



An Bille Fostaíochta (Aoiseanna Scoir Conarthacha), 2025
Employment (Contractual Retirement Ages) Bill 2025

Mar a tionscnaíodh

As initiated



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ACTS REFERRED TO

Employment Agency Act 1971 (No. 27)
Employment Equality Acts 1998 to 2021
Minimum Notice and Terms of Employment Act 1973 (No. 4)
National Minimum Wage Act 2000 (No. 5)
Petty Sessions (Ireland) Act 1851 (14 & 15 Vict., c.93)
Social Welfare Consolidation Act 2005 (No. 26)
Terms of Employment (Information) Act 1994 (No. 5)
Unfair Dismissals Acts 1977 to 2015
Work Life Balance and Miscellaneous Provisions Act 2023 (No. 8)
Workplace Relations Act 2015 (No. 16)



**AN BILLE FOSTAÍOCHTA (AOISEANNA SCOIR CONARTHACHA), 2025
EMPLOYMENT (CONTRACTUAL RETIREMENT AGES) BILL 2025**

Bill

entitled

An Act to provide that an employee may notify his or her employer that he or she does not consent to retire at the contractual retirement age; to provide that an employer who receives such notification may not enforce the contractual retirement age where the employee is less than the pensionable age unless the retirement of the employee concerned is objectively and reasonably justified by a legitimate aim and the means of achieving that aim are appropriate and necessary; to further provide for the prohibition of penalisation resulting from such notification; for those and other purposes to amend the Workplace Relations Act 2015; and to provide for related matters. 5 10

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL 15

Short title and commencement

1. (1) This Act may be cited as the Employment (Contractual Retirement Ages) Act 2025.
- (2) This Act shall come into operation on such day or days as the Minister 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. 20

Interpretation

2. (1) In this Act—
 - “Act of 2015” means the Workplace Relations Act 2015;
 - “Commission” means the Workplace Relations Commission; 25
 - “contract of employment” means—
 - (a) a contract of service or apprenticeship, or
 - (b) any other contract whereby an individual agrees with another person, who is carrying on the business of an employment agency within the meaning of the

Employment Agency Act 1971 and is acting in the course of that business, to do or perform personally any work or service for a third person (whether or not the third person is a party to the contract),

whether the contract is express or implied and, if express, whether it is oral or in writing; 5

“contractual retirement age” means, in relation to a contract of employment, the age specified in the contract as the age at which an employee is obliged to retire from employment with an employer;

“employee” means a person who has entered into or works under (or, where the employment has ceased, entered into or worked under) a contract of employment and references, in relation to an employer, to an employee, shall be construed as references to an employee employed by that employer; 10

“employer” means, in relation to an employee, the person with whom the employee has entered into or for whom the employee works under (or, where the employment has ceased, entered into or worked under) a contract of employment subject to the qualification that the person who under a contract of employment referred to in *paragraph (b)* of the definition of “contract of employment” is liable to pay the wages of the individual concerned in respect of the work or service concerned shall be deemed to be the individual’s employer and includes, where appropriate, the successor of the employer or an associated employer of the employer; 15 20

“Minister” means the Minister for Enterprise, Trade and Employment;

“pensionable age” has the same meaning as it has in the Social Welfare Consolidation Act 2005.

(2) For the purposes of this Act, one employer shall be taken to be associated with another employer— 25

(a) if one is a body corporate of which the other (whether directly or indirectly) has control, or

(b) if both are bodies corporate of which a third person (whether directly or indirectly) has control.

Application 30

3. (1) This Act shall apply to an employee who—

(a) is subject to a contract of employment that specifies a contractual retirement age that is less than the pensionable age, and

(b) has completed his or her probationary period, if any.

(2) This Act shall not apply to— 35

(a) an employee whose employment is subject to a maximum retirement age required by law at which the employee is obliged to retire or be retired from an employer, or

(b) an employee whose employment is subject to a maximum service limit (however expressed) required by law at which a person or class of persons could be, or is, 40

obliged to retire or be retired or discharged from an employer and which could differ from the pensionable age.

Expenses

4. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure, National Development Plan Delivery and Reform, be paid out of monies provided by the Oireachtas. 5

