

## The Labour Court Annual Report 2023



Presented to the Minister for Enterprise, Trade and Employment  
under Section 23(1) of the Industrial Relations Act 1946

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## The Labour Court in Numbers (2023)



1141

Appeals/Referrals



1513

Hearings Scheduled



1248

Cases Completed



13 Members



22 Admin Staff  
(20.4 wte)



€3.6 million spend



69 Hearings in the Virtual  
Courtroom

## Chairman's Foreword



The Labour Court's mission remains:

**“To provide high quality, fair and impartial arrangements for the resolution of industrial disputes and the determination of appeals in disputes based on employment law.”**

The Court continued throughout 2023 to implement its Strategic Plan for 2022-2024 in support of this mission. The detail of the plan can be viewed at [www.labourcourt.ie](http://www.labourcourt.ie).

### **The Court's activities in 2023**

There were 1141 appeals and referrals received by the Court in 2023 which almost matched the number received in 2022, which was 1138. Of the 1141 received in 2023, 788 (69%) were employment rights related appeals and 353 (31%) were industrial relations appeals and referrals. This pattern of referral – employment rights versus industrial relations - represents a continuation of a trend observed following the passing of the Workplace Relations Act, 2015. All of the matters involving appeals of decisions of Adjudication Officers in employment law concerned individual disputes whereas industrial relations referrals commonly involve disputes between groups of workers and their employer.

The Court scheduled 1,513 hearings in 2023, which included hearings of appeals received in 2023 and previous years as well as those rescheduled following postponements or adjournment of the first scheduled hearing. This compared to 1,485 hearings scheduled in 2022.

A total of 753 appeals to the Court were withdrawn in 2023, which was an increase of 60% on the number withdrawn in 2022 (457). Of the 753 withdrawn in 2023, 486 were withdrawn after the parties had been allocated a hearing date compared to 294 in 2022. There were 297 requests for postponement of scheduled hearings, down from 447 in 2022. In 2023, the Court issued 425 recommendations/determinations/decisions. In addition, the Court investigated 70 appeals/referrals that were ultimately settled prior to the issue of a decision.

The pattern of demand from parties for postponements and adjournment of scheduled hearings taken together with the pattern of withdrawal of appeals immediately prior to the date and time of a scheduled hearing poses considerable challenge to the efforts of the Court to make a hearing available to parties as soon as possible after referral or appeal. The irrecoverable loss of Court hearing time as a result of withdrawal at short notice of an appeal is a particularly expensive disruptor of the Court programme.

It is the Court's experience that a significant proportion of requests for postponement of scheduled hearings comes not from availability of the disputing parties themselves but from their representatives seeking to have the Court's programme amended and adjusted by reference to the schedule of work or programme of other activities of the representative. Any such postponement of a scheduled hearing commonly results in considerable delay in having the parties' referral / appeal heard and finalised.

The number of hearings held in the Virtual Courtroom in 2022 was 34, while 8 cases were heard using the Hybrid Courtroom facility which was made available mid-2023. It is the Court's intention to continue to actively make these new forms of courtroom venue available to parties into the future.

Section 41A of the Industrial Relations Act 1946 Act requires the Labour Court to carry out a review of each Joint Labour Committee (JLC) at least once every five years following the commencement of the Industrial Relations (Amendment) Act 2012. Such a review was completed on 20th April 2018 which meant a review was due by 19<sup>th</sup> April 2023. That review was completed on 12th April 2023 and the Court recommended that all JLC's which were the subject of the Review be maintained.

The Labour Court had the privilege of hosting the 24<sup>th</sup> annual meeting of the ILO network of European Labour Court Judges in Dublin in September 2023. Delegates from across Europe participated, and many interesting discussions took place, including a discussion on the decline in the number of referrals to statutory tribunals across the various jurisdictions.

### **Technology in the Courtroom**

There were 2 key infrastructure developments in the Labour Court in 2023 – the first was an upgrade of the infrastructure in one of our Courtrooms, to enable remote attendance of witnesses or parties at hearings. This was completed in July 2023. The second development was the completion of a new Case Management system in November 2023. This new system provides a comprehensive platform to manage, record and analyse the activities of the Court and to facilitate online referral and appeal directly by parties.

