



STATUTORY INSTRUMENTS.

S.I. No. 705 of 2023



WORKPLACE RELATIONS ACT 2015 (FIXED PAYMENT NOTICE)
REGULATIONS 2023

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WORKPLACE RELATIONS ACT 2015 (FIXED PAYMENT NOTICE)
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I, NEALE RICHMOND, Minister of State at the Department of Enterprise, Trade and Employment, in exercise of the powers conferred on me by sections 4 and 36 of the Workplace Relations Act 2015 (No. 16 of 2015) (as adapted by the Business, Enterprise and Innovation (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 519 of 2020)) and the Enterprise, Trade and Employment (Delegation of Ministerial Functions) Order 2023 (S.I. No. 14 of 2023), hereby make the following regulations:

1. These Regulations may be cited as the Workplace Relations Act 2015 (Fixed Payment Notice) Regulations 2023.

2. In these Regulations -
“Act of 2015” means the Workplace Relations Act 2015 (No. 16 of 2015);
“Act of 1991” means the Payment of Wages Act 1991 (No. 25 of 1991).

3. The form set out in the Schedule is prescribed for the purposes of subsection (1) of section 36 of the Act of 2015.

4. (1) The amount of €2,000 is prescribed for the purposes of paragraph (b) of subsection (1) of section 36 of the Act of 2015 in relation to an offence alleged to have been committed under section 11 of the Protection of Employment Act 1977 (No. 7 of 1977).

(2) The amount of €1,500 is prescribed for the purposes of paragraph (b) of subsection (1) of section 36 of the Act of 2015 in relation to an offence alleged to have been committed under any of the following:

- (a) subsection (4) of section 4 of the Act of 1991;
- (b) section 23 of the National Minimum Wage Act 2000 (No. 5 of 2000);
- (c) section 6B of the Terms of Employment (Information) Act 1994 (No. 5 of 1994).

(3) The amount of €750 is prescribed for the purposes of paragraph (b) of subsection (1) of section 36 of the Act of 2015 in relation to an offence alleged to have been committed under any of the following:

- (a) subsection (8) of section 4B of the Act of 1991;
- (b) subsection (2) of section 4D of the Act of 1991.

(4) The amount of €500 is prescribed for the purposes of paragraph (b) of subsection (1) of section 36 of the Act of 2015 in relation to an offence alleged to have been committed under any of the following:

- (a) subsection (3) of section 4E of the Act of 1991;
- (b) subsection (3) of section 4F of the Act of 1991.

5. The following regulations are revoked:

- (a) the Workplace Relations Act 2015 (Fixed Payment Notice) Regulations 2015 (S.I. No. 419 of 2015);
- (b) the Workplace Relations Act 2015 (Fixed Payment Notice) Regulations 2017 (S.I. No. 32 of 2017).

SCHEDULE**Prescribed Fixed Payment Notice****WORKPLACE RELATIONS ACT 2015 (No. 16 of 2015)**

REGULATION 3 FIXED PAYMENT NOTICE IN RELATION TO AN ALLEGED OFFENCE UNDER SUBSECTION (4) OF SECTION 4 OF THE PAYMENT OF WAGES ACT 1991, OR SUBSECTION (8) OF SECTION 4B OF THE PAYMENT OF WAGES ACT 1991, OR SUBSECTION (2) OF SECTION 4D OF THE PAYMENT OF WAGES ACT 1991, OR SUBSECTION (3) OF SECTION 4E OF THE PAYMENT OF WAGES ACT 1991, OR SUBSECTION (3) OF SECTION 4F OF THE PAYMENT OF WAGES ACT 1991, OR SECTION 6B OF THE TERMS OF EMPLOYMENT (INFORMATION) ACT 1994, OR SECTION 11 OF THE PROTECTION OF EMPLOYMENT ACT 1977, OR SECTION 23 OF THE NATIONAL MINIMUM WAGE ACT 2000.

FPN Ref. No.

