

Irish employers subject to on-the-spot fines under new regulations

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The [Workplace Relations Act 2015 \(Fixed Payment Notice\) Regulations 2023](#) (the “**Regulations**”), were published on 12 January 2024 and introduce a series of on-the-spot fixed fines for breaches of employment law, enforceable by a Workplace Relations Commission (“**WRC**”) inspector.

The Regulations revoke the current [S.I. No. 419/2015](#) and S.I. [No. 32/2017](#). It is important to note that these fines are issued per breach of the relevant employment provision which can significantly impact the cost on bigger companies.

Breakdown of fines

Legislation	Offence	Fine (€)
Section 11, Protection of Employment Act 1977	In a collective redundancy situation, if an employer fails to consult with employees’ representatives and to provide them with mandatory specified information.	€2,000
Sections 6B(1) and (2) of Terms of Employment (Information) Act 1994	An employer fails, without reasonable cause, to provide an employee with their terms of employment within one month of their commencement date or provides false or misleading information to the employee.	€1,500
Section (4), Payment of Wages Act 1991	An employer fails to provide an employee with a written statement of their wages and the nature and amount of any deductions from wages.	€1,500
Section 23, National Minimum Wage Act 2000	An employer does not provide a written statement for an employee who has requested a statement of their average hourly rate of pay for a specific pay period.	€1,500

Sections 4B(8) and 4D(2) of the Payment of Wages Act 1991 (as inserted by the Payment of Wages (Amendment) (Tips and Gratuities) Act 2022)	An employer does not give their employees a written statement on the distribution of tips and gratuities or fails to treat a service charge as a tip.	€750
Sections 4E(2) and 4F(3) of the Payment of Wages Act 1991 (as inserted by the Payment of Wages (Amendment) (Tips and Gratuities) Act 2022)	An employer does not display a "tips and gratuities notice" or a "contract workers tips and gratuities notice".	€500

The process

The WRC have issued a statement advising that there is an enhanced focus on carrying out investigations across the country. In the event that a fine is issued to an employer, they will be provided with a form that states the offence committed by the employer and on which date it occurred, along with the relevant legislation and the inspector's reasons for why the offence has occurred.

Where the fine is not paid within 42 days, the employer will be referred to the WRC's internal legal affairs department who may proceed with prosecution of the offence. If an employer is convicted, they could be liable to a Class C fine which is currently €2,500.

Conclusion

The Regulations re-enforce the supportive stance that the Irish government has taken in protecting employees' rights, especially those in the hospitality industry who are in receipt of tips and gratuities. Employers should ensure compliance with all regulatory and statutory requirements, especially larger employers, as these fines have the potential to cause a significant economic impact.