The expected return to hearing cases in a physical courtroom materialised in 2023 with the number of cases heard in a Virtual Courtroom reduced to 5% compared to 39% in 2022. However, the Court's commitment to providing an accessible service to its users will see a continuing use of technology to allow attendance at hearings from remote locations. The facility to hold Hybrid Court Hearings, where a party to a physical hearing can attend virtually, was made available in mid-2023. Eight Hybrid Hearings took place in 2023 and the developing use of this facility into the future is a positive addition to the options available to the Court and its users and an enhancement in the delivery of public service.

### **Changes in Court Membership during 2023**

Arthur Hall, worker representative member, retired on 7<sup>th</sup> July 2023 following the expiry of his term of office. Arthur had held the position of worker representative member since his appointment in July 2017. Mr Hall made a significant contribution to the work of the Court during his term including through a time of challenge and change brought about by the period of disruption caused by the global health pandemic.

Tom Geraghty retired as Deputy Chairman of the Court on 29<sup>th</sup> October 2023 on the expiry of his term of office. Mr Geraghty was appointed as Deputy Chairman in October 2018 after a

distinguished career in the trade union movement and served the Court with distinction throughout his term of office.

Following the conclusion of the term of office of both Mr Geraghty and Mr Hall, the Minister decided to review the workload and resources of the Court at that time. The assessment of workload and resources was conducted against the background of the Minister's commitment to ensure that the Court would continue to be adequately resourced to discharge its statutory functions without unreasonable delay arising in the disposal of appeals and referrals.

The Court contributed to that assessment of workload and resources by the Minister in 2023. Ultimately the Minister decided that, having regard to that assessment, vacancies arising in the Court would not be filled at that time. In reaching this conclusion the Minister assured the Court that the matter would remain under active review having regard to the workload of the Court as it evolved over time.

The effect of that decision was that the number of divisions of the Court would reduce from four to three by the end of quarter one 2024.

In making this decision, the Minister assured the Court that, into the future, the Court would be provided with adequate resources to effectively carry out its statutory functions without the occurrence of delays arising from inadequacy of resources.

### **Acknowledgement**

I would like to acknowledge the continued dedication of the Members and staff of the Labour Court during 2023. The priority for members and staff has continued to be the delivery of excellent public service.

I wish to acknowledge the support provided to me and to the Court by the Head of Administration, Ms Bernie Byrne, throughout the year. Her leadership of the Court's committed and effective administrative team has continued to underpin the smooth operation of the Court during 2023.

The support provided to the Court by the Department of Enterprise, Trade and Employment is fundamental to the delivery of the statutory functions of the Court. The Court's relations with the Department have remained unfailingly constructive. I would like to thank Dr Orlaigh Quinn, Secretary General of the Department, and her successor in the role, Declan Hughes, for their provision of that essential support, and also to thank Dermot Mulligan, Assistant Secretary General in the Workplace Regulation and Economic Migration (WREM) division for his support throughout the year. Finally, I would like particularly to acknowledge the essential and always effective support provided by Tara Coogan, Principal Officer and her team in the WREM division of the Department.

**Kevin Foley**  
**Chairman**

## Chapter 1 Functions of the Labour Court

### 1.1 General introduction

The Labour Court was established by the Industrial Relations Act 1946 with functions designed to assist in the resolution of industrial relations issues. The responsibilities and role of the Court have been considerably enhanced over the years as a consequence of the increase in national and European employment legislation, including the enactment of the Workplace Relations Act 2015, which provides that the Labour Court now has sole appellate jurisdiction in all disputes arising under employment rights' enactments.

The role of the Court can be broadly divided between its industrial relations work (those issues coming to the Court under the provisions of the Industrial Relations Acts), and its employment rights work (those cases / appeals referred to it under any of the Employment Rights statutes).

#### *Mission Statement of the Labour Court*

To provide high quality, fair and impartial arrangements for the resolution of industrial relations disputes and the determination of appeals in disputes based on employment law.