Workplace Relations Commission

1. To:

| | |
|----------------------|--|
| Name | |
| Name of Legal Entity | |
| Trading as | |
| Address Line 1 | |
| Address Line 2 | |
| Address Line 3 | |
| Address Line 4 | |

2. It is alleged that you have committed a relevant offence, as defined by section 36 (5) of the Workplace Relations Act 2015 (No. 16 of 2015). Details of the relevant offence and associated fixed payment amount to be paid by you are as set out in the table below.

| | |
|--|--|
| Legislation under which relevant offence occurred ¹ : | |
| Date of offence | |
| Details of the offence ² : | |

| | |
|---|--|
| Grounds for Inspector being satisfied that the relevant offence has occurred: | |
| Prescribed Fixed Payment Amount to be paid ³ : | |

3. You may during the period of 42 days beginning on the date of this notice make to the Commission a payment of the prescribed amount as set out in the table at 2. above accompanied by this notice.

4. Payment may be made by Electronic Fund Transfer to:

Danske Bank, International House, 3 Harbourmaster Place, IFSC, Dublin 1

Account name: DJEI Danske EFT Receipts Public B/A.

IBAN IE24 DABA95199030010413

BIC DABAIE2D

You may contact the Workplace Relations Commission (Telephone (059) 9178800) for assistance in relation to making payments.

5. You are not obliged to make the payment specified in this notice. However, if you do not make the payment during the period of 42 days beginning on the date of this notice a prosecution in relation to the relevant offence may be instituted.

6. A prosecution in respect of the alleged offence will not be instituted during the period of 42 days beginning on the date of this notice and, if the payment specified in this notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

Inspector⁴ Dated

GIVEN under my hand,
29 December 2023

NEALE RICHMOND,
Minister of State at the Department of Enterprise, Trade and
Employment

EXPLANATORY NOTE

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

Section 36(1) of the Workplace Relations Act 2015 provides that, where an inspector has reasonable grounds for believing that a person has committed a relevant offence, the inspector may give to the person a Fixed Payment Notice in the prescribed form for each of these offences.

These Regulations prescribe the form of Fixed Payment Notices in lieu of prosecution, if appropriate, and the amount of the fixed payment in each case in relation to alleged offences under Section 36(1) of the Workplace Relations Act 2015 and prescribe the amount of the fixed payment notice in each case in relation to alleged offences under subsection (4) of section 4 of the Payment of Wages Act 1991, subsection (8) of section 4B, subsection (2) of section 4D, subsection (3) of section 4E and subsection (3) of section 4F of the Payment of Wages Act 1991 (as inserted by the Payment of Wages (Amendment) (Tips and Gratuities) Act 2022), section 6B of the Terms of Employment (Information) Act 1994, section 11 of the Protection of Employment Act 1977, and section 23 of the National Minimum Wage Act 2000.

The Workplace Relations Act 2015 (Fixed Payment Notice) Regulations 2015 (S.I. No. 419 of 2015 and the Workplace Relations Act 2015 (Fixed Payment Notice) Regulations 2017 (S.I. No. 32 of 2017) are revoked.

¹ Insert “subsection (4) of section 4 of the Payment of Wages Act 1991, or subsection (8) of section 4B of the Payment of Wages Act 1991, or subsection (2) of section 4D of the Payment of Wages Act 1991, or subsection (3) of section 4E of the Payment of Wages Act 1991, or subsection (3) of section 4F of the Payment of Wages Act 1991, or subsection (1) of section 6B of the Terms of Employment (Information) Act 1994, or subsection (2) of section 6B of the Terms of Employment (Information) Act 1994, or section 11 of the Protection of Employment Act 1977, or section 23 of the National Minimum Wage Act 2000”.

² Insert details of the nature of the offence

³ Insert the relevant amount as prescribed under Regulation 4 of the Workplace Relations Act 2015 (Fixed Payment Notice) Regulations 2023

⁴ Insert the name of the Inspector duly appointed under Section 26 of the Workplace Relations Act 2015

BAILE ÁTHA CLIATH
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