

## Employment protection in Ireland – 2008

Item 1 Notification procedures in the case of individual dismissal of a workers with a regular contract	<b>Individual termination:</b> No prescribed procedure. Notice may be oral or in writing but must be certain. There is no specific procedure outlined in the Minimum Notice and Terms of Employment Act 1973, but there is a Code of Practice on Grievance and Disciplinary Procedure, which sets out best practice in terms of procedures to be followed. <b>Redundancy:</b> Copy of official redundancy form to be sent to Department of Employment.
Item 2 Delay involved before notice can start	None specified in legislation. Notice may be oral or written as long as it is certain. In case of individual termination, advisable to serve notice in writing after warnings specifying what aspect of behaviour is sub-standard.
Item 3 Length of notice period at different tenure durations	<b>All workers</b> covered by the Minimum Notice & Terms of Employment Act excluding inter alia, Defence Forces, Police and certain Merchant Shipping employment agreements. Notice as follows: 0<13w, 1w<2y, 2w<5y, 4w<10y, 6w<15y, 8w>15y. <b>Redundancy cases:</b> 2w min.
Item 4 Severance pay at different tenure durations	<b>All workers:</b> none. In <b>redundancy cases</b> with at least two years tenure: 1 week's pay ('bonus week'), plus two weeks' pay per year worked, subject to a ceiling on weekly pay of 600 EUR. Employers are reimbursed 60% by redundancy fund financed by ordinary employer and employee social security contribution.
Item 5 Definition of unfair dismissal	<b>Fair:</b> Dismissals for lack of ability, competence or qualifications, conduct, or redundancy. <b>Unfair:</b> Dismissals reflecting discrimination on grounds of race, religion, age, gender, etc., including when these factors bias selection during redundancies. Exercise or proposed exercise of rights under carer's leave, maternity leave, parental leave, adoption leave or minimum wage legislation.
Item 6 Length of trial period	12 months (shorter trial periods are commonly agreed between employer and employee, but claims under statutory unfair dismissal legislation are not normally possible until after the periods shown). The 12 month limit does not apply in certain dismissal situations e.g. pregnancy, exercise or contemplated exercise of rights under maternity, adoptive, parental or carer's leave legislation, for trade union activity or rights under minimum wage legislation.
Item 7 Compensation following unfair dismissal	Maximum compensation equals 104 weeks' pay. Compensation awards based on financial loss. Maximum 4 weeks' award where no loss established. (Average Employment Appeals Tribunal award in 2007 was 7280 EUR)
Item 8 Reinstatement option for the employee following unfair dismissal	A reinstatement order, with back pay from the date of dismissal, is possible. Also re-engagement from date after date of dismissal with no back pay from date of dismissal also possible. Deciding body must specify why re-instatement/re-engagement not applied if compensation awarded. In 2007, reinstatement was ordered in one case and re-engagement was ordered in four cases.
Item 9 Maximum time period after dismissal notification up to which an unfair dismissal claim can be made	6 months, extended to 12 months in exceptional circumstances.
Item 10 Valid cases for use of fixed term contracts	Employers do not have to justify recourse to initial fixed-term contracts. The Protection of Employees (Fixed-Term Work) Act 2003 provides that where an employer proposes to renew a fixed-term contract the employee shall be informed in writing, not later than the date of renewal, of the objective grounds justifying the renewal and the failure to offer a contract of indefinite duration. The Act also provides that a fixed-term employee shall be informed in writing by his/her employer as soon as practicable of the objective condition determining the contract i.e. whether it is (a) arriving at a specific date (b) completing a specific task, or (c) the occurrence of a specific event.
Item 11 Maximum number of successive FTCs (initial contract plus renewals and/or prolongations)	No limit in case of objective grounds justifying the renewal but some possibility for unfair dismissal/penalisation claims under unfair dismissals/fixed-term legislation after having been employed for successive contracts.
Item 12 Maximum cumulated duration of successive FTCs	The maximum cumulated duration of successive fixed-term contracts is 4 years.
Item 13 Types of work for which temporary work agency (TWA) employment is legal	All employment.
Item 14 Are there restrictions on the number of renewals and/or prolongations of TWA contracts?	No. The Protection of Employees (Fixed-Term Work) Act 2003 does not apply to agency workers placed by a temporary work agency at the disposition of a user enterprise.
Item 15 Maximum cumulated duration of TWA contracts	No limit. The Protection of Employees (Fixed-Term Work) Act 2003 does not apply to agency workers placed by a temporary work agency at the disposition of a user enterprise.
Item 16 Does the set-up of a TWA require authorisation or reporting obligations?	In order to operate in the State, an employment agency must obtain an employment agency license from the Minister of Enterprise, Trade and Employment.

Item 17 Do regulations ensure equal treatment of regular workers and agency workers at the user firm?	No such regulations.
Item 18 Definition of collective dismissal	'Collective redundancies' means dismissals effected by an employer for one or more reasons not related to the individual concerned where in any period of 30 consecutive days the number of such dismissals is 5-9 workers in firms 20-49 employees; 10+ workers in firms 50-99; 10% in firm 100-299; 30+ in firms 300+ employees.
Item 19 Additional notification requirements (compared to Item 1) in cases of collective dismissal	<b>Notification of employee representatives:</b> Duty to inform and consult with competent trade union. Further requirement to consult with representatives of employees whether unionized or not under 2000 Regulations. Civil remedy introduced for failure to do so. <b>Notification of public authorities:</b> Notification of Ministry competent for labour and employment.
Item 20 Additional delays involved (compared to Item 2)	Information to trade union and Ministry 30 days before implementation.
Item 21 Other special costs to employers in case of collective dismissals	<b>Type of negotiation required:</b> Consultation on alternatives to redundancy and ways to mitigate the effects. Consultations since 2000 Regulations must include employee representatives in non-union employment. <b>Selection criteria:</b> Law lays down union participation, but no specific selection criteria for dismissal. <b>Severance pay:</b> No special regulations for collective dismissal, but legally required severance pay usually topped up in cases of mass redundancies.

*This summary was produced by the OECD based on responses to a questionnaire submitted by authorities in OECD member countries. It describes the situation current as at 1 January 2008 and is the basis for calculating the OECD employment protection indicators. To find out more about the methodology used to calculate the OECD employment protection indicators, see [www.oecd.org/employment/protection](http://www.oecd.org/employment/protection).*