### 1.2 Industrial Relations

The involvement of the Labour Court in the industrial relations area is provided for by the Industrial Relations Acts, 1946 to 2015 and includes:

#### *Investigation of Industrial Relations Disputes*

A large proportion of the industrial relations disputes coming to the Court for investigation will already have been the subject of efforts to achieve an agreed resolution by way of conciliation by the Workplace Relations Commission (WRC). A dispute is 'referred' to the Court when both parties request the Court to investigate the dispute. When that request is made the Court will hold a hearing, following which it may, and usually does, issue a 'Recommendation' setting out the Court's opinion, based on the merits of the dispute, as to how the dispute should be resolved. The recommendation is not binding on the parties, but parties are expected to give serious and proper consideration to the recommendation which they had earlier sought, of the Labour Court as the '*industrial relations Court of last resort*'.

As an alternative to proceeding through conciliation with the WRC, disputes may, in accordance with section 20 of the industrial Relations Act 1969, be referred directly to the Court by one or both parties with an undertaking given to the Court in advance by the referring party to accept the Court's recommendation in the matter.

There are special provisions under the Industrial Relations (Amendment) Act 2001 to 2015 relating to disputes where negotiating arrangements are not in place within the employment. In such a matter, the Court is empowered to issue a recommendation following its investigation, and, if the terms of the recommendation are not complied with, to issue an enforceable 'Determination' on request.



### *Appeals of Adjudication Officer's Recommendations*

An industrial relations dispute involving one worker, or a small number of workers may be referred first to an Adjudication Officer of the Workplace Relations Commission for a Recommendation in accordance with section 13 of the Industrial Relations Act 1969. The Adjudication Officer's Recommendation may be appealed by either party to the Labour Court and having heard the parties, the Court will issue a 'Decision' that is binding on the parties.

### *Registration of Employment Agreements*

The work of the Court in this area is described later in this Annual Report. Generally, it will involve the registration by the Court of an agreement on pay and conditions of employment of workers of any class, type or group, made between a trade union, or trade unions of workers and one or more than one employer, or trade union of employers that is binding only on the parties to the agreement in respect of the workers of that class, type, or group.

### *Registration of Collective Agreements*

The Court also approves collective agreements in accordance with Section 24 of the Organisation of Working Time Act, 1997 and in accordance with the Schedule to the Protection of Employees (Part-Time Work) Act 2001. There were no agreements approved under section 24 of the 1997 Act or in accordance with the Schedule to the 2001 Act in 2022.

### *Sectoral Employment Orders*

Upon receipt of a request, the Labour Court may undertake an examination of the pay, pension and sick pay entitlements of workers in a particular sector and, if it deems it to be appropriate, make a recommendation to the Minister on the matter. A request to the Labour Court may be made by:

- A trade union of workers;
- A trade union or an organisation of employers; or
- A trade union of workers jointly with a trade union, or an organisation of employers

The trade union of workers and the organisation of employers must be substantially representative of the workers and employers in the sector to which the request relates.

If, following receipt of a recommendation from the Court, the Minister is satisfied that the process provided for in the **Industrial Relations (Amendment) Act, 2015** has been complied with by the Labour Court, he/she shall make the Order. Where such an order is made it will be binding across the sector to which it relates.

### *Joint Labour Committees/Employment Regulation Orders*

A Joint Labour Committee (JLC) is comprised of representatives of employers and workers in the relevant industry sector under an independent chairperson. A Joint Labour Committee is entirely independent of the Labour Court in the discharge of its statutory functions. When it reaches agreement on terms and conditions that should be enshrined in an Employment Regulation Order, the JLC publishes details and invites submissions from the public. Following consideration of any submissions, the Committee may make proposals to the Court for the making an Employment Regulation Order (ERO).

Following receipt of such a proposal the Labour Court may make a Recommendation to the Minister.

An ERO is a statutory instrument setting out wages and conditions of employment applying to specified grades, or categories of workers in a particular sector. On foot of proposals received from the JLC for that sector which have been adopted by the Labour Court, the Minister for Enterprise, Trade and Employment may make an order confirming the terms of the ERO, where satisfied that the statutory conditions have been complied with. Every order made by the Minister must be laid before both Houses of the Oireachtas and can be annulled by resolution of either House.

### *Codes of Practice*

The Industrial Relations Act 1990 makes provision for the preparation by the WRC of draft 'Codes of Practice' for submission to the Minister concerning industrial relations. Where such a code is in place, application may be made to the Labour Court for an interpretation of its terms. Also, a complaint of a breach of a code may be made to the Court.