PART 2

CONTRACTUAL RETIREMENT AGE

Notification to employer concerning contractual retirement age 10

5. (1) Subject to *subsection (2)*, where an employee is subject to a contract of employment which specifies a contractual retirement age that is less than the pensionable age and the employee does not consent to retire at the contractual retirement age, he or she shall so notify his or her employer in writing—
- (a) not less than 3 months but not more than one year before the date on which the employee will reach the contractual retirement age, or 15
- (b) where the employer notification period is greater than 3 months, not less than the employer notification period specified or the period of 6 months, whichever is the shorter.
- (2) An employee may, not more than twice in any 6 month period, notify his or her employer in accordance with *subsection (1)*. 20
- (3) Subject to *subsection (4)*, where an employee has notified his or her employer in accordance with *subsection (1)*—
- (a) the employer shall not enforce the contractual retirement age before providing a reasoned written reply in accordance with *subsection (5)*, or 25
- (b) the employer shall not retire the employee before a date to which the employee consents, or the date on which that employee attains the pensionable age, whichever first occurs.
- (4) An employer who has received a notification from an employee under *subsection (1)* shall not enforce the contractual retirement age as regards the employee unless— 30
- (a) the retirement of the employee concerned at his or her contractual retirement age is objectively and reasonably justified by a legitimate aim by the employer, and
- (b) the means of achieving that aim are appropriate and necessary.
- (5) Where an employer has received a notification under *subsection (1)* and proposes to enforce the contractual retirement age under *subsection (4)*, he or she shall, within one month of the notification under *subsection (1)*, provide a reasoned written reply, setting out the justification for the purposes of *subsection (4)*, to the employee. 35

- (6) An employee may withdraw a notification provided in accordance with *subsection (1)* but where he or she does so, the employee shall withdraw such notification in accordance with—
- (a) the employer notification period, or
 - (b) the minimum period of notice calculated in accordance with section 4 of the Minimum Notice and Terms of Employment Act 1973, 5
whichever is shorter.
- (7) In this section, “employer notification period” means the minimum period of notice specified by an employer as set out in a written contract of employment that an employee must provide when intending to terminate a contract of employment. 10

PART 3

WORKPLACE RELATIONS

Decision under section 41 or 44 of Act of 2015

6. (1) A decision of an adjudication officer under section 41 of the Act of 2015 in relation to a complaint of a contravention of *subsection (3), (4), or (5) of section 5 or section 8*, as the case may be, shall do one or more of the following, namely: 15
- (a) declare that the complaint was or, as the case may be, was not well founded;
 - (b) require the employer to take a specified course of action, which may include re-instatement or re-engagement;
 - (c) require the employer to pay to the employee compensation in accordance with *subsection (2)*. 20
- (2) An award of compensation referred to in *subsection (1)* shall be of such amount as the adjudication officer considers just and equitable having regard to all the circumstances but shall not exceed in any case where the complainant was in receipt of remuneration— 25
- (a) at the date of the reference of the complaint, or
 - (b) if the reference of the complaint occurs after the date of dismissal or retirement, at the date of dismissal or retirement as the case may be,
- an amount equal to the greater of—
- (i) 104 times the amount of that remuneration, determined on a weekly basis, or 30
 - (ii) €40,000.
- (3) A decision of the Labour Court under section 44 of the Act of 2015 on appeal from a decision of an adjudication officer referred to in *subsection (1)* shall affirm, vary or set aside the decision of the adjudication officer.
- (4) In this section, in relation to cases where a person’s employment has ceased, references to an employer include references to a former employer, and references to an employee include references to a former employee. 35

(5) In this section—

“adjudication officer” has the same meaning as it has in the Act of 2015;

“remuneration” includes allowances in the nature of pay and benefits in lieu of or in addition to pay.

Amendment of Act of 2015

5

7. The Act of 2015 is amended—

(a) in section 36(5)—

(i) in paragraph (c), by the substitution of “National Minimum Wage Act 2000,” for “National Minimum Wage Act 2000, or”,

(ii) in paragraph (d), by the substitution of “Terms of Employment (Information) Act 1994, or” for “Terms of Employment (Information) Act 1994.”, and 10

(iii) by the insertion of the following paragraph after paragraph (d):

“(e) *section 10(1) of the Employment (Contractual Retirement Ages) Act 2025.*”,

(b) in section 41(7)—

15

(i) in paragraph (h), by the substitution of “the occurrence of the dispute,” for “the occurrence of the dispute, and”,

(ii) in paragraph (i), by the substitution of “the occurrence of the dispute, and” for “the occurrence of the dispute.”, and

(iii) by the insertion of the following paragraph after paragraph (i): 20

“(j) in the case of a dispute relating to *subsection (3), (4) or (5) of section 5 or section 8*, as the case may be, of the *Employment (Contractual Retirement Ages) Act 2025*, it has been referred to the Director General after the expiration of the period of 6 months beginning on the day immediately following the date of the occurrence of the dispute.”, 25

(c) in Part 2 of Schedule 1—

(i) by the deletion of the following paragraph:

“20. Part 3 of the Work Life Balance and Miscellaneous Provisions Act 2023”, 30

and

(ii) by the insertion of the following paragraphs after paragraph 21:

“22. Part 3 of the Work Life Balance and Miscellaneous Provisions Act 2023

23. *Subsection (3), (4) or (5) of section 5 or section 8*, as the case may be, of the *Employment (Contractual Retirement Ages) Act 2025*”, 35

(d) in Part 1 of Schedule 5, by the insertion of the following paragraph after paragraph 31:

“32. *Subsection (3), (4) or (5) of section 5 or section 8, as the case may be, of the Employment (Contractual Retirement Ages) Act 2025*”,

and 5

(e) in Schedule 6—

(i) in Part 1, by the insertion of the following paragraph after paragraph 41:

“42. *Section 6 of the Employment (Contractual Retirement Ages) Act 2025*”,

and 10

(ii) in Part 2, by the insertion of the following paragraph after paragraph 41:

“42. *Section 6 of the Employment (Contractual Retirement Ages) Act 2025*”.

