



STATUTORY INSTRUMENTS.

**S.I. No. 16 of 2026**

---

INDUSTRIAL RELATIONS ACT 1990 (CODE OF PRACTICE ON  
ACCESS TO PART- TIME WORKING) (DECLARATION) ORDER 2026

S.I. No. 16 of 2026

INDUSTRIAL RELATIONS ACT 1990 (CODE OF PRACTICE ON  
ACCESS TO PART- TIME WORKING) (DECLARATION) ORDER 2026

WHEREAS the Workplace Relations Commission has prepared, under subsection (1) of section 42 of the Industrial Relations Act 1990 (No. 19 of 1990), a draft code of practice on access to part-time working, following review of the Industrial Relations Act 1990 (Code of Practice on Access to Part-Time Working) (Declaration) Order 2006 (S.I. No. 8 of 2006);

AND WHEREAS the Workplace Relations Commission has complied with subsection (2) of that section and has submitted the draft code of practice to the Minister for Enterprise, Tourism and Employment;

NOW THEREFORE, I, ALAN DILLON, Minister of State at the Department of Enterprise, Tourism and Employment, in exercise of the powers conferred on me by subsections (3) and (6) of that section, the Labour (Transfer of Departmental Administration and Ministerial Functions) Order 1993 (S.I. No. 18 of 1993) (as adapted by the Enterprise Trade and Employment (Alteration of Name of Department and Title of Minister) Order 2025 (S.I. No. 172 of 2025)), and the Enterprise, Tourism and Employment (Delegation of Ministerial Functions) Order 2025 (S.I. No. 240 of 2025), hereby order as follows:

1. This Order may be cited as the Industrial Relations Act 1990 (Code of Practice on Access to Part-Time Working) (Declaration) Order 2026.

2. It is hereby declared that the code of practice set out in the Schedule shall be an approved code of practice for the purposes of the Industrial Relations Act 1990 (No.19 of 1990).

3. That the Industrial Relations Act 1990 (Code of Practice on Access to Part-Time Working) (S.I. No. 8 of 2006), is hereby revoked.

## SCHEDULE

### Workplace Relations Commission Code of Practice on Access to Part - Time Working

#### **List of contents of Code of Practice**

##### **-- Schedule--**

- General context
- Background
- Benefits for the Employer
- Benefits for the Employee

1. Introduction
2. Purpose of the Code
3. General principles
4. Business context
5. Reviewing and Developing company/organisational policies and practices
6. Recruitment
7. Making a Request for and Considering a Request for a move from Full-Time to Part-Time work or vice versa or seeking an increase in an employee's working hours
8. Training
9. Career opportunities
10. Information
  - Providing information to Employees
  - Providing information to Representative bodies
11. Protection of Employees from Penalisation
12. Implementation of Code
13. Employment legislation relevant to the Code of Practice
14. Application of the Code
15. Review of the Code of Practice

#### **Schedule**

##### **General Context**

The importance of developing access to part-time work as a strategic response to demands for modern, flexible work-organisations, has been recognised and

highlighted in economic and social policy development at international, EU and national levels. It is widely recognised that widening access to part-time work, in the context of encouraging and promoting the development of a flexible labour market, has positive economic and social benefits for employers and employees. In addition, widening access can have a role to play in facilitating further education and training, increasing participation of older people in the workplace, providing a meaningful option for many people with disabilities and providing work life balance work options generally.

The purpose of the Protection of Employees (Part-Time Work) Act 2001 was to provide for the implementation of Directive 97/81 concerning the Framework Agreement on Part-Time Work. The objective of the Directive is to promote part-time work; and secondly to eliminate discrimination between part-time workers and full-time workers.

### **Background**

The Protection of Employees (Part-Time Work) Act 2001 (the 2001 Act) implemented EU Council Directive 97/81/EC into Irish law. The purpose of the Directive was to implement the Framework Agreement on part-time work concluded by the European cross-industry organisations UNICE, CEEP and the ETUC. The purpose of the Framework Agreement, which was annexed to the Directive, was to eliminate discrimination against part-time employees and to improve the quality of part-time work. It also aimed to facilitate the development of part-time work on a voluntary basis and to contribute to the flexible organisation of working time in a manner which takes into account the needs of employers and employees.

