



EMPLOYMENT, PENSIONS AND EMPLOYEE BENEFITS

Employment Legislation Update

by **Aoife Bradley, Michael Kavanagh, Jennifer O'Neill, Ciara O'Kennedy**

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31st July 2014 | by Aoife Bradley, Michael Kavanagh, Jennifer O'Neill, Ciara O'Kennedy

Protected Disclosures Act 2014

More commonly known as the "Whistleblowers' Act", the Protected Disclosures Act 2014 came into force yesterday. The Act provides for a single piece of legislation for the protection of whistleblowers as opposed to the disjointed approach adopted in Ireland to date.

The Act affords a range of protections for workers in all sectors, including employees, contractors, trainees and agency staff, who make certain disclosures relating to wrongdoing in the workplace. This includes prohibiting any penalisation of employees for making such disclosures.

Public sector employers are required to have a whistleblowing policy in place. It would also be advisable for private sector employers to put a whistleblowing policy in place, which is appropriate to their business, and ensures that structures and training are in place to enable compliance.

Compensation of up to five years' remuneration for dismissal arising from the making of a disclosure may be awarded under this new legislation.

Employment Permits (Amendment) Bill 2014

The Employment Permits (Amendment) Bill 2014 was introduced in April of this year and it is planned to be signed in to law before the end of July.

The Bill aims to:

- update the employment permit scheme in line with policy and economic developments since 2007;
- provide a robust employment permit regime which will bring clarity and certainty to potential investors and employers to better enable their business planning and HR decision making;
- address recent deficiencies in work permit legislation identified by the High Court in a 2012 case which had the potential to allow employers to avoid their employment obligations in situations where an employee did not hold an employment permit but was required to do so;
- provide nine different purposes for which an employment permit may be granted to include replacing the "green card" with a "critical skills employment permit" and replacing the existing student procedures with the "internship employment permit".

National Vetting Bureau (Children and Vulnerable Persons) Act 2012

This Act is expected to become operational before the end of 2014. The legislation will introduce a formal statutory

based vetting process for those working with children or vulnerable persons as there is currently no legislative basis under Irish law for the vetting of employees.

Under this legislation it will be obligatory for new employees or contractors involved in certain activities to be vetted. Schedule 1 of the Act lists the activities covered by the legislation and organisations engaging individuals to carry out these activities will now have to register with the National Vetting Bureau.

Employers required to register should update their employment contracts and policies to ensure that prospective employees appreciate that their employment is conditional upon, and subject to, vetting disclosure being obtained and maintained.

For more information, please contact any member of the Employment Team.

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