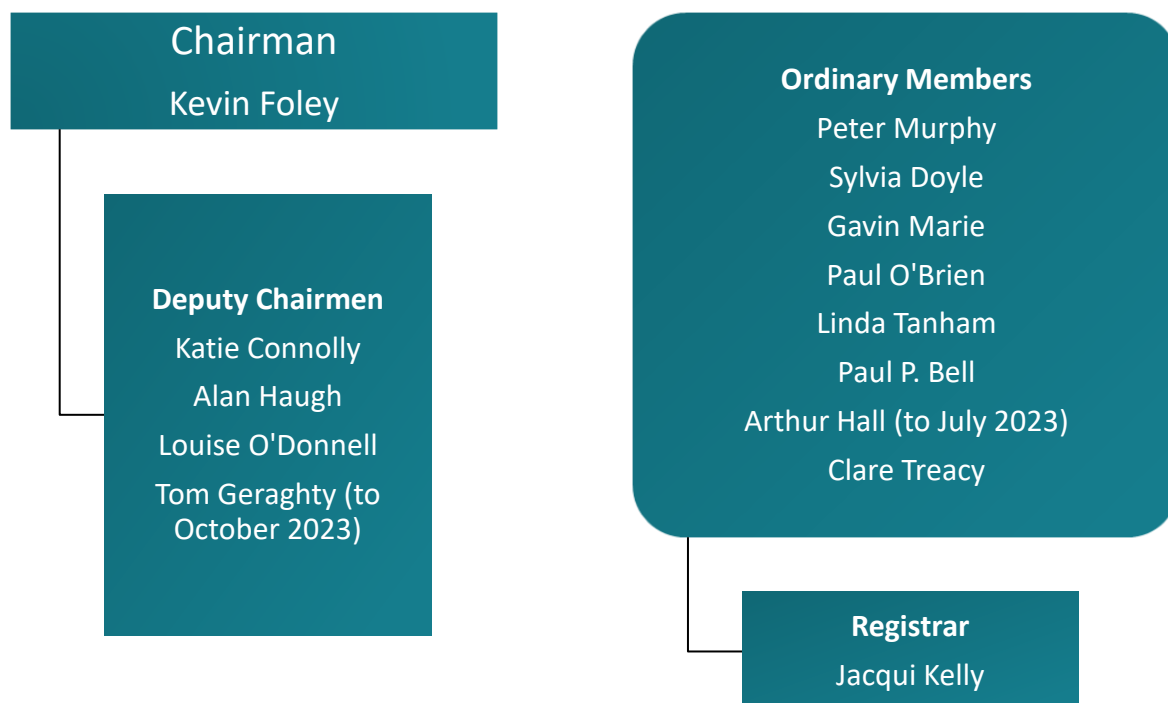
### *1.3 Employment rights*

The main work for the Court in the area of employment rights involves acting as the single appellate body for appeal of decisions of Adjudication Officers of the WRC made under employment rights enactments.

## 1.4 Structure of the Labour Court

### The Labour Court

At the start of 2023 the Labour Court consisted of 13 full-time Members: A Chairman, four Deputy Chairmen and eight Ordinary Members, four of whom are Employer Members and four of whom are Worker Members. The decision by the Minister in 2023, following an assessment of work on hands by DETE, that vacancies arising in the Court would not be filled such that, in operation, the number of divisions of the Court would reduce from four to three by the end of quarter one 2024.