The rights of part-time employees to equal treatment in regard to their contractual terms and conditions of employment vis-à-vis full-time-employees are enshrined in the 2001 Act. In general terms, the Act provides that part-time employees must not be treated less favourably than comparable full-time employees unless there are objective grounds, and where a benefit is determined by the number of hours an employee works, it shall be on a pro-rata or proportionate basis to part-time employees.

There is no provision in the Act, or elsewhere in Irish employment law, for a statutory entitlement to part-time work. Rather, the Act makes provision for the Workplace Relations Commission to prepare a Code of Practice which would be of practical benefit to employers and employees in addressing such obstacles.

### **Benefits for the employer**

- Retention of valued and experienced staff who might otherwise leave the organisation, thereby reducing recruitment and development costs;
- Availability of a wider range of candidates for vacancies, especially skilled and experienced people who might only be interested in working part-time;
- Flexibility to match work needs and staffing requirements more closely, for example flexibility in service delivery, hours worked and variations in workload;
- Improved productivity and reduced absenteeism;

- Increased employee commitment, morale and loyalty, which is associated with improved productivity.

### **Benefits for the employee**

- Greater sense of responsibility, ownership and control of working life;
- Better relations with management;
- Improved job satisfaction generally;
- Better work life balance and reduced stress - employees are better able to balance work and non-work issues, for example caring responsibilities, commuting and pursuing further education.

## **1. Introduction**

1.1 Section 20(1)(a) of the Workplace Relations Act 2015 provides for the preparation of draft Codes of Practice by the Workplace Relations Commission for submission to the Minister, and for the making by the Minister of an order declaring that a draft Code of Practice received under Section 20 and scheduled to the order shall be a Code of Practice for the purposes of the said Act.

Section 13(5) of the Protection of Employees (Part-Time Work) Act 2001 provides that the Workplace Relations Commission may prepare, in consultation with the social partners, a Code of Practice governing access to part-time work.

In January 2006, the Minister of State at the Department of Enterprise, Trade and Employment, using powers conferred on him under section 42, subsection 3 of the Industrial Relations Act 1990 and section 13 of the Protection of Employees (Part-Time Work) Act 2001, signed a statutory instrument which put the Code of Practice on Access to Part-Time Working on a statutory basis. This Code is updated to reflect legislative changes since then.

1.2 For the purpose of this Code, “part-time employee” means an employee whose normal hours of work are less than the normal hours of work of an employee who is a comparable employee in the employment in relation to him or her (as per the definition of this term within Section 7(1) of Part 2 of the 2001 Act).

## **2. Purpose of the Code**

The Code seeks to:

- Encourage best practice and conformity with the provisions of the Employment Equality Acts 1998-2021 and the Protection of Employees (Part-Time Work) Act 2001;
- Promote the development of policies and procedures to assist employers, employees and their representatives, as appropriate, to improve access to part-time work for those employees who wish to work on a part-time basis;
- Promote discussion and encourage employers, employees and their representatives, as appropriate, to consider part-time work and to address any barriers that may exist;

- Stimulate employers - where consistent with business requirements - to provide wider access to part-time work options;
- Provide a framework and practical guidance on procedures for accessing part-time work;
- Inform those who are interested in part-time work.

### **3. General Principles**

The Code operates from the basic principles that:

- The code is applicable to all employers and employees;
- Access to part-time work should, as far as possible, be available across different levels in the organisation;
- As far as possible, employers should give consideration to requests by employees to transfer from full-time to part-time work; and requests by employees to transfer from part-time to full-time work-or to increase their working time should the opportunity arise.
- An employee moving to part-time work should suffer no diminution of status or employment rights generally, with the exception of pay, benefits as appropriate, etc (unless there are objective grounds);
- The pro-rata principle should apply where appropriate to the work of an employee who is a comparable employee in the employment in relation to him or her.

