



Number 3 of 2022

Redundancy Payments (Amendment) Act 2022



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REDUNDANCY PAYMENTS (AMENDMENT) ACT 2022

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[No. 3.]

*Redundancy Payments (Amendment)
Act 2022*

[2022.]

ACTS REFERRED TO

Companies (Corporate Enforcement Authority) Act 2021 (No. 48)

Redundancy Payments Act 1967 (No. 21)

Redundancy Payments Acts 1967 to 2014



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REDUNDANCY PAYMENTS (AMENDMENT) ACT 2022

An Act to amend the Redundancy Payments Act 1967 to provide for payments to employees in respect of certain lay-off periods during the period beginning on 13 March 2020 and ending on 31 January 2022; to amend the Companies (Corporate Enforcement Authority) Act 2021; and to provide for related matters. [31st March, 2022]

Be it enacted by the Oireachtas as follows:

Definition

1. In this Act, “Principal Act” means the Redundancy Payments Act 1967.

Covid-19 related lay-off payment

2. The Principal Act is amended by the insertion of the following section after section 32:

“32A.(1) This section applies to an employee—

- (a) who is entitled to a redundancy payment under section 7,
 - (b) whose entitlement to a lump sum payment under section 19 arises during the period beginning on 13 March 2020 and ending on 31 January 2025, and
 - (c) who was laid off during the period beginning on 13 March 2020 and ending on 31 January 2022 due to the effect of measures required to be taken by his or her employer in order to comply with, or as a consequence of, Government policy to prevent, limit, minimise or slow the spread of infection of Covid-19.
- (2) An employer, on behalf of an employee to whom this section applies, may apply to the Minister for a payment in respect of any periods of lay-off referred to in subsection (1)(c) in the manner determined by the Minister.
 - (3) If an employer refuses or fails to apply to the Minister on the employee’s behalf for a payment under subsection (2), the employee may apply to the Minister for the payment.

- (4) For the purposes of determining an application under this section, a deciding officer may, by notice in writing, require the employer or the employee, as the case may be, to provide such information or documents as are specified in the notice that, in the deciding officer's opinion, are required for the purpose of determining whether the employee is entitled to a payment under this section.
- (5) The notice under subsection (4) shall specify the period, which may be extended by the deciding officer for good reason, within which the information or documents shall be provided.
- (6) If, on an application under this section, the Minister is satisfied that the employee is entitled to a payment under this section, the Minister shall pay the sum to the employee out of the Social Insurance Fund.
- (7) The amount of a payment under this section is the difference between—
 - (a) the amount of the lump sum payable under section 19 or 32, and
 - (b) the amount of the lump sum determined under subparagraph 1 of Schedule 3 as if any periods of lay-off during the period referred to in subsection (1)(c) were included in the calculations of reckonable service within the meaning of Schedule 3.
- (8) Where the amount of a payment payable to an employee under this section is disallowed or reduced by virtue of a revised decision of a deciding officer under section 41, any payment, or part of a payment, paid under the original decision shall be repayable by the employee to the Social Insurance Fund.
- (9) The Minister may by regulations provide for the method of recovery of an amount repayable by an employee under subsection (8).”.

Amendment of section 38 of Principal Act

3. Section 38 of the Principal Act is amended, in subsection (1), by the substitution of the following paragraph for paragraph (b):

- “(b) in relation to the payment from the Social Insurance Fund of—
- (i) rebates to employers under section 29,
 - (ii) lump sums to employees under section 32, or
 - (iii) payments to employees under section 32A(6) in respect of certain lay-off periods during the period referred to in section 32A(1)(c), or”.

Amendment of Act of 2021

4. (1) Section 11 of the Act of 2021 is amended by the substitution of “*Schedule 1*” for “*Schedule 2*”.
- (2) This section shall come into operation on the day on which section 11 of the Act of 2021 comes into operation.
- (3) In this section, “Act of 2021” means the Companies (Corporate Enforcement Authority) Act 2021.

Short title, collective citation and commencement

5. (1) This Act may be cited as the Redundancy Payments (Amendment) Act 2022.
- (2) The Redundancy Payments Acts 1967 to 2014 and this Act, other than *section 4*, may be cited together as the Redundancy Payments Acts 1967 to 2022.
- (3) This Act, other than *section 4*, shall come into operation on such day or days as the Minister for Enterprise, Trade and Employment may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.