



MAPLES  
GROUP

# Employment Law Series

The European Union (Transparent and  
Predictable Working Conditions) Regulations  
2022

Webcast

March 2023

# Speakers

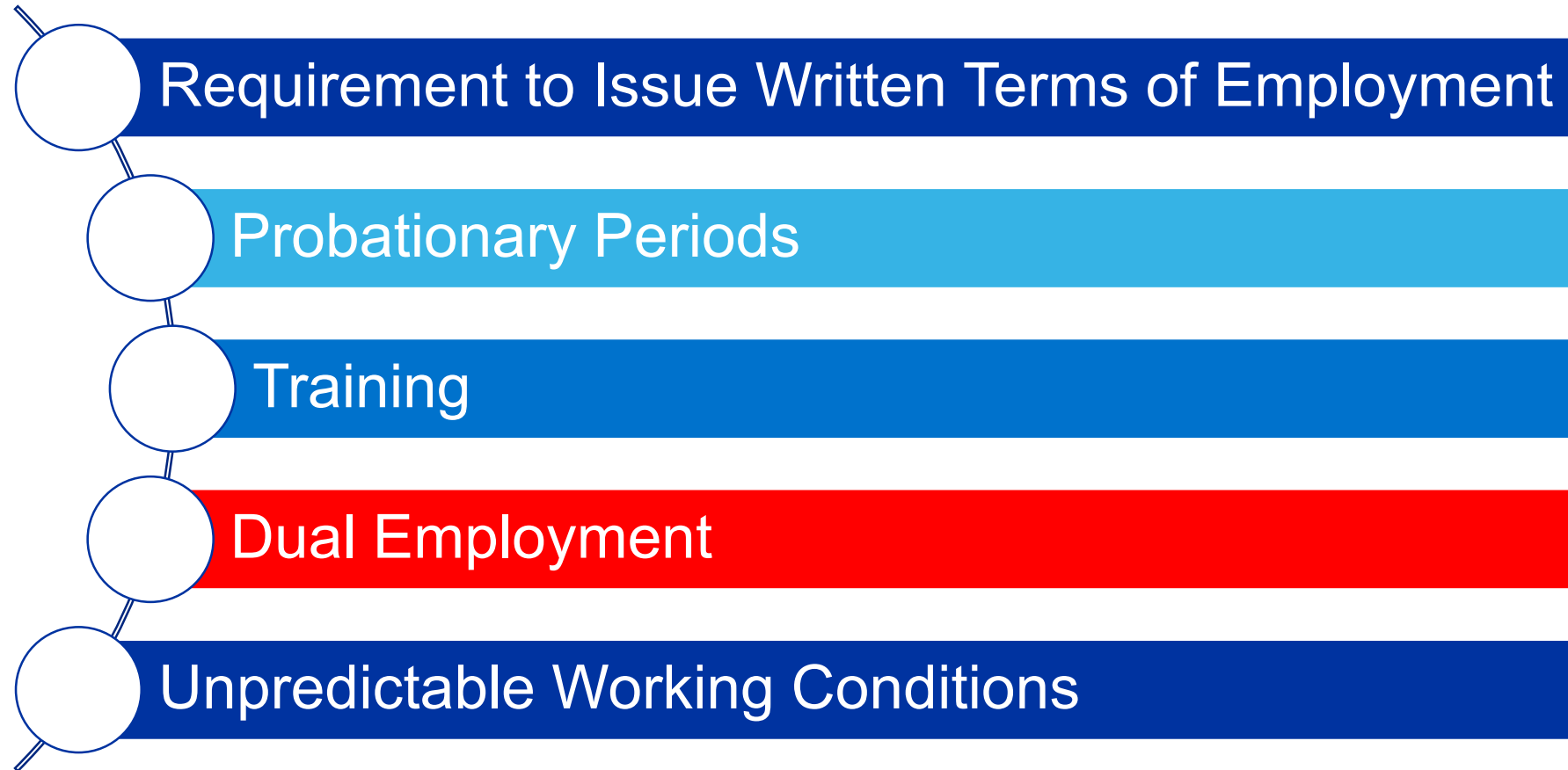


**Karen Killalea**  
Partner, Employment  
+353 1 619 2037  
karen.killalea@maples.com



**Ciara Ní Longaigh**  
Associate, Employment  
+353 1 619 2740  
ciara.nilongaigh@maples.com

# Agenda

- 
- Requirement to Issue Written Terms of Employment
  - Probationary Periods
  - Training
  - Dual Employment
  - Unpredictable Working Conditions

# Written Terms of Employment

## Notification Requirements

Written Statement of Terms of Employment under the Terms of Employment (Information) Act 1994 and the Employment (Miscellaneous) Provisions Act 2018

Two separate timeframes:  
5 days  
or  
1 month  
(previously 2 months)

Not required to provide existing employees with revised written terms unless requested

Retain evidence of providing the mandatory terms

# New Mandatory Terms of Employment

Training entitlements

Further detail on remuneration

No fixed or main place of work

Title or brief job description

Hours of work and overtime

Unpredictable work pattern

# Probationary Periods

## Permanent Contracts

- Maximum 6-month probationary period
- Extend to a maximum 12-month period on an exceptional basis and in the interests of the employee
- Employer must extend probationary period where employee on protective leave during this time, e.g. maternity leave, statutory sick leave, parental leave

## Fixed-Term Contracts

- Employer to decide the duration
- Duration to be proportionate to length of contract and nature of the work
- No new probationary period when contract renewed for same work
- Employer must extend the probationary period where employee is on protective leave during this time, e.g. maternity leave, statutory sick leave, parental leave

# Training

Free of charge

Count as working time

Take place during work hours

# Dual Employment

## No Prohibition

- In general, employers cannot prohibit employees from taking up additional employment outside of their work schedules

## No Penalisation

- Employees should not suffer adverse consequences for taking up additional employment

## Restriction on Dual Employment

- Any restriction must be proportionate and based on objective grounds
- Objective grounds include protection of business confidentiality, avoidance of conflicts of interest, safeguarding productive and safe working conditions, etc.



# Unpredictable Working Conditions

Right to Request Transfer to Employment with More Predictable and Secure Working Conditions



Employee has at least 6 months continuous service and has passed probation



Employee can only submit one request in a 12 month period



Employer must provide reasoned written reply within 1 month of request

Advance Notice of Working Time



Notify employee of working hours within 24 hours of the first day of work or the proposed day in each week required to work



Failure to notify means employee has right to refuse to work during those hours



Employee cannot suffer adverse consequences for refusing to work

# Action Points

Review template contracts

Review use of probationary periods and controls to monitor and assess performance