### **4. Business Context**

A key element in the consideration of improving access to part-time work - either introducing part-time working arrangements or enhancing existing arrangements - is the operational/business context of the organisation and the need to enhance economic competitiveness. The capacity of the organisation to facilitate part time working is dependent on business and operational factors, which may include:

- Concerns around increased costs - for example in administration, training and recruitment;
- Particular difficulties around the capacity of organisations with small numbers of employees to accommodate part-time working or to replace staff who are so facilitated;
- Concerns around day-to-day operations, for example impact on service delivery, implications for full time staff etc.

Essentially, consideration should be given to minimising potential constraints, for example administrative, financial or legal.

## **5. Reviewing and Developing Company/Organisational Policies and Practices**

5.1 In general terms, providing for access to part-time work should be considered in the context of developing company/organisational policies and practices to respond to modern work environments, including mechanisms to promote flexible work organisation, equal opportunity and work life balance.

5.2 As best practice it is recommended that companies/organisations introduce, in consultation with their employees and representatives, as appropriate, new policies or review existing policies to facilitate effective access to and performance of part-time work and specify how part-time working arrangements will operate in the company or organisation.

### **5.3 Assessing/expanding scope of part-time working opportunities**

Best practice recommends that employers assess within their own organisations the possibilities of either introducing part-time working or increasing the range/scope of existing part-time working arrangements. As best practice it is recommended that employers should explore, in consultation with their employees and representatives, as appropriate, the possibility of introducing part-time work opportunities and/or maximise the range of posts as suitable for part-time working at all levels in the organisation, including skilled and managerial positions. A range of objective criteria should be developed to determine the suitability or otherwise of positions for part-time working. Barriers to the introduction of part-time work, at all levels in the organisation, should be identified and considered when an application for part-time work is made or when a vacancy arises. In this regard possible measures on how best to overcome such barriers should be considered.

Factors to be taken into account in this regard may include:

- What demand is there, if any, for part-time working in the organisation?
- Where a demand is identified, can work be organised differently to facilitate part-time working?
- How does the organisation deal with/process a request for part-time working?
- What are the business implications of introducing or expanding part-time working, for example in terms of service delivery, covering absence, business continuity, administration and costs generally?
- Can part-time working - to a greater or limited extent, be accommodated having regard to both the business needs of the organisation and the needs of the employee(s)?
- Are there business benefits and opportunities to the organisation in widening access to part-time work
- What posts - including managerial and skilled posts - are suitable (or unsuitable) for part-time working?
- Are there regulatory or licensing implications?
- Does an employee need to be present in a particular post during all hours of work and, if not, can the necessary work be done by a part-time worker?
- Implications of seniority/service as appropriate;

- If a request from an employee to work part-time is refused what are the implications? For example, would the employee leave and, if so, what are the recruitment and training implications/costs of a replacement?
- Are there issues around demotivation/poor morale in not providing part-time working opportunities?
- Are there opportunities in the organisation for existing part-time workers to move around the organisation in the interests of job/career development?
- Are there Employment Equality Act implications? An application for part-time working should be considered in accordance with the legislation. What do the policies of the organisation provide for in terms of promoting equal opportunities and work life balance?
- What will be the impact of part-time working, if any, on existing employees and their workloads?
- Are there increased time demands on management?

The outcome of any assessment of part-time working possibilities should indicate the following:

- The relevant factors to be taken into account in evaluating/determining part-time working options for the organisation;
- The actual potential for part-time working to contribute to the success of the organisation;
- The barriers, where they exist, and what reasonable steps may be necessary to overcome such barriers;

Policies should be adapted, where possible.

A key element to be considered in introducing a successful part-time working policy, particularly in large organisations, is the necessity for the support and commitment of members of management at all levels of the organisation to such policies.

## **6. Recruitment**

Where possible, when recruiting new employees, employers should consider the proposed content, status and positioning of vacant/new posts in the organisation to determine whether the posts being offered could be performed on a part-time basis.

