

GOVERNMENT APPROVES THE PAYMENT OF WAGES (AMENDMENT) BILL TO PROTECT EMPLOYEE TIPS AND GIVE CUSTOMERS TRANSPARENCY



The Tánaiste and Minister for Enterprise Trade and Employment, Leo Varadkar, has approved 'The Payment of Wages (Amendment) Bill' that will give new rights to employees - forbidding the use of tips and gratuities to make up contractual rates of pay.

Employers will have new requirements to clearly display their policy on how card and cash tips, gratuities, and service charges are distributed. All electronic tips must now be distributed fairly and in a transparent way.

Mr Varadkar said: "This new law will, for the first time, give workers legal protections over tips. It will mean that any tips received cannot be counted towards an employee's basic pay and they must be counted as additional and separate payments.

"Once this law is enacted, all employers will be required to show clearly how tips and service charges are

dealt with in a business. This will provide clarity for both customers and staff. Most establishments already treat their employees fairly concerning tips, so for many it will mean no change other than having to display their policy clearly."

The aim of the Payment of Wages (Amendment) (Tips and Gratuities) Bill is to:

- Provide clarity on the meaning of tips, gratuities and service charges.
- Place tips and gratuities, but not service charges, outside the scope of a person's contractual wages.
- Oblige employers to display their policy on the distribution of both cash and

card tips prominently.

- Oblige employers to distribute fairly, equitably and transparently, tips that are received in electronic form, that is, through debit or credit cards, or smartphones.

Key points to note for employers:

- The law will give employees a legal entitlement to receive tips and gratuities paid in electronic form (i.e. debit/credit card) and states that these tips and gratuities should be paid out to workers in a fair, transparent and equitable manner.
- There will be new requirements for employers to clearly display their policy on distributing card and cash

tips, gratuities, and service charges. All electronic tips must be distributed fairly and in a transparent manner.

- A fair distribution will be context-specific, taking into account matters such as staff hours; the value of sales income or revenue generated; a worker's role in service delivery; whether the employee is on a full-time or part-time contract of employment, etc.
- Payment of tips and gratuities by electronic means, in contrast to cash tips paid directly to the worker, means that the employer controls how these tips and gratuities are distributed. The WRC will be responsible for

inspecting electronic tips and distributing them fairly. Employers must clearly display their policy on cash tips publicly.

HR Team Director, Breda Cullen, said: "This new law builds on the extension of legal rights that the Government is introducing to protect employees. These include the Right to Request Remote Work, the Sick Leave Bill, and the Transparent and Predictable Working Conditions Directive. "Employers are strongly advised to remain up to date with the dynamic changes in legislation and update employment contracts where required to maintain compliance with employment law."



TÁNAISTE INTRODUCES LEGAL FRAMEWORK FOR REMOTE WORKING REQUESTS

The Tánaiste and Minister for Enterprise Trade and Employment, Leo Varadkar, has published details of a new

law giving workers the right to request remote working from their employers. Announcing the legislation, Mr Varadkar said: "So long as the business gets done and services are provided, employers should facilitate it."

HR Team Director, Martina McAuley, said: "The Right to Request Remote Working Bill 2021 will provide a legal framework for Irish employees to submit a request for remote working and have their request approved or refused by employers.

"An employee will be eligible to submit a request once they have worked for their employer for six months. Employers will now be required to provide reasonable grounds for refusing to facilitate an employee's request."

KEY POINTS TO NOTE FOR EMPLOYERS:

- Going forward, all companies must have a written statement which sets out the company's remote working policy, specifying how remote working requests are managed and the conditions which will apply to remote working generally within the organisation.
- If an employee's request is denied and an appeal has been heard, the employee will have to wait 12 months to submit another request - provided they are in the same role.
- If an employee moves to a new role within the company, they are entitled to submit a new request.
- A time limit will also be in place for

an employer to return a decision on a request, which can be set by the employer but can be no longer than 12 weeks.

- An employee will only be eligible to submit a request once they have worked for their employer for at least six months. However, an employer can offer remote working from day one, if desired.
- Under the legislation, employers will be allowed to decline requests for remote working under certain conditions. However, employers must state reasonable business grounds when denying a request.

ACCEPTABLE REASONS FOR AN EMPLOYER TO DECLINE A WORK FROM HOME REQUEST:

1. The nature of the work cannot be done remotely, and it is not possible to reorganise work among existing staff.
2. Remote working could have a negative impact on the quality of work.
3. Remote working could have a negative effect on the employee's performance.
4. Planned structural changes are in place.
5. There is a burden of additional costs to facilitate staff working from home.
6. There are concerns for the protection of business confidentiality or intellectual property.
7. There are concerns regarding health and safety regulations.
8. There are concerns on data protection grounds.
9. There are concerns for internet connectivity at the employee's home.



