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IRELAND'S EMPLOYMENT-LAW CHANGES TAKE EFFECT

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11 Mar 2019

Recent employment-law changes have taken [effect](#) in Ireland, including a required “Day 5” statement from the employer and a ban on zero-hour contracts. Signed into law at the end of 2018, the [Employment \(Miscellaneous Provisions\) Act 2018](#) became effective on 4 Mar 2019. The changes focus on improving the security and predictability of work hours for employees on insecure contracts or working variable hours. Here are some highlights of the law:

‘DAY 5’ STATEMENT

Employers must give new hires a written notice within five days after employment begins that sets out:

- Full names of the employer and the employee
- Employer's address
- Expected duration of a temporary contract or the end date of a fixed-term contract
- Rate or method of calculating the employee's pay
- Number of hours the employee can reasonably expect to work per normal workday and workweek

Employers that fail to provide the statement in the first month of employment or that “deliberately or recklessly” provide false or misleading information commit an offence. Employees who don't receive the Day 5 statement can bring a claim to the [Workplace Relations Commission](#) (WRC) and could be awarded up to four weeks of pay. Employers must inform new employees about other employment terms within the first two months of work.

ANTI-RETALIATION

Employers can't penalize or threaten to penalize an employee for:

- Invoking any right under the Terms of Employment (Information) Act
- Opposing in good faith any action that is unlawful under this act
- Giving evidence in any proceedings under this act
- Giving notice of the intention of doing any of the above

Employees who believe they have been penalized for invoking a right may pursue a case to the WRC and could be awarded up to four weeks of pay.

OTHER PROVISIONS

Prohibition on zero-hour contracts. Zero-hour contracts are prohibited unless the work is casual, done in emergency circumstances or is of short duration to cover routine absences.

Minimum compensation payment. Employees subject to Section 18 of the [Organisation of Working Time Act](#) who are called in but don't receive the expected hours of work must receive a minimum payment that is three times either (i) the national minimum hourly pay rate or (ii) the minimum hourly pay rate set out in an Employment Regulation Order.

Banded hours. An employee whose employment contract doesn't reflect actual hours worked can ask to be placed in a band of hours that better reflects the hours worked over a 12-month reference period. Certain exemptions apply to workers covered by collective bargaining agreements.

Fixed-payment notices. WRC inspectors can issue a fixed-payment notice instead of initiating prosecution proceedings if inspectors have reasonable grounds to believe an offense has been committed.

Simplified minimum wage rates for young people and trainees. Rates based on age, experience and trainee status are abolished.

RELATED RESOURCES

- [Employment \(Miscellaneous Provisions\) Act 2018](#) (Houses of the Oireachtas)
- [Information on the Employment \(Miscellaneous Provisions\) Act 2018](#) (Department of Employment Affairs and Social Protection)
- [Organisation of Working Time Act, 1997](#) (Irish Statute Book)

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