## **7. Making a Request for and Considering a Request for a move from Full-Time to Part-Time work or vice versa or seeking an increase in an employee's working hours**

The facility to change the existing hours of work of employees is a matter to be agreed between the employer and the employee, rather than a statutory entitlement. Employers and employees should familiarise themselves with section 16 of the Employment (Miscellaneous Provisions) Act 2018 which inserts provisions dealing with banded working hours into the Organisation of Working Time Act 1997. Where an employee's contract of employment does



not reflect the number of hours worked per week by an employee over a reference period, the employee shall be entitled to be placed in a band of weekly working hours specified in the table in section 16(14) of the Employment (Miscellaneous Provisions) Act 2018 which corresponds to the actual number of hours worked by the employee. Best practice indicates that employers should treat such requests seriously and where possible explore with their employees if and how requests can be accommodated or how such transfers can be made.

In this regard employers should consider establishing a procedure allowing for (i) application, (ii) relevant consultation and discussion, (iii) decision and response, (iv) managing the outcome (implementation or refusal).

Recommended best practice indicates that such a procedure should provide for the following elements:

- An application from the applicant outlining the reasons for the request to transfer from full-time to part-time working, indicating whether the request is of a temporary or permanent nature. Where an employee is making the request under the Code for the Right to Request Flexible Working and the Right to Request Remote Working, this matter should be dealt with in accordance with the Code of Practice for Employers and Employees dealing with the Right to Request Flexible Working and the Right to Request Remote Working<sup>1</sup>.
- A reasonable timeframe to consider the request.
- In considering the application both the employer and employee should take account of all factors both relevant to the organisation and personal to the applicant. Relevant factors may include:
  - The personal and family needs of the applicant; for example, whether parents or carers rights arise or special medical needs exist.
  - The number of employees already availing of part-time work;
  - Additional resources required to meet part-time cover and other business/operational needs of the organisation and implications of same;
  - The urgency of the request;
  - The period of time covered by the request;
  - The employee's legal rights and entitlements;
  - The equal opportunities policy of the organisation;
  - How the applicant's proposed revised hours will fit with the tasks of his/her job and how these tasks will be performed during the period of part-time work;
  - The implications, if any, for the applicant's conditions of employment; For example, how will the arrangement conform with the banded hours

---

<sup>1</sup> [https://www.workplacerelations.ie/en/what\\_you\\_should\\_know/codes\\_practice/code-of-practice-for-employers-and-employees-right-to-request-flexible-working-and-right-to-request-remote-working/code-of-practice-for-employers-and-employees.pdf](https://www.workplacerelations.ie/en/what_you_should_know/codes_practice/code-of-practice-for-employers-and-employees-right-to-request-flexible-working-and-right-to-request-remote-working/code-of-practice-for-employers-and-employees.pdf)

provisions in section 16 of the Employment (Miscellaneous Provisions) Act 2018 and how will the employee's banded hours classification change should their request for part-time working be successful.

- The effect, if any, on the staffing needs of the organisation;
- Procedure for reviewing the arrangement.
- The employer should issue a decision to the applicant in a timely manner. If the application is successful, details of how the arrangement will work should be discussed with the applicant (and other work colleagues if appropriate) and agreed. It is useful to draw up an agreement, signed by the parties, detailing any changes to terms and conditions of employment, for example income, annual leave, sick leave, pension entitlements etc.
- The consideration by an employer of a request for part-time work would have regard to the business needs of the organisation.
- If the application is refused (or deferred) the grounds for doing so should be made clear to the applicant.
- The applicant should have recourse to an appeals mechanism if a mutually satisfactory solution is not reached, for example through the normal established grievance procedures in the organisation.

It should be noted that part-time working may not be appropriate to particular situations and an applicant should be prepared to accept a refusal, if there are good reasons for it. An employer may refuse a request for part-time working if it is satisfied that such arrangements would have an adverse effect on the operation of the business, lead to staffing difficulties or other relevant factors which might impact negatively on the business.

## **8. Training**

Access to training can be an issue for part-time employees. Training courses in many organisations may be organised having regard to the availability of full-time employees. Part-time employees have less flexibility to attend training courses. For example, it can be difficult for part-time employees to attend residential courses if they have other commitments, or other responsibilities prevent them from participating because of the inconvenient timing of training. As best practice it is recommended that employers should, where feasible, ensure that the needs of part-time employees are taken into account when the structure, time and location of training is being planned. Where necessary, part-time employees may have to complete training outside their normal hours of work, but this should be avoided, if possible.

