



# The Employment (Miscellaneous Provisions) Act 2018

## KEY CHANGES:

### 5 Days to Provide Employees with Core Terms of Employment

- Core terms include:
  - Full names of the employer and employee
  - The address of the employer
  - In the case of a temporary contract, the expected duration of the contract and, if the contract is for a fixed term, the date on which the contract expires
  - Rate of pay
  - Hours of work per normal working day and normal working week
- The Act also protects employees against penalisation for invoking their right to the above.
- Employers may face awards of up to 4 weeks' remuneration for breaches and/or may be liable on summary conviction to a fine up to €5,000 and/or prison term of up to 12 months

**Tips for Employers:** Review existing contracts to ensure that they contain the core terms; train managers and HR personnel to ensure they issue core terms on time.

### Zero Hours Contracts – Minimum Payments Imposed

- 'Zero-hours' contracts, requiring employees to be available for work but guarantees them none. Already rare in Ireland, from 1 March they will only be permitted in genuine casual and/or emergency situations.
- If employees are not required to work at least 25% of their contracted hours, they are entitled (subject to some exceptions) to be paid the lesser of 25% of those hours or 15 hours per week. The Act now requires that this payment will be calculated at 3 times the national minimum hourly rate of pay and be paid each time a breach occurs.
- Employers may face awards of up to 2 years' gross remuneration for breaches.

**Tips for Employers:** Review existing contracts and working hour arrangements to assess whether potentially in breach.

### Banded Hours may be Requested by Employees - or Imposed by the WRC

- An employee will be entitled to be placed in a 'band' of weekly working hours which reflects the average number of hours actually worked by them over the previous 12-month period (subject to certain exceptions). There are 8 defined bands, ranging from 3-6 hours all the way up to 36+ hours.
- Once an employee requests a band, the employer has 4 weeks in which to comply. Otherwise, the employee can seek an order from the WRC. Once an employee is placed in a band, their average working hours should fall within that band for the following 12-month period.
- Employers may face awards of up to 2 years gross remuneration if they penalise employees.

**Tips for Employers:** Control the process by proactively looking to see if you need to place your employees in a band now.