



[NMW3/S.41]

THE LABOUR COURT

NATIONAL MINIMUM WAGE ACT, 2000

APPLICATION FOR EXEMPTION FROM THE PROVISIONS OF THE ACT

Employer's details:-

Name of employer: Address:
Contact name: Telephone number:

Employer's Representative details (if any):-

Name of Representative: Address:
Telephone number:

Summary of grounds on which application for exemption is made:-

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Signature of employer: _____ Date:

PARTIES ARE ADVISED THAT DECISIONS OF THE COURT ARE PUBLISHED ON ITS WEBSITE WWW.LABOURCOURT.IE

Note: please see overleaf for details of documents which must accompany application

DOCUMENTS TO BE FURNISHED WITH THIS APPLICATION FORM

The National Minimum Wage Act, 2000 provides (in Section 41) that the Labour Court may exempt an employer from the obligation to pay an employee or employees entitlements otherwise payable to them under the Act. The Act specifies that before granting an exemption the Labour Court must be satisfied that the employees of the employer have consented to the application for exemption being made and have given their consent also to abide by any decision the Labour Court may make in the matter.

The following documents must accompany the application for exemption:-

1. EMPLOYEE AGREEMENT

- (1) Agreement in which the majority of the employees in respect of whom the exemption is sought, or their representative, consent to –
- the employer making the application for the exemption; and
 - abide by any decision of the Labour Court on the application

OR

- (2) Collective agreement covering the majority of the employees in respect of whom the exemption is sought whereby the employees consent to –
- the employer making the application for the exemption; and
abide by any decision of the Labour Court on the application

OR

Where the employer only has one employee

- (3) Agreement with the employee or his/her representative in which consent is given to the employer to make the application and in which the employee consents to abide by the decision of the Labour Court on the application.

2. EMPLOYEE DETAILS

A list giving the names and occupations of all employees in respect of whom application for exemption is made.

Completed applications, together with the documents specified at 1. and 2. on previous page, should be returned to:-

Programming Section

**The Labour Court
Lansdowne House
Lansdowne Road
Ballsbridge
Dublin 4**

Phone: (01) 6136608, 6136611, 6136610

Lo-call (if calling from outside the (01) area): 1890 220228

**DOCUMENTS TO BE FURNISHED BEFORE THE LABOUR COURT
HEARING**

THE LABOUR COURT WILL ALLOCATE A DATE FOR THE HEARING OF THE APPLICATION FOR EXEMPTION AS SOON AS POSSIBLE AFTER RECEIPT OF A VALID APPLICATION. PLEASE NOTE THAT IT IS NOT THE POLICY OF THE LABOUR COURT TO GRANT AN ADJOURNMENT OF A HEARING ONCE ARRANGED; HOWEVER, IN EXCEPTIONAL CIRCUMSTANCES, ONE ADJOURNMENT MAY BE GRANTED.

When advised of the date for a Labour Court hearing, the employer will be informed of a requirement to produce to the Court proof of inability to pay such that if the employer were compelled to pay the national minimum wage it would be likely to cause the employer to have to lay-off the employee(s) and/or be likely to cause the employer to terminate the employment of the employee(s). The financial records of the company would be of assistance to the Court in this regard.