

Zero Hours Contracts and Banded Hours

The Employment (Miscellaneous Provisions) Act 2018 which was passed into law on March 4, 2019 will bring about real changes for Irish employers and employees.

This Act deals with written statements, offences, zero hours and banded hours particularly for industries (including retail, hospitality and tourism) which relied on flexibility with employees on working hours and seasonal activity. It does not apply to employment of continuous service of less than one month.

Written Statement

The employer shall give a written statement within 5 days of an employee starting employment of:

- a) the full name of employer and employee
- b) the address of the employer in the State
- c) the expected duration of the employment contract if temporary and the date on which it expires if it is for a fixed term
- d) the rate or method of calculation of remuneration and
- e) the expected number of hours per normal working day and per normal working week.

Offences

Failure to provide a written statement within one month from employment start date may lead to a criminal prosecution of the employer and a class A fine and/or imprisonment.

An employer who provides an employee with false or misleading information (e.g. incorrectly designates an employee as self-employed) shall be guilty of an offence and a class A fine and/or imprisonment. The employer has a defence if he can show that he exercised due diligence and took all reasonable precautions to ensure that the Act was complied with.

Prohibition of Zero Hours

Zero hours working practices will be prohibited unless used in specific exceptional circumstances of genuine casual employment and where they are essential for the needs of the business for short term relief work or in emergencies.

Banded Hours

The employee has a statutory entitlement to a banded weekly hours contract where their contractual hours worked do not reflect their actual hours worked. If the employee requests such a contract in writing he must be given the banded hours contract from a date that is not greater than 4 weeks from the request date unless:

- a) the employee's claim is not supported by evidence
- b) there has been significant adverse changes to the employer's business
- c) the average hours worked were brought about by a temporary situation that no longer exists.

There are 8 different bands as follows:

Band	From	To
A	3 hours	6 hours
B	6 hours	11 hours
C	11 hours	16 hours
D	16 hours	21 hours
E	21 hours	26 hours
F	26 hours	31 hours
G	31 hours	36 hours
H	36 hours and over	

Once an employee is placed in a particular band, she is entitled to work an average of those hours for not less than 12 months.

Youth Employment

Employees aged 19 or under shall be remunerated at an hourly rate of pay that on average is not less than the percentage of the national minimum hourly rate of pay as prescribed from not less than 70 to 90 per cent.