**Photo of the Court and the Registrar in January 2023.**

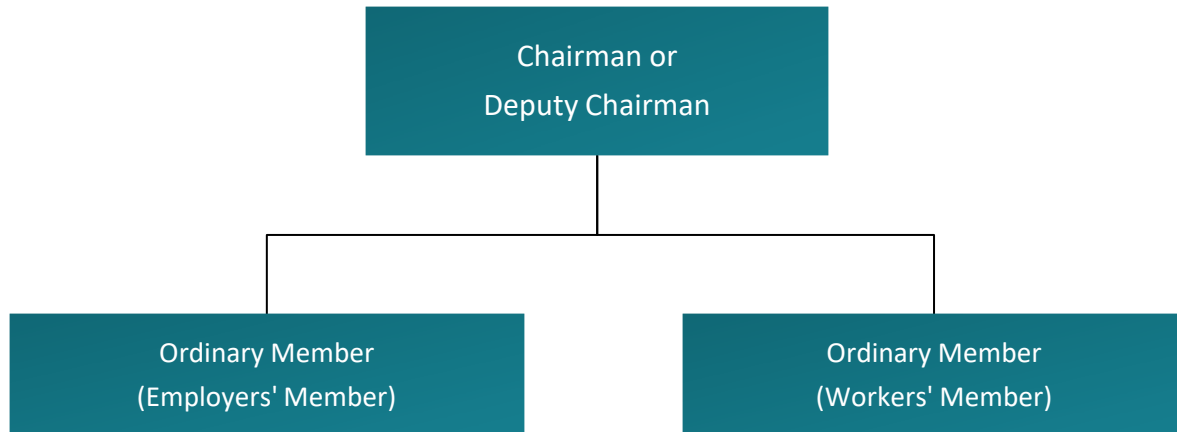
Standing: Left to right – Jacqui Kelly, Peter Murphy, Paul P. Bell, Sylvia Doyle, Gavin Marie, Arthur Hall, Clare Tracey, Paul O’Brien and Linda Tanham.

Seated: Left to right – Tom Geraghty, Louise O’Donnell, Kevin Foley, Katie Connolly and Alan Haugh.

**Note:** Appointment of the Chairman, Deputy Chairman and Registrar follows a public competition coordinated by the Public Appointments Service. Ordinary Members are appointed by the Minister for Enterprise, Trade and Employment following nomination by IBEC of Employers’ Members and the ICTU of Workers’ Members.

### Hearing

Each hearing of the Court is convened by a Division of the Court appointed by the Chairman for that purpose. A Division of the Court consists of the Chairman (or a Deputy Chairman) of the Court, a Worker Member and an Employer Member.

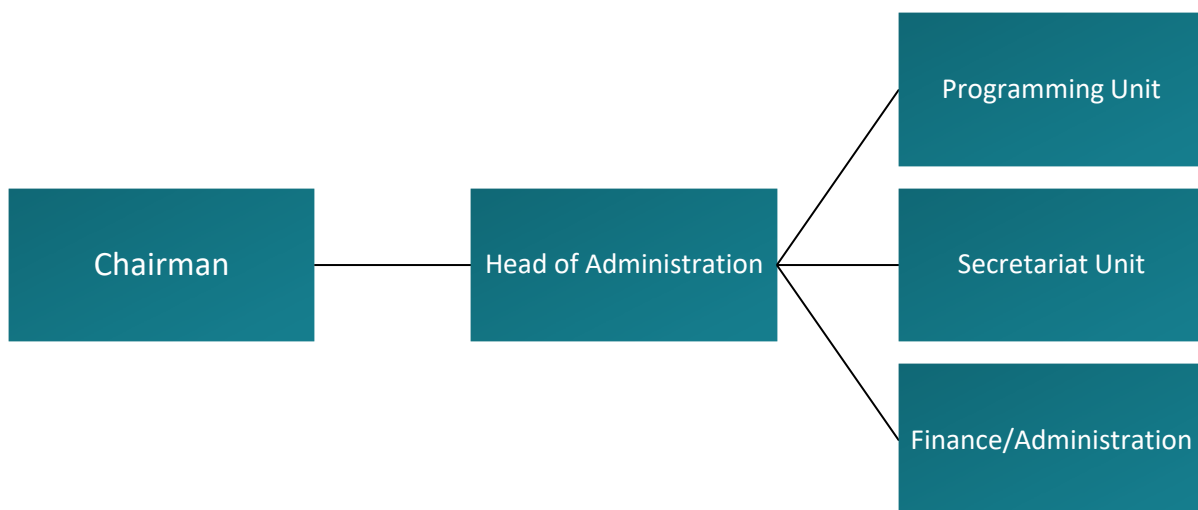


### Registrar

The Registrar to the Labour Court, who is a Statutory Office Holder, is the Court's legal adviser and provides legal services and advice to the Labour Court in carrying out its statutory functions.

### Labour Court Administration

The Labour Court is supported in its function by an administration service which is staffed by permanent employees who are civil servants and part of the staffing establishment of the Department of Enterprise, Trade and Employment, assigned for the time being to the Labour Court.



