



EMPLOYEES TO BE GIVEN LEGAL RIGHTS ON PAYMENT OF TIPS

There will be new requirements on employers to clearly display their policy on how both card and cash tips, gratuities and service charges are distributed. All electronic tips must be distributed fairly and in a transparent way. 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, they must be counted as additional and separate.

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 prominently their policy on the distribution of both cash and card tips
- Oblige employers to distribute fairly, equitably and in a transparent manner, tips that are received in electronic form, that is, through debit or credit cards or smart phones

An important element of the new law will be to give employees a legal entitlement to receive tips and gratuities paid in electronic form (that is, by debit or credit card) with a provision that these tips and gratuities should be paid out to workers in a fair, transparent and equitable manner. A fair and equitable distribution will be context specific and is likely to take into account matters such as staff hours, busy and quiet periods, a worker's role in service delivery, customs and practice etc.

This new law builds on the suite of legal rights that the Government is introducing to protect workers, which includes the Sick Leave Bill, the Transparent and Predictable Working Conditions Directive and the right to request remote work.

CONSUMER RIGHTS BILL 2021

Consumer rights in Ireland are set for significant reform. The proposed Consumer Rights Bill was published earlier this year for public consultation by the Department of Enterprise, Trade and Employment. The public consultation process completed on June 30, 2021 and submissions will be fully considered before the text of the Bill is finalised.

The Bill only applies to Business to Consumer (not B2B) transactions and is expected to include new statutory rights and remedies in contracts for digital content. It is also expected to contain:

- Enhanced protections relating to contracts for the sale of goods with digital elements including a minimum 2 year legal guarantee against faulty products
- A black list of standard contractual terms and conditions that are always unfair
- New enforcement powers for the Competition and Consumer Protection Commission against traders who do not provide consumers with the remedies they are entitled to under the Act
- Rights and remedies in consumer contracts for the sale of goods
- Rights and remedies in consumer contracts for the supply of digital content and digital services
- Rights and remedies in consumer contracts for the supply of non-digital services

The Omnibus Directive requires the enacted legislation to take effect in Ireland from 28 May 2022. Consequently, businesses may be afforded only a narrow window between the date of enactment and the legislation coming into force when relevant changes to documentation or processes will have to be complete.

UPDATED WORK SAFETY PROTOCOL OCTOBER 2021

The Work Safety Protocol outlines guidance for employers on a returning workforce. It was expected that the government would lift the "work from home where possible" guidance after October 22nd which would allow for a more substantial return to the workplace. However, it is now expected that the work from home guidance will remain until Spring 2022.

The Protocol advises a cautious and careful return to workplace and also encourages the acknowledgement of the following points:

- Appropriate attendance levels, cognisant of public health guidance as reflected in the Work Safely Protocol and associated checklists;

- The use of staggered arrangements, such as non-fulltime attendance and flexible working hours, and
- That attendance is for specific business requirements.
- Each workplace will still be required to nominate a lead worker representative to prevent the spread of Covid-19 in the workplace, according to the Protocol.

