

Ireland

Staff information and consultation on business transfers

Phase	European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003; S.I. No. 131/2003; S.I. No. 15/2018 - European Communities (Seafarers) Regulations 2018
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Type	Staff information and consultation on business transfers
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Article

S.I. No. 131/2003 article no. 8; S.I. No. 15/2018 articles no. 4-5

Description

Both the original (transferor) and new employer (transferee) has a duty to inform the employee representatives (article no.8) of the date of transfer; the reasons for the transfer; the legal implications of the transfer for the employees and a summary of any relevant economic and social implications of the transfer for them; and any measures envisaged in relation to the employees. This must be done at least 30 days in advance of the planned transfer.

If the employees do not have representatives, the transferee or transferor employer must put in place a procedure whereby employees can choose amongst themselves a person(s) to represent them. Where no representatives have been selected, all affected employees are to be informed, in writing, no less than 30 days in advance of the transfer, of the relevant aforementioned criteria.

In a transfer of undertakings scenario, existing terms and conditions of employment (except pensions) and terms of any standing collective agreement remain in place for employees, until the agreement expires or a new agreement is negotiated. There is no interruption in employment with a transfer of undertakings - the owner of the undertakings changes hands, but the employment contract is not broken with service being continuous.

Information required must also include the the number of agency workers temporarily engaged in the undertaking concerned; those parts of the undertaking in which those agency workers are, for the time being, working; and the type of work that those agency workers are engaged to do. In 2012, obligations under Regulation 8 of the Statutory Instrument were amended to incorporate agency workers.

From 2018, seafarers are no longer excluded from relevant consultation provisions.

Commentary

Additional metadata

Cost covered by	None
Involved actors other than national government	Trade union Works council
Involvement (others)	None
Thresholds	Affected employees: No, applicable in all circumstances Company size: No, applicable in all circumstances Additional information: No, applicable in all circumstances

Sources

- [S.I. No. 131/2003 - European Communities \(Protection of Employees on Transfer of Undertakings\) Regulations 2003](#)~~~ [S.I. No. 15/2018 - European Communities \(Seafarers\) Regulations 2018](#)~~~ Purdy, A. (2011), Termination of Employment: A Practical Guide for Employers (2nd ed.), Bloomsbury Professional~~~ Watson Wyatt (2006), Employment Terms & Conditions Report Europe Volume I, Brussels, Belgium~~~ [European Communities \(Protection of Employees on Transfer of Undertakings\) Regulations 2003 S.I. No. 131/2003](#)~~~ McMullen, John (2004), Business Transfers and

Employee Rights (Butterworths)~~~ [2012 amendment to 2003 regulations](#) ~~~ [SI 15/2018, European Communities \(Seafarers\) Regulations 2018](#)~~~

Citation

Eurofound (2015), Ireland: Staff information and consultation on business transfers, Restructuring legislation database, Dublin