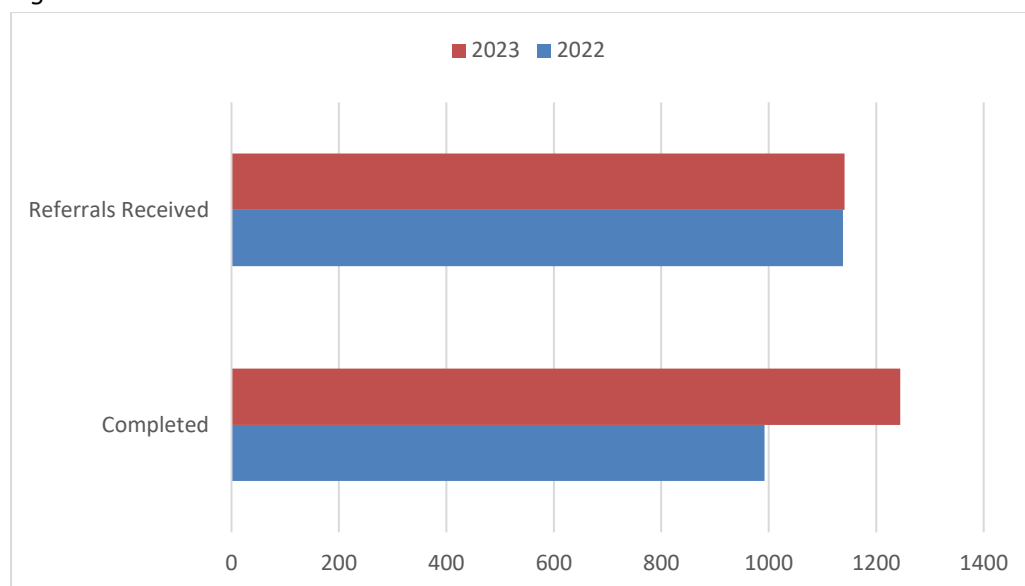
## Chapter 2 The Year in Review

### 2.1 Headlines

During 2023, the Labour Court:

- Received 1141 appeals/referrals;
- 1513 hearings were scheduled;
- 297 postponements were granted;
- 1248 Cases were completed (cases decided, settled or withdrawn); and
- 234 appeals / referrals were ready to be programmed at the end of 2023.

Fig 1: Headline activities



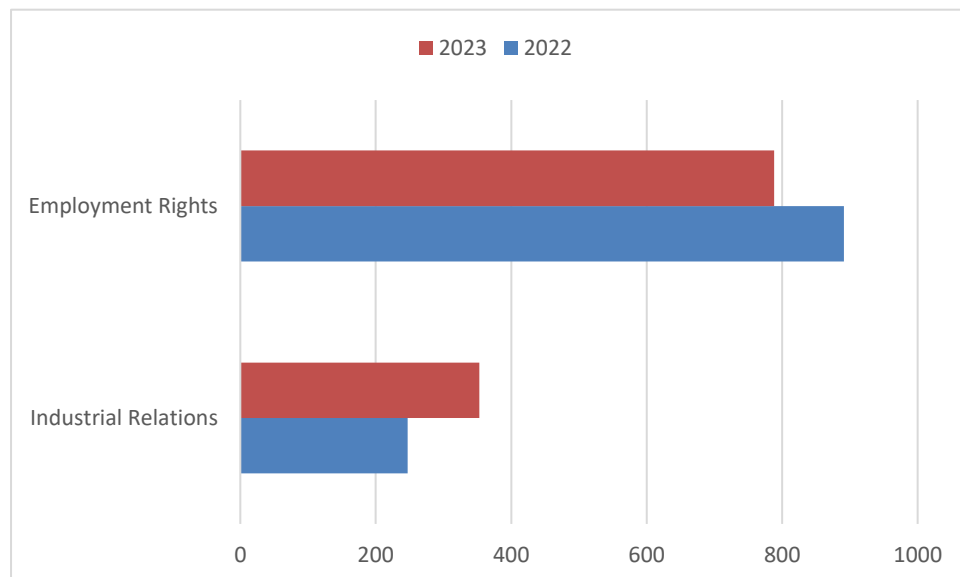
### 2.2 Appeals to the Court

Overall, the number of in appeals to the Labour Court in 2023 remained stable compared to the previous year (from 1138 to 1141).