10. There is an unreasonable distance between the proposed remote location and the on-site location.
11. If the proposed remote working arrangement conflicts with provisions of an applicable agreement.
12. There are ongoing or recently concluded disciplinary processes.

HOW CAN EMPLOYERS PREPARE FOR REMOTE WORKING REQUESTS?

Although the pandemic has provided many employers with an opportunity to introduce remote working, there are productivity and other associated costs that employers may incur. Remote working also raises health and safety challenges which could attract further employer costs.

Ms McAuley said employers are best advised to review contracts of employment to avoid risk. "Given the changes in employment law, employers should begin to prepare and consider updating employee contracts to remain legally compliant before the legislation is enacted.

"Employers are best advised take into account and accept the working arrangements that have evolved over the past two years, and ensure that they do not rely on current and outdated contracts of employment," Ms McAuley added.

HR AND EMPLOYMENT LAW WEBINAR

MANAGING EMPLOYEE MENTAL HEALTH AND WELLBEING FOR BUSINESS SUCCESS



The pandemic has shone a spotlight on the topic of mental health for employers and employees alike. Many of us have experienced first-hand how living with high levels of uncertainty, constant change and traumatic events can lead to feelings of anxiety, stress, depression and other mental health problems. As well as dealing with issues in their personal lives, employees have also had to cope with massive changes in the workplace, including being furloughed, working from home for long periods, or having to work longer shifts to cover for absent team members. All of these experiences are likely to have taken their toll on the mental health and wellbeing of our workforce.

Even before the Covid-19, employers had a growing awareness of the organisational costs of poor employee mental health. Pre-pandemic research from the Healthy Ireland framework identified that employee mental health problems were costing Irish businesses €11 billion each year, much of which was being attributed to a loss of productivity.

While the full repercussions of the pandemic on the workforce's mental health are, unfortunately, yet to be realised, it is clear that employers should make tackling mental health at work a strategic priority.

Many business owners and managers still don't understand the causes of mental health problems or feel confident enough to have conversations with employees about their mental health. They are also often not clear on the types of organisational interventions that can positively impact their employees' wellbeing.

This webinar will provide an overview of mental health problems and how the workplace can reduce or exacerbate their impact. It will also offer some practical ways in which employers can support the mental health and wellbeing of their workforce.

WEBINAR OVERVIEW

- What is good mental health?
- The facts about mental health at work and in society pre and post-Covid.
- Mental health and stigma.
- Overview of mental health conditions, with a focus on stress, anxiety and depression.
- Recognising the signs that someone may be struggling with a mental health problem.
- How to have conversations with your staff about mental health.
- Strategies for managing employee mental health and wellbeing.

WHAT WILL YOU LEARN FROM THE WEBINAR?

This webinar will equip managers and leaders to recognise and respond supportively to staff experiencing mental health challenges in the workplace. You will also gain an insight into how to effect change at an organisational level in order to improve the overall wellbeing and engagement levels of your workforce, which will bring additional success to your business.

After attending, participants will be better equipped to:

- Link employee mental health and wellbeing to productivity and business success
- Recognise signs of mental wellbeing and mental distress in the workplace.
- Understand what people with mental health challenges are experiencing.
- Know how to provide appropriate support to staff experiencing mental distress.
- Be aware of the steps employers can take to manage and improve wellbeing in the workplace

About the facilitator:

The webinar will be facilitated by Nicole Squires, MA MCIPD, MBACP.

Nicole is HR and Employment Law Consultant at HR Team. As well as having almost 20 years' strategic HR management and consultancy experience, Nicole is also a fully qualified and practicing counsellor/psychotherapist.

WHEN IS THE WEBINAR?

Date: Tuesday, February 22, 2022

Time: 10.00am – 11.00am

Cost: £85/€100

Cost for retained clients: FREE

To register, please click [here](#)



UPCOMING HR TEAM WEBINARS IN 2022

Tuesday, February 22

Mental Health and Wellbeing of Employees

[Register Now](#)

Tuesday, March 29

Effective Performance Appraisals

[Register Now](#)

Tuesday, April 26

Sickness Absence Management

[Register Now](#)

Tuesday, May 24

How to Conduct a Disciplinary Investigation

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Tuesday, June 28

How to Compliantly Handle a Grievance

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Tuesday, September 27

Effective Recruitment and Selection

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Tuesday, October 25

How to Manage Social Media in the Workplace

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Using the Probationary Period Effectively and Compliantly

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