## **9. Career Opportunities**

The Code advocates an approach that aims to identify part-time working opportunities across different levels in an organisation. As best practice it is recommended that organisations review their training, performance appraisal, promotion/career development policies to ensure that there are no career

development barriers, direct or indirect, to the progression of part-time workers in the organisation.

## **10. Information**

### **Providing information to Employees**

It is important that employees availing of part-time work are not disadvantaged with regard to access to information. As best practice it is recommended that employers should periodically review how individuals are provided with information on the availability of posts, both part-time and full-time.

### **Providing Information to Representative Bodies**

Organisations may have arrangements in place for representing employees in discussions with management, for example collective bargaining arrangements, works councils or staff forums. It is important that representatives are kept informed about the organisation's policy and use of part-time working.

## **11. Protection of Employees from Penalisation**

An employer must not penalise an employee for exercising their rights under the Act or for refusing to accede to a request by their employer to transfer from Full-Time work to Part-Time work or from Part-Time work to Full-Time work.

## **12. Implementation of Code**

The application of the Code relies on the full commitment of employers, employees and their representatives (as appropriate). All parties need to recognise that they have specific responsibilities in this regard including - in the case of management, accepting that it has responsibility to:

- Have clear and objective criteria for identifying part-time work options and procedures for their adoption to meet employee needs;
- Consider the implications of part-time working for the organisation;
- Communicate the working arrangements to all staff;
- Monitor and review the new practices on a regular basis.

In the case of employees and their representatives (as appropriate), that they have responsibility to:

- Work within the policy guidelines agreed for part-time working;
- Consider the implications of part-time working for the individual employee, in consultation with relevant parties;
- Accept that not all positions may be suited to part-time working;
- Where part-time working is afforded, it is performed to the prescribed standard set by the organisation.

### **13. Employment legislation relevant to the Code of Practice**

In implementing the Code of Practice, employers, employees and their representatives (as appropriate) should familiarise themselves with the following pieces of legislation which have become law or been revised since the Code of Practice was published in 2006 and will have a bearing on how the Code is used:

- Employment Equality Acts 1998-2021
- Protected Disclosures Acts 2014-2022
- Employment (Miscellaneous Provisions) Act 2018 (No. 38 of 2018)
- S.I. No. 686/2022 - European Union (Transparent and Predictable Working Conditions) Regulations 2022
- Work Life Balance and Miscellaneous Provisions Act 2023 (No. 8 of 2023)
- Code of Practice for Employers and Employees Right to Request Flexible Working and Right to Request Remote Working 2024 published by the WRC
- Terms of Employment (Information) Act 1994-2014
- Organisation of Working Time Act 1997 as amended
- National Minimum Wage Act 2000 as amended
- Industrial Relations Act 1990 (Code of Practice on Victimisation) (Declaration) Order 2015 (SI No. 463 of 2015)

### **14. Application of the Code**

In any proceedings before a Court, the Labour Court, or a Workplace Relations Commission Officer, a Code of Practice shall be admissible in evidence and any provision of the Code which appears to the court, body or officer concerned to be relevant to any question arising in the proceedings shall be taken into account in determining that question.

### **15. Review of Code**

The need to update the Code of Practice will be evaluated after three (3) years of operation.

GIVEN under my hand,  
22 January, 2026.

ALAN DILLON,  
Minister of State at the Department of Enterprise, Tourism  
and Employment.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
BÓTHAR BHAILE UÍ BHEOLÁIN,  
CILL MHAIGHNEANN,  
BAILE ÁTHA CLIATH 8,  
D08 XAO6

Teil: 046 942 3100  
r-phost: [publications@opw.ie](mailto:publications@opw.ie)

DUBLIN  
PUBLISHED BY THE STATIONERY OFFICE  
To be purchased from  
GOVERNMENT PUBLICATIONS,  
MOUNTSHANNON ROAD,  
KILMAINHAM, DUBLIN 8,  
D08 XAO6

Tel: 046 942 3100  
E-mail: [publications@opw.ie](mailto:publications@opw.ie)

€ 3.50

