

## IRELAND

Items	Regulations in force on 1 January 2013
1: Notification procedures in the case of individual dismissal of a worker with a regular contract	<p><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.</p> <p><b>Redundancy:</b> A written notice is required for an employee with no less than 2 years tenure.</p>
2: Delay involved before notice can start	<p>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. The Code of Practice on Grievance and Disciplinary Procedure prescribe providing full opportunity for defence, prior warning and written notice.</p> <p>Calculation (for EPL indicators): average of personal reasons (1 day for notice plus 6 days for warning) and redundancy (1 day for notice)</p>
3: Length of notice period at different tenure durations (a)	<p><b>All workers</b> covered by the Minimum Notice &amp; Terms of Employment Act excluding inter alia, Defence Forces, Police and certain Merchant Shipping employment agreements: notice as follows: 0&lt;13w, 1w&lt;2y, 2w&lt;5y, 4w&lt;10y, 6w&lt;15y, 8w&gt;15y.</p> <p><b>Redundancy cases:</b> 2w min.</p> <p>Calculation (for EPL indicators) 9 months tenure: 1.5 week, 4 years tenure: 2 weeks, 20 years tenure: 8 weeks.</p>
4: Severance pay at different tenure durations (a)	<p><b>All workers:</b> none.</p> <p>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 15% by a redundancy fund financed by ordinary employer and employee social security contribution - they pay therefore only 85%.</p> <p>Calculation (for EPL indicators): Redundancy cases: 9 months tenure: 0, 4 years tenure: 9 weeks (cost is only 7.65w), 20 years tenure: 41 weeks (cost is only 34.85w).</p>
5: Definition of unfair dismissal (b)	<p><b>Fair:</b> Dismissals for lack of ability, competence or qualifications, conduct, or redundancy.</p> <p><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.</p>
6: Length of trial period (c)	<p>All workers: 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.</p>
7: Compensation following unfair dismissal (d)	<p>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 2011 was 18,047.85 EUR)</p> <p>Calculation (for EPL indicators): average of average and maximum compensation minus average severance pay reported in Item 4 = 10.7 months</p>
8: Reinstatement option for the employee following unfair dismissal (b)	<p>A reinstatement order, with back pay from the date of dismissal, is possible. Also re-engagement from a date after the date of dismissal with no back pay from the date of dismissal also possible. Deciding body must specify why re-instatement/re-engagement not applied if compensation awarded. In 2011, reinstatement was ordered in 6 cases and re-engagement was ordered in 7 cases. More generally, reinstatement or re-engagement orders are typically made in 4%-5% of the cases where a remedy order is granted.</p>
9: Maximum time period after dismissal up to which an unfair dismissal claim can be made (e)	<p>6 months, extended to 12 months in exceptional circumstances</p>

<b>10:</b> Valid cases for use of standard 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, no 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.
<b>11:</b> Maximum number of successive standard 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. But this does not apply if the contract contains a specific clause stating that the Unfair Dismissals Acts will not apply to the expiry of the term of the contract.
<b>12:</b> Maximum cumulated duration of successive standard FTCs	The maximum cumulated duration of two or more successive fixed-term contracts is 4 years, unless there are objective grounds justifying the renewal on a fixed-term basis. No limits for the first contract
<b>13:</b> Types of work for which temporary work agency (TWA) employment is legal	All employment.
<b>14:</b> Are there restrictions on the number of renewals and/or prolongations of TWA assignments? (f)	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.
<b>15:</b> Maximum cumulated duration of TWA assignments (f)	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.
<b>16:</b> 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 for Jobs, Enterprise and Innovation.
<b>17:</b> Do regulations ensure equal treatment of regular workers and agency workers at the user firm?	The Protection of Employees (Temporary Agency Work) Act 2012 ensures the protection of temporary agency workers by applying the principle of equal treatment in their basic working and employment conditions, as if they had been directly recruited by the hirer to the same or similar job.
<b>18:</b> Definition of collective dismissal (b)	'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+ workers in firms 20-49 employees; 10+ workers in firms 50-99; 10% in firm 100-299; 30+ in firms 300+ employees.
<b>19:</b> Additional notification requirements in cases of collective dismissal (g)	<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.
<b>20:</b> Additional delays involved in cases of collective dismissal (h)	Information to trade union and Ministry 30 days before implementation. Calculation (for EPL indicators): 30-4 for individual dismissal
<b>21:</b> Other special costs to employers in case of collective dismissals (i)	<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.

Legend: d: days; w: weeks; m: months; y: years. For example "1m < 3y" means "1 month of notice (or severance) pay is required when length of service is below 3 years".

Notes:

a) Three tenure durations (9 months, 4 years, 20 years). Case of a regular employee with tenure beyond any trial period, dismissed on personal grounds or economic redundancy, but without fault (where relevant, calculations of scores to compute OECD EPL indicators assume that the worker was 35 years old at the start of employment). Averages are taken where different situations apply – e.g. blue collar and white collar; dismissals for personal reasons and for redundancy.

b) Based also on case law, if court practice tends to be more (or less) restrictive than what specified in legislation.

c) Initial period within which regular contracts are not fully covered by employment protection provisions and unfair dismissal claims cannot usually be made.

d) Typical compensation at 20 years of tenure, including back pay and other compensation (e.g. for future lost earnings in lieu of reinstatement or psychological injury), but excluding ordinary severance pay and pay in lieu of notice. Where relevant, calculations of scores to compute OECD EPL indicators assume that the worker was 35 years old at the start of employment and that a court case takes 6 months on average. Description based also on case law.

e) Maximum time period after dismissal up to which an unfair dismissal claim can be made.



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- f) Description based on both regulations on number and duration of the contract(s) between the temporary work agency and the employee and regulations on the number and duration of the assignment(s) with the same user firm.
- g) Notification requirements to works councils (or employee representatives), and to government authorities such as public employment offices. Only requirements on top of those requirements applying to individual redundancy dismissal count for the OECD EPL indicators (cf. Item 1).
- h) Additional delays and notice periods in the case of collective dismissal (only delays on top of those required for individual dismissals – as reported in Items 2 and 3 – count for the OECD EPL indicators).
- i) This refers to whether there are additional severance pay requirements and whether social compensation plans (detailing measures of reemployment, retraining, outplacement, etc.) are obligatory or common practice.