



WORKPLACE RELATIONS (AMENDMENT) BILL 2021



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Mar a tionscnaíodh
As initiated

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Acts Referred To

Workplace Relations Act 2015

Unfair Dismissals Act 1977



WORKPLACE RELATIONS (AMENDMENT) BILL 2021

Bill

entitled

An Act to provide for the rights to fair procedures found by the Supreme Court in the case of Tomasz Zalewski (Applicant/Appellant) Vs The Workplace Relations Commission, An Adjudication Officer [Y], Ireland and the Attorney General Respondents delivered on Tuesday 6th April 2021; and to provide for related matters.

Be it enacted by the Oireachtas as follows:

Interpretation

1. In this Act "Principal Act" means the Workplace Relations Act 2015
"Act of 1977" means the Unfair Dismissals Act 1977

Regulations

2. The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed.

Amendment of Principal Act

3. (1) Section 41 of the Principal Act is amended by inserting the following subsections in substitution for paragraphs (I) and (II) of subsection 5 (a)(ii):

- (I). make an opening statement,
- (II). call witnesses to give evidence on oath or affirmation,
- (III). cross-examine any witnesses called by any other party,
- (IV). give evidence on his own behalf, and
- (V). address the adjudication officer at the close of the evidence.

(2) Subsection (5) (a) (iii) of section 41 of the Principal Act is amended by inserting the words "and the right to fair procedures" after the words "provision"

(3) Subsection 13 of section 41 of the Principal Act is amended by inserting the following subsection in substitution for subsection 13:

(a) Proceedings under this section before an adjudication officer shall be conducted in public.

(b) Notwithstanding paragraph (a) of this subsection, where a party to proceedings makes application in writing to the Commission for a hearing to be heard otherwise than in public and it can be demonstrated by submission in writing that a proceeding to be heard otherwise than in public would be necessary to protect a lawful vital interest of a party or parties involved in the proceedings, a hearing may be heard otherwise than in public.

Amendment of Act of 1977

4. (1) Subsection 6 of section 8 of the Act of 1977 is amended by inserting the following subsection in substitution for subsection 6:

(a) Proceedings under this section before an adjudication officer shall be conducted in public.

(b) Notwithstanding paragraph (a) of this subsection, where a party to proceedings makes application in writing to the Commission for a hearing to be heard otherwise than in public and it can be demonstrated by submission in writing that a proceeding to be heard otherwise than in public would be necessary to protect a lawful vital interest of a party or parties involved in the proceedings, a hearing may be heard otherwise than in public.

Short Title, collective citation and construction

5. (1) This Act may be cited as the Workplace Relations (Amendment) Act 2021.

(2) This Act shall be construed as one with the the Workplace Relations Act 2015 and the Unfair Dismissals Act 1977.

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