



STATUTORY INSTRUMENTS.

**S.I. No. 338 of 2015**



WORKPLACE RELATIONS ACT 2015 (COMMENCEMENT) ORDER  
2015

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I, RICHARD BRUTON, Minister for Jobs, Enterprise and Innovation, in exercise of the powers conferred on me by section 1(2) of the Workplace Relations Act 2015 (No. 16 of 2015), hereby make the following order:

1. This Order may be cited as the Workplace Relations Act 2015 (Commencement) Order 2015.

2. The 1st day of August 2015 is appointed as the day upon which the following provisions of the Workplace Relations Act 2015 (No. 16 of 2015) shall come into operation:

(a) sections 1, 2, 3, 4, 5, 6, 9, 54, 55, 75, 77, 78, 79;

(b) subsections (1) and (2) of section 40 and subsections (1) and (3) of section 86; and

(c) Schedule 1.



GIVEN under my Official Seal,  
31 July 2015.

RICHARD BRUTON,  
Minister for Jobs, Enterprise and Innovation.

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 4th August, 2015.*

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation)*

The Workplace Relations Act 2015 makes provision for the establishment of a new simplified two-tier structure which will replace the five existing workplace relations bodies. The Labour Relations Commission (LRC), the National Employment Rights Authority (NERA), the Equality Tribunal and the first instance functions of the Employment Appeals Tribunal (EAT) will be replaced by the new Workplace Relations Commission and the appeals functions of the EAT will be incorporated into an expanded Labour Court.

The purpose of this Order is to provide for the commencement of certain technical and operational provisions of the Workplace Relations Act 2015 in advance of the establishment of the new workplace relations structures on the 1st October, 2015.

This Order also provides for the commencement of section 86(1) of the Workplace Relations Act 2015. Section 86(1) gives further effect to the EU Directive on Working Time (Directive 2003/88/EC) by amending the provisions relating to annual leave in sections 19, 20 and 23 of the Organisation of Working Time Act 1997.

The amendments provide that statutory annual leave entitlement accrues during a period of certified sick leave, and for an increase in the annual leave carryover period from 6 months to 15 months for employees who could not, due to illness, take annual leave during the relevant leave year or during the normal carryover period of 6 months. The amendments provide, in the event of termination of employment, for payment in lieu of annual leave which was untaken as a result of certified illness in circumstances where the employee leaves the employment within a period of 15 months following the end of the leave year during which the leave entitlement accrued.

This Order also provides for the commencement of section 86(3) of the Workplace Relations Act 2015. Section 86(3) provides for the repeal of Section 2B of the Financial Emergency Measures in the Public Interest (FEMPI) Act 2009. Section 2B was inserted in to the FEMPI 2009 Act as a limited contingency measure in case no collective agreement was reached following the Haddington Road negotiations. This section, which has never been utilised, allowed individual Ministers or public sector employers to take steps that would impact on non-core pay and working hours of staff in their organisations. In the event, collective agreement was reached in the form of the Haddington Road Agreement. The removal of Section 2B is in recognition that any requirement for this measure has now passed.

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