



European Monitoring Centre on Change

[Login](#)

## Ireland: Staff information and consultation on restructuring plans

[Go to list page](#)

Ireland
 

Phase:

Anticipation

Type:

Staff information and consultation on restructuring plans

Last modified: 27 September, 2019

|               |  |
|---------------|--|
| Native name:  | Employees (Provision of Information and Consultation) Act 2006 |
| English name: | Employees (Provision of Information and Consultation) Act 2006 |

### Article

3 and 4(c); Schedule 1: 3(a), 3(c)

### Description

Under the Employees (Information and Consultation) act 2006, employers must consult with employees on substantial changes in the workplace, including proposals for collective redundancies (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). Redundancies may not take effect earlier than 30 days after this notification.

For collective dismissal scenarios, the Protection of Employment Acts gives employees a right to consultation - through the prescribed representative channels (for example trade unions and works council) - as well as the employer having an obligation to provide certain information in writing, such as the reasons for the proposed redundancies; the number, and descriptions or categories of employees proposed to be made redundant; the number of employees, and description or categories of those normally employed; the period during which it is proposed to effect the redundancies; the criteria proposed for the selection of the workers to be made redundant; and the method for calculating any redundancy payments.

The act provides for information and consultation on the 'situation, structure and probable development of employment within the undertaking and on any anticipatory measures envisaged in particular where there is a threat to employment' and 'information and consultation on decisions likely to lead to substantial changes in work organisation or in contractual relations' which includes transfer situations and collective redundancy.

The act applies to all establishments with at least 50 employees.

Schedule 1 of the 2006 Act allows for an information and consultation forum to be set up. This has to be initiated by the staff side. If the employer does not agree to the forum, recourse is available at the labour court to enforce this provision. Forums must consist of at least 3 people but not more than 30.

To activate the information and consultation forum (which is essentially a works council), there must be a written request made by 10% of employees to the employer. If the employer does not adhere to this request, the employees can proceed to the labour court, requesting that there should be negotiations to establish information and consultation arrangements.

Employee representatives, performing their functions under the 2006 act, cannot be penalised for doing so. Such representatives have recourse to the Workplace Relations Commission if they have been penalised in contravention of section 13 of the 2006 act.

In 2018, regulations were amended to include seafarers (who were formerly excluded from consultation rights in the 2006 act).

### Comments

In practice, the consultation process consists of management informing employee representatives of the situation as it pertains at the time. The focus is on consultation rather than on negotiation.

The forum is NOT considered to be a priority measure for trade unions, as it does not involve trade union negotiation; rather it is a consultation forum of a direct channel between management and employees - and can, in effect, bypass the role of unions.

**Cost covered by**

Not applicable

**Involved actors other than national government**

Trade union  
Works council  
Other

**Involvement others**

Information and consultation forum

**Thresholds**

Company size by number of employees:  
50

**Sources**

-  DG Employment, Social Affairs and Equal Opportunities/Héra, Selected companies' legal obligations regarding restructuring, 2011
-  [Employees Provision and Consultation Act 2006](#)
-  [S.I. No. 15/2018 - European Communities \(Seafarers\) Regulations 2018](#)
-  [The Sale and Liquidation of Clerys: A Report to Government, by Ged Nash TD, Minister for Business and Employment](#)

Useful? Interesting? Tell us what you think. 

Eurofound welcomes feedback and updates on this regulation

Your name \*

E-mail \*

More information?

Homepage

Subject

Comment \*

Save

Preview

European Monitoring Centre on Change - EMCC

[About EMCC](#)

European Restructuring Monitor

- › [About the European Restructuring Monitor](#)
- › [Restructuring events database](#)
- › [Restructuring support instruments](#)
- › [Restructuring related legislation](#)
- › [Restructuring case studies](#)
- › [ERM publications](#)

#### [European Jobs Monitor](#)

#### [Labour market research](#)

#### [Case studies](#)

#### [Future of Manufacturing in Europe \(FOME\)](#)

[European Observatory on Quality of Life - EurLIFE](#)

[European Observatory of Working Life - EurWORK](#)

## Quick links

- [Legal information](#)
- [Data protection](#)
- [Environmental policy](#)
- [Cookies](#)
- [Subscriptions](#)
- [Multilingualism](#)
- [Templates for Eurofound reports](#)
- [Eurofound style guide](#)
- [Management Board extranet](#)
- [Map - how to get to Eurofound](#)
- [FAQ](#)
- [Sitemap](#)



## Contact us

Eurofound, Wyattville Road, Loughlinstown, Co. Dublin, D18 KP65, Ireland

Phone: (00) 353 1 2043100

E-Mail: [information@eurofound.europa.eu](mailto:information@eurofound.europa.eu)

Press: [media@eurofound.europa.eu](mailto:media@eurofound.europa.eu)



MEMBER OF THE NETWORK OF EU AGENCIES



EUROFOUND ACHIEVES EMAS REGISTRATION



EUROFOUND IS AN AGENCY OF THE EUROPEAN UNION



[Access to internal documents](#) | [Financial information](#) | [Archives](#) | [Information centre](#) | [RSS feeds](#)

© EUROFOUND 2023