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Ireland: Notice period to employees

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Ireland

Phase:

Management

Type:

Notice period to employees

Last modified: 27 October, 2017

Native name:

Minimum Notice and Terms of Employment Acts, 1973 - 2015; Protection of Employment Act, 1977; Employees (Provision of Information and Consultation) Act 2006

English name:

Minimum Notice and Terms of Employment Acts, 1973 - 2015; Protection of Employment Act, 1977; Employees (Provision of Information and Consultation) Act 2006

Article

1973 - 2015 Acts: sections 4 (1), 6; 1977 Act: 9(3), 12; 2006 Act: 3

Description

For individual dismissals, employees are entitled to a statutory minimum notice of one week provided that they have been working for the employer for at least 13 weeks. The contract of employment may provide for a longer period of notice. The notice periods for individual dismissals are regulated by the Minimum Notice and Terms of Employment Acts 1973–2005 and depend on the employees' length of service. The notice periods are the following:

- 13 weeks to 2 years of employment: 1 week
- 2 years to 5 years: 2 weeks
- 5 years to 10 years: 4 weeks
- 10 years to 15 years: 6 weeks
- 15 years or more: 8 weeks

Economic circumstances (e.g. closure of the business, lack of work, or reorganisation within the firm) are regarded as valid and fair reasons for dismissal. Other legitimate reasons to cancel the employment contract can relate to the employee's conduct, capability, competence and qualifications. In most cases the onus is on the employer to show that a genuine redundancy situation exists and that the employee is not unfairly dismissed.

In case of collective dismissals, the notice period happens after the consultation period. Under section 12 of the 1977 Act, for collective redundancy situations, at least 30 days notice must be given to the relevant minister before the first dismissal takes effect. Under section 9(3) of the 1977 Act, employees (through their representative) have a right to a 30-day consultation period. Such consultation must begin at least 30 days before the first notice of dismissal. The notice periods under sections 9(3) and 12 can run concurrently. Employers have to consult with employee representatives on the collective redundancy situation, which includes exploring alternatives to redundancy.

Collective redundancy, for the purpose of the act is defined as at least 5 redundancies in an establishment employing 21-49 employees; at least 10 redundancies in an establishment employing 50-99 employees; at least 10% of employees made redundant in an establishment employing 100 - 299 employees; and at least 30 redundancies in an establishment that employs 300 or more people.

For the application of the 2006 Act, there must be an employment minimum threshold of 50 people. The 2006 Act can cover redundancy situations but extends to non-redundancy situations as well. For an information and consultation forum to be set up under the 2006 Act, it has to be initiated by employees; if the employer is uncooperative with this measure, there is recourse to the labour court.

Comments

The threshold for the application of the Protection of Employment Act (1977) and the Employees Act (2006) is different. Depending on the specifics of a given situation, one of the acts would be relied upon if pursuing a claim.

It is considered that the 2006 Act is not favoured - and therefore not pursued - by trade unions as it could entail bypassing their involvement

Cost covered by

Not applicable






Involved actors other than national government

Trade union
Works council

Thresholds

No, applicable in all circumstances

Sources

-  Protection of Employment Act 1977
-  Employees (Provision of Information and Consultation) Act 2006
-  Minimum Notice and Terms of Employment Act 1973
-  EMCC legal framework of restructuring
-  Ius Laboris (2009), Collective Redundancies Guide, Brussels

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