

European (& the GCC) Employment Law Update

Jurisdiction: Republic of Ireland
Date: April 2017

Impact date	Development	Impact
September 2016	<i>Paternity Leave and Benefits Act 2016</i>	<p>This provides for two weeks paid paternity leave for relevant parents and applies to all births or adoptions which occur after 1 September 2016. Prior to its enactment, Ireland was one of the few European countries without statutory paternity leave entitlements.</p> <p>Similar to maternity and adoptive leave, the Act provides that the rights of the employee taking paternity leave shall be preserved during the period of leave. Upon return to work following paternity leave, employees are entitled to return to the same position held immediately prior to taking paternity leave under terms or conditions no less favourable than those that would have been applicable to the employee and that incorporate any improvement in said terms and conditions that the employee would have been entitled to had he or she not been absent from work. Additionally any purported termination of employment while the employee is absent on paternity leave shall be void. The Act also prohibits the penalisation of an employee for having exercised their rights to take paternity leave.</p>
November 2016	<i>Catherine Kelly v Alienvault Ireland Limited and Alien Vault Inc (Circuit Court Cork)</i>	<p>The Protected Disclosures Act 2014 (the Act) continues to show its teeth with another successful application for interim relief granted in Cork Circuit Court. This follows the first successful application for interim relief under the Act in June 2016.</p> <p>This case reiterates that employers need to tread carefully if they dismiss an employee who has made a protected disclosure. The threshold for bringing a claim for interim relief is relatively low – all the employee needs to show is that there are "substantial grounds" for contending their dismissal was linked to their protected disclosure. There is no requirement for the applicant to prove that the dismissal was, in fact, wholly or mainly due to whistleblowing. The result of a successful application for interim relief is that an employee can be re-instated into their position and/or continue to be paid their salary pending the hearing of their unfair dismissal.</p>
No date yet	Employment Equality (Abolition of Retirement Age) Bill - proposals to abolish	<p>The rationale behind the Bill is that forced retirement is age discrimination. Central to the Bill is choice and that workers should have a choice about their retirement and when that date comes. Workers will be able to decide if they want to retire immediately at 65/66 or continue working. The Bill contains exemptions for those who work in security-related employment, such as the Defence Forces, fire services and An Garda Siochana.</p> <p>The socio-economic backdrop is the main driver for the Bill as there is clear evidence that people are living longer and want to remain at work. The economic driver will be addressed by making amendments to pension issues. It proposes to end the current practice of those who have to obtain jobseekers payments at 65 for one year until they are eligible for state</p>

	compulsory retirement	pension at 66. It is a Private Members' Bill. However the Government has indicated that it will not oppose the Bill although it is likely there will be significant amendments to it from its current format.
--	-----------------------	---