



**An Bille um Dhífhostú Éagórach (Cosaintí Méadaithe
d'Oibrithe) (Leasú), 2023**
**Unfair Dismissals (Increased Protections For Workers)
(Amendment) Bill 2023**

Meabhrán Míniúcháin
Explanatory Memorandum



**AN BILLE UM DHÍFHOSTÚ ÉAGÓRACH
(COSAINTÍ MÉADAITHE d'OIBRITHE) (LEASÚ), 2023
UNFAIR DISMISSALS (INCREASED PROTECTIONS FOR
WORKERS) (AMENDMENT) BILL 2023**

EXPLANATORY MEMORANDUM

Purpose of the Bill

The purpose of this Bill is to amend the Unfair Dismissals Act 1977 to expand protections to workers previously excluded from that Act, to further protect workers from discriminatory dismissals and to reform the system for compensation under that Act.

Provisions of the Bill

Section 1 sets out definitions of the main terms used throughout the Bill.

Section 2 amends the Unfair Dismissals Act 1977 (“Act of 1977”) to expand coverage of that Act to include all employees, regardless of the period of their employment. It also removes age restrictions under that Act so that all workers over the age of 16 are protected from unfair dismissals.

Section 3 amends the Act of 1977 to remove the requirement for one or more employees to be re-engaged after a lockout for it to be deemed an unfair dismissal for employees who are not reinstated. It also ensures that dismissing a single employee for engaging in industrial action is deemed to be unfair, removing the requirement for two or more employees to be dismissed before it reaches grounds for unfair dismissal.

Section 4 amends the Act of 1977 to ensure that the dismissal of an employee shall be deemed to be an unfair dismissal if it results in any part from the employee’s race, sexual orientation, membership of the travelling community, age, trade union activity, religious or political opinions, protected disclosure, civil or criminal proceedings, pregnancy or statutory leave.

This section also amends the Unfair Dismissals (Amendment) Act 1993 to ensure that the dismissal of an employee during training or an apprenticeship shall be deemed to be an unfair dismissal if it results in any part due to trade union membership.

Section 5 amends the Act of 1977 to reform the system of compensation awarded to employees deemed to have been subject to an unfair dismissal. The level of compensation will be decided by the adjudication officer or the Labour Court regarding the circumstances of the case. In circumstances where the employee has incurred any financial loss or costs attributable to the dismissal, they will also be reimbursed in full.

Section 6 amends the Act of 1977 to ensure that employees who have been unfairly dismissed due to making a protected disclosure are entitled

to the same level of compensation under that Act as would be afforded to any other category of worker.

Section 7 amends the Act of 1977 to ensure that all parties to the claim are provided with a copy of the decision no later than 28 days after the hearing. All parties will also be provided with a list of the facts relied upon to reach the decision and the grounds for making the decision. It also ensures that claims for redress under the Act can be initiated within 9 months of the dismissal.

Section 8 amends the Act of 1977 to ensure that the Director General shall not deal with the claim if the claimant objects to the claim being dealt with in the manner specified in the notification.

Section 9 amends the Act of 1977 to ensure that all documents or notices required to be served on or given to a person under this Act shall be provided at least 10 clear days before the scheduled hearing date of the claim.

Section 10 amends the Act of 1977 to ensure that in cases where the employer fails to comply with the decision of the adjudication officer, employees are entitled to seek to recover damages at common law for wrongful dismissal.

Section 11 amends the Act of 1977 to state that the Minister may increase, but not decrease, the level of compensation afforded to a claimant under this Act.

Section 12 outlines the Bill's short title details.

Deputy Catherine Murphy,
Márta, 2023.