Referrals and Appeals under the Industrial Relations Acts 1946 to 2015 accounted for 31% of total referrals / appeals. This class of referral / appeal showed an overall increase of 43% compared to the numbers of such appeals received in 2022 (from 247 to 353).

Appeals under employment rights legislation accounted for 69% of cases coming to the Court, a drop of 12% on the previous year.

Fig 2: Industrial relations and employment rights appeals to the Court



See Appendices [1](#) and [2](#) for a detailed breakdown of these headline appeal figures.

### 2.3 Hearings scheduled

The Court scheduled a total of 1,513 hearings in 2023, of which 4.5% were scheduled in a Virtual Courtroom. A total of 297 postponements were granted during 2023. A total of 753 cases were withdrawn with 486 of those withdrawals relating to cases which had been scheduled for hearing. Such withdrawals, particularly when occurring shortly before the scheduled date and time of hearing, impacted significantly on the capacity of the Court to effectively manage its resources in terms of allocation of Court room hearing time.

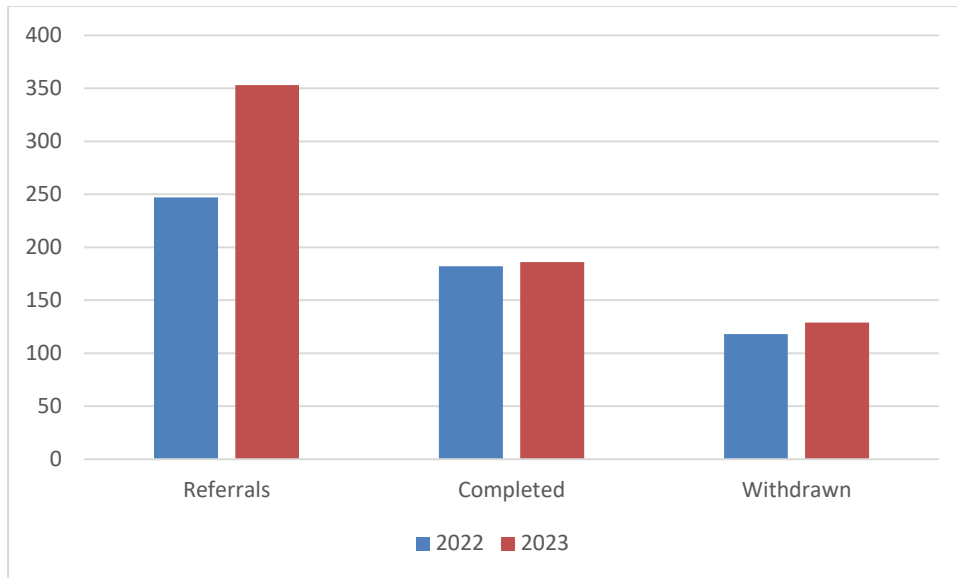
The number of hearings held in the Virtual Courtroom decreased significantly during 2023.

### 2.4 Industrial Relations Cases

The number of cases received under the Industrial Relations Acts 1946-2015 received was 353. The number of cases completed (i.e. in respect of which a recommendation, determination, or decision issued, or the matter was settled by the referral party,) in 2023 was 186 (315 including withdrawn cases).

The text of each of the industrial relations cases in which the Court issued a recommendation can be viewed on the Court's website [www.labourcourt.ie](http://www.labourcourt.ie).