PART 4

PENALISATION AND OFFENCES 15

Protection of employees from penalisation

8. (1) An employer shall not penalise or threaten penalisation of an employee for proposing to exercise, or having exercised, his or her entitlement to notify his or her employer that he or she does not consent to retire at the contractual retirement age in accordance with *section 5(1)*. 20
- (2) In this section, “penalisation” means any act or omission by an employer or a person acting on behalf of an employer that affects an employee to his or her detriment with respect to any term or condition of his or her employment and, without prejudice to the generality of the foregoing, includes—
- (a) suspension, lay-off or dismissal (including a dismissal within the meaning of the Unfair Dismissals Acts 1977 to 2015), or the threat of suspension, lay-off or dismissal, 25
 - (b) demotion or loss of opportunity for promotion or withholding of promotion,
 - (c) transfer of duties, change of location of place of work, reduction in wages or change in working hours, 30
 - (d) the imposition or the administering of any discipline, reprimand or other penalty (including a financial penalty),
 - (e) coercion or intimidation, harassment or ostracism,
 - (f) discrimination, disadvantage or unfair treatment,
 - (g) injury, damage or loss, 35
 - (h) threat of reprisal,

- (i) withholding of training, and
- (j) a negative performance assessment or employment reference.

Parallel claims

9. Where the conduct of an employer constitutes both a contravention of this Act and a contravention of the Employment Equality Acts 1998 to 2021, relief may not be granted to the employee concerned in respect of the conduct under both this Act and those Acts. 5

Offences

10. (1) An employer who, without reasonable cause, fails to provide an employee with a reasoned written reply in accordance with *subsection (5) of section 5* shall be guilty of an offence and shall be liable on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or to both. 10
- (2) Where an offence under this section is committed by a body corporate and is proved to have been so committed with the consent or connivance of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person shall, as well as the body corporate, be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence. 15
- (3) Summary proceedings for an offence under this section may be brought and prosecuted by the Commission.
- (4) Where a person is convicted of an offence under this section the court shall order the person to pay to the Commission the costs and expenses, measured by the court, incurred by the Commission in relation to the investigation, detection and prosecution of the offence unless the court is satisfied that there are special and substantial reasons for not so doing. 20
- (5) In proceedings for an offence under this section, it shall be a defence for the accused to prove that he or she exercised due diligence and took reasonable precautions to ensure that this Act was complied with by the accused and by any person under the control of the accused. 25
- (6) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence under this Act may be instituted within 12 months from the date of the offence. 30

An Bille Fostaíochta (Aoiseanna Scoir
Conarthacha), 2025

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú go bhféadfaidh fostaí fógra a thabhairt dá fhostóir nó dá fhostóir á rá nach dtoilíonn sé nó sí dul ar scor ag an aois scoir chonarthach; do dhéanamh socrú nach bhféadfaidh fostaí a fhaigheann fógra den sórt sin an aois scoir chonarthach a fhorfheidhmiú i gcás go bhfuil an fostaí faoi bhun na haoise inphinsin mura bhfuil bonn cirt, ar bhonn oibiachtúil réasúnach, mar thoradh ar aidhm dhlisteanach, le scor an fhostaí lena mbaineann agus mura bhfuil na modhanna chun an aidhm sin a bhaint amach cuí agus riachtanach; do dhéanamh socrú breise maidir le toirmeasc a chur ar phionósú arna dhéanamh mar gheall ar fhógra den sórt sin; chun na gríoch sin agus chun críoch eile, do leasú an Achta um Chaidreamh san Áit Oibre, 2015; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An tAire Fiontar, Trádála agus Fostaíochta a
thíolaic,

1 Aibreán, 2025

Employment (Contractual Retirement Ages)
Bill 2025

BILL

(as initiated)

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An Act to provide that an employee may notify his or her employer that he or she does not consent to retire at the contractual retirement age; to provide that an employer who receives such notification may not enforce the contractual retirement age where the employee is less than the pensionable age unless the retirement of the employee concerned is objectively and reasonably justified by a legitimate aim and the means of achieving that aim are appropriate and necessary; to further provide for the prohibition of penalisation resulting from such notification; for those and other purposes to amend the Workplace Relations Act 2015; and to provide for related matters.

Presented by the Minister of Enterprise, Trade and
Employment,

1st April, 2025

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ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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