

**An Bille um Eagrú Ama Oibre (Saoire Bhliantiúil Covid-19 a Aistriú) (Leasú), 2020**

**Organisation of Working Time (Covid-19 Carryover of Annual Leave) (Amendment) Bill 2020**

*Mar a tionscnaíodh As initiated*



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ACTS REFERRED TO

Organisation of Working Time Act 1997

Emergency Measures in the Public Interest (Covid-19) Act 2020



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**Organisation of Working Time (Covid-19 Carryover of Annual Leave) (Amendment) Bill 2020**

**Bill**

entitled

An Act to amend the [Organisation of Working Time Act 1997](http://www.irishstatutebook.ie/1997/en/act/pub/0020/index.html) to allow for employees to carry over untaken leave in a year where it was not reasonably practicable for an employee to take some or all of the leave to which the employee was entitled as a result of the effects of Covid-19.

**Be it enacted by the Oireachtas as follows:**

**Definition**

**1.** In this Act, “Principal Act” means the [Organisation of Working Time Act 1997](http://www.irishstatutebook.ie/1997/en/act/pub/0020/index.html).

**Amendment of section 2 of Principal Act**

**2.** Section 2 of the Principal Act is amended by inserting the following definition:

“Covid 19” has the meaning assigned to it by the Emergency Measures in the Public Interest (Covid-19) Act 2020

**Amendment of section 19 of Principal Act**

**3.** Section 19 of the Principal Act is amended by inserting the following subsections after subsection 6:

(7) Notwithstanding section 20(1)(c), where in any leave year it was not reasonably practicable for an employee to take some or all of the leave to which the employee was entitled under this section as a result of the effects of Covid-19 (including on the employee, the employer or the wider economy or society), the employee shall be entitled to carry forward such untaken leave as provided for under this section.

(8) Leave to which subsection (7) applies may be carried forward and taken in the two leave years immediately following the leave year in respect of which it was due.

**Amendment of section 23 of Principal Act**

**4.** Section 23 of the Principal Act is amended by inserting the following subsections after subsection 5:

(6) ) Notwithstanding subsection (1), where an employee’s employment is terminated and on the termination date the employee remains entitled to leave in respect of any previous leave year which carried forward under subsections (7) and (8) of section 19, the employee shall, as compensation for the loss of that annual leave, be paid by his or her employer an amount equal to the pay, calculated at the normal weekly rate or, as the case may be, at a rate proportionate to the normal weekly rate, that he or she would have received had he or she been granted that annual leave.

**Short title, collective citation and construction**

**5.** (1) This Act may be cited as the Organisation of Working Time (Covid-19 Carryover of Annual Leave) (Amendment) Bill 2020.

 (2) This Act shall be construed as one with the [Organisation of Working Time Act 1997](http://www.irishstatutebook.ie/1997/en/act/pub/0020/index.html).

(3) Notwithstanding any provision to the contrary contained in any other enactment this Act comes into operation no later than a month after the date of its passing.