Fig 3: Industrial relations cases activity



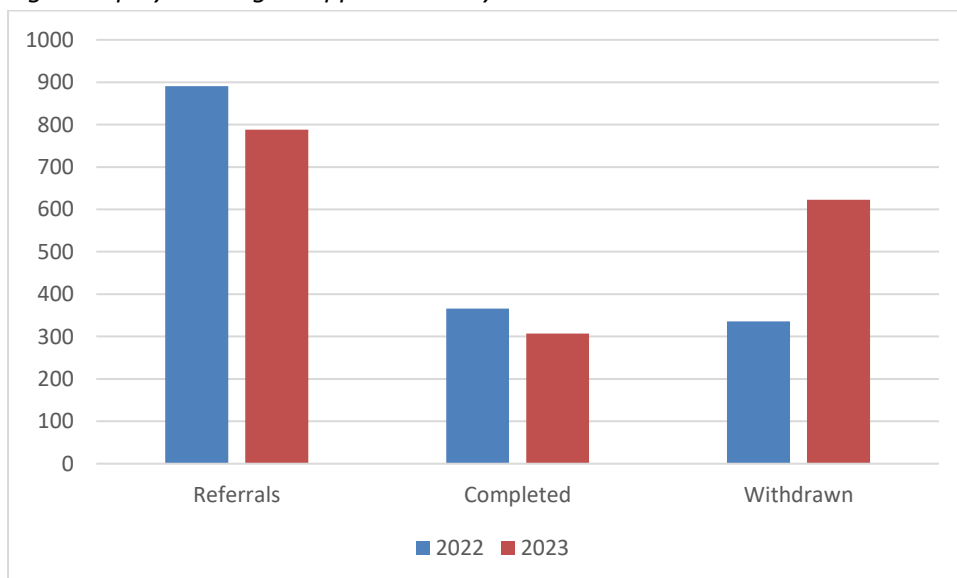
Information on the profile of industrial relations cases received and completed in 2023 are at [Appendix 1](#).

### 2.5 Employment Rights Cases

The number of employment rights appeals received by the Court in 2023 was 788. The number of cases completed (i.e. in respect of which a recommendation, determination, or decision issued or the matter was settled before or at a hearing or the case was withdrawn at or prior to hearing or scheduling) in 2023 was 930.

The text of each of the appeals in which the Court issued a Decision can be viewed on the Court's website [www.labourcourt.ie](http://www.labourcourt.ie).

Fig 4: Employment rights appeals activity

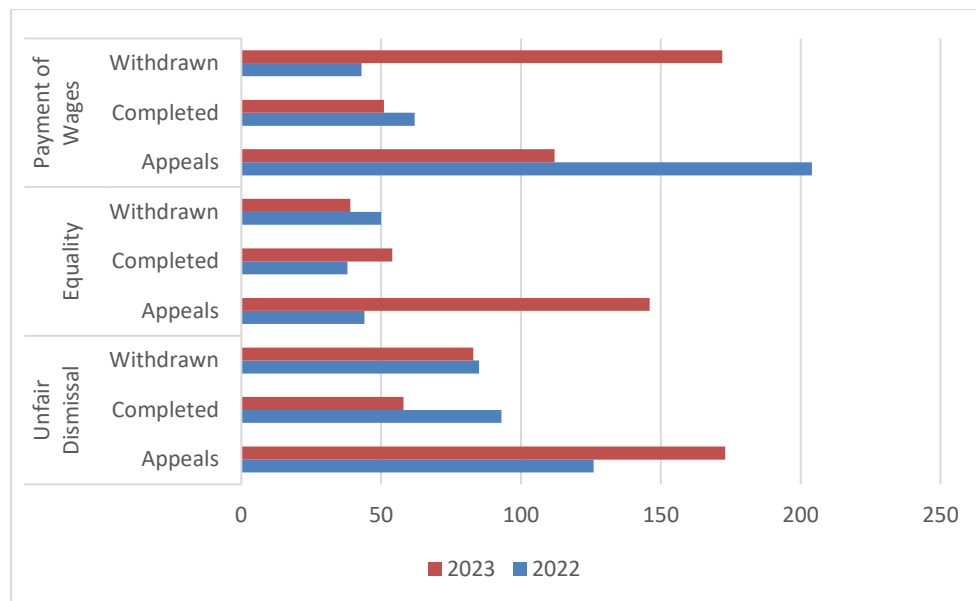


Information on the profile of employment rights appeals received, completed and withdrawn in 2023 is at [Appendix 2](#).



Of the 788 employment rights appeals received by the Court during 2023, 54.5% were in respect of appeals under the Unfair Dismissals Acts, 1977 - 2015, the Employment Equality Acts, 1998 - 2021 and the Payment of Wages Act, 1991.

Figure 5: Unfair Dismissal, Equality and Payment of Wages appeals activity



It is also the function of the Labour Court to determine appeals of Adjudication Officer decisions under the full range of employment protection legislation currently in being.