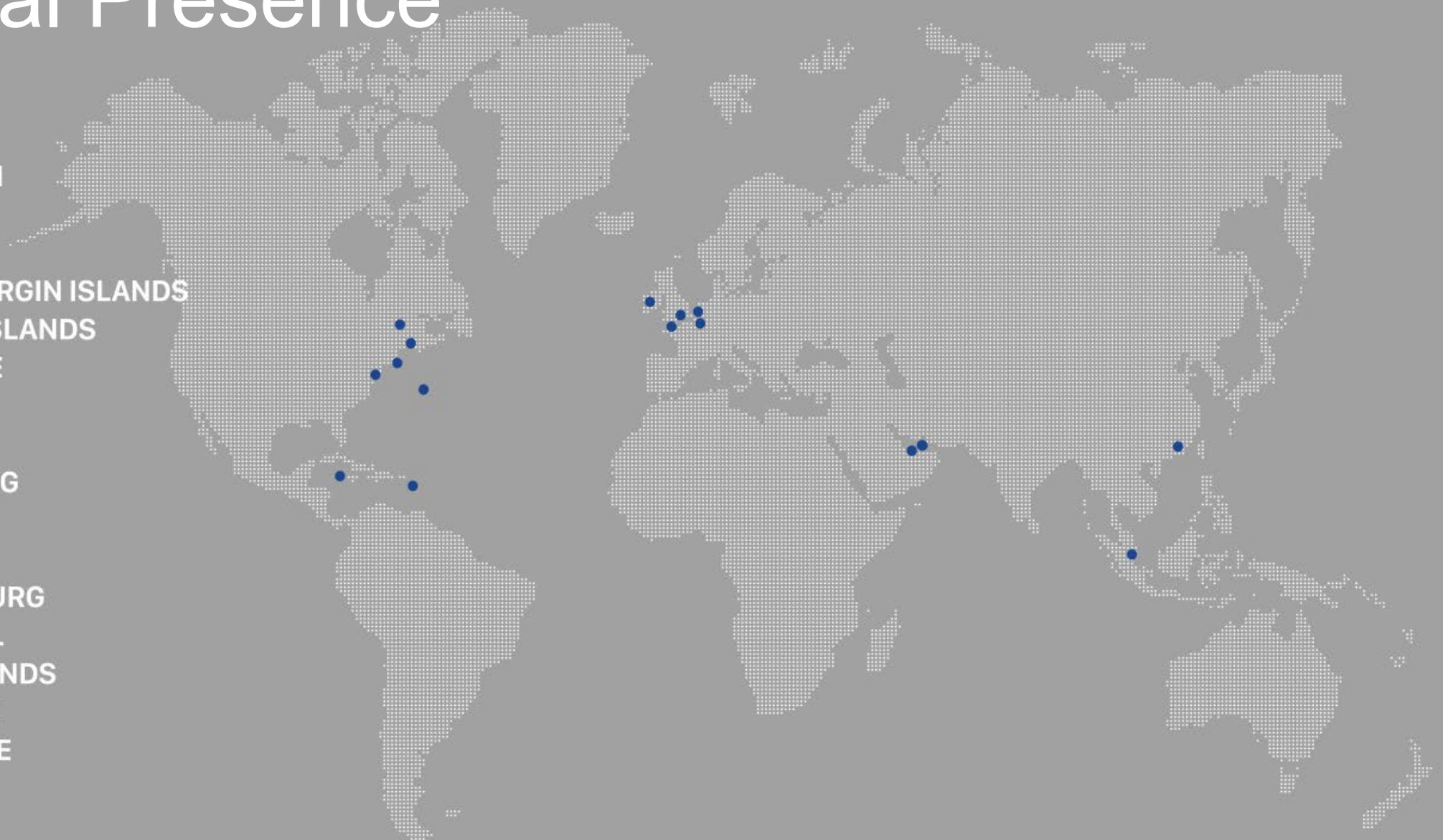
Review workplace training requirements

Ensure employees receive notice of working hours

Be prepared to provide existing employees with written statement of new terms where requested

# Global Presence

ABU DHABI  
BERMUDA  
BOSTON  
BRITISH VIRGIN ISLANDS  
CAYMAN ISLANDS  
DELAWARE  
DUBAI  
DUBLIN  
HONG KONG  
JERSEY  
LONDON  
LUXEMBOURG  
MONTREAL  
NETHERLANDS  
NEW YORK  
SINGAPORE



This presentation was recorded on, and is only accurate to, 9 March 2023. The information within this presentation is provided for general guidance only, is not intended to be comprehensive and does not constitute legal advice or give rise to an attorney / client relationship.

Specialist legal advice should be taken in relation to specific circumstances. If you require legal advice, please reach out to your usual Maples Group contact.

Published by the Maples Group.

**March 2023**

**© MAPLES GROUP**



MAPLES  
GROUP

The Maples Group provides clients with comprehensive legal, fund, fiduciary, regulatory and compliance and entity formation and management services.

[maples.com](https://www.maples.com)