec 2015

- Example C

Employee certified sick from 1st Jan 2016 to 31st Dec 2017

Carry over capped at 15 months (for each given leave year)

2015 Legislation Updates

Industrial Relations (Amendment) Act 2015

1. A new system of registered employment agreements (REAs) and sectoral employment regulation orders (EROs)
 - Contract Cleaning - €9.75ph
 - Security Personnel - €10.75ph + overtime & PH benefits

2015 Legislation Updates

Industrial Relations (Amendment) Act 2015

2. Improved framework was introduced for internal collective bargaining, where unions are not present

An internal mechanism for resolving industrial relations disputes must be available, such as employee representative groups

2015 Legislation Updates

European Case Law

The European Court of Justice ruled in September 2015, that for workers with **no fixed office**, such as care workers and door-to-door salesmen, **time spent travelling to work should be counted as working time** under the European Union's Working Time Directive rules. (Tyco v CC.OO. Case C 266/14)

- Rest periods
- Maximum working times
- Pay

2016 Legislation Changes



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2016 Changes

National Minimum Wage Act 2000

- 2015 - €8.65
- 2016 - €9.15

From 1st January 2016, the National Minimum Wage increased to €9.15ph for an adult worker

NB: Sectoral EROs/REAs supersede National Minimum Wage

2016 Changes

National Minimum Wage, Sub-Minimum Rates

- Experienced adult worker; **€9.15 - 100%**
- Under 18 years of age; **€6.41- 70%**
- First year after the date of first employment, 18+; **€7.32 - 80%**
- Second year after the date of first employment, 18+; **€8.24 - 90%**
- Training or study, 18+: first one-third period; **€6.86 - 75%***
- Training or study, 18+: second one-third period; **€7.32 - 80% ***
- Training or study, 18+: third one-third period; **€8.24 - 90% ***

(*Certain courses only)

2016 Changes

Employment Equality (Amendment) Bill 2015

Currently, there is an exclusion for discrimination by religious, educational or medical institutions that are under the direction or control of a religious body

The bill proposes that exclusions do not apply to 3 of the 9 grounds outlined in the Act:

- Civil status
- Gender identity
- Sexual orientation

2016 Changes

Paternity Leave, Budget 2016

Budget 2016 saw a proposal to legislate for paternity benefit, which would be paid similar to maternity benefit through social welfare

- Currently no paternity leave in Ireland
- Proposal for 2 Weeks @ €230 per week
- Commitment made, to commence from Sept 2016
- No obligation for employers to 'top up' payments

2016 Changes

Zero Hours & Flexible 'If & When' Contracts

- November 2015: DJEI report commissioned
 - Report found Zero Hours contracts not widely used
 - Focus shifts to 'If & When' flexible working contracts
 - Proposals to legislate for minimum shifts, minimum notice of shifts
- December 2015: SFA consulted & member feedback gathered
- January 2016: Submission sent to DJEI
- Spring 2016: Fall of Government

Developments TBC in 2016

Q & A Session

Questions?



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Feedback forms

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