



Recent Developments in Employment Law

- Information & Consultation
- Employment Permits
- Maternity & Adoptive Leave

Information and Consultation

The Employees (Provision of Information and Consultation) Act 2006 came into force in July of this year and is applicable to employers with at least 150 employees in Ireland since 4 September 2006. The legislation is extremely wide-ranging and covers any "public or private undertaking carrying out an economic activity, whether or not operating for gain". From 23 March 2007 the Act will apply to employers with over 100 employees and to employers with at least 50 employees from 23 March 2008.

The Act essentially requires employers who meet the requisite threshold to provide employees with information on developments (recent & future) affecting the economic situation and activities of the business. It also requires employers to inform and consult employees on developments affecting employment in the workplace and, in particular, information and consultation on decisions likely to lead to substantial changes in work organisation or in contractual relations.

Employers have a number of options as to how they will comply with their obligations under this Act. They may put in place a pre-existing information and consultation agreement before the Act applies to their workplace. Alternatively, employers may wait until the Act applies to their workplace and they receive a request from the requisite number of employees (10% but not less than 15 employees) to enter into negotiations to establish information and consultation arrangements. Where a negotiated agreement is not put in place within a stated timeframe following a request from employees, the Standard Rules contained in the Act will apply to that workplace.





While it remains to be seen whether large numbers of employees will request employers to establish information and consultation procedures in their workplaces, the reality is that the Act applies to all employers with at least 150 employees since 4 September 2006 and will, in the future, apply to most employers.

Employment Permits

The Employment Permits Act 2006 has been signed into law but will not become effective until a Commencement Order is made.

The Act does little to change how the current work permits and work visa/authorization schemes operate in practice. It does however, set out a legislative framework for the application, grant and refusal of employment permits and provides for an appeal mechanism where an application is refused.

It is anticipated that the Act will make the application process for employment permits more transparent for employers by setting out in legislation the various steps and procedures involved. In particular, the proposed appeals mechanism will allow employers, and in some circumstances, employees, to question refusals of employment permits.

Maternity and Adoptive Leave

Statutory maternity and adoptive leave periods were increased in Ireland from 1 March 2006. All female employees are now entitled to 22 weeks' ordinary maternity leave and 12 weeks' additional maternity leave. Adopting mothers and sole male adopters are entitled to 20 weeks' ordinary adoptive leave and 12 weeks' additional adoptive leave.

These periods of maternity and adoptive leave will be further extended from 1 March 2007 to 26 weeks' ordinary maternity leave and 16 weeks' additional maternity leave and 24 weeks' ordinary adoptive leave and 16 weeks' additional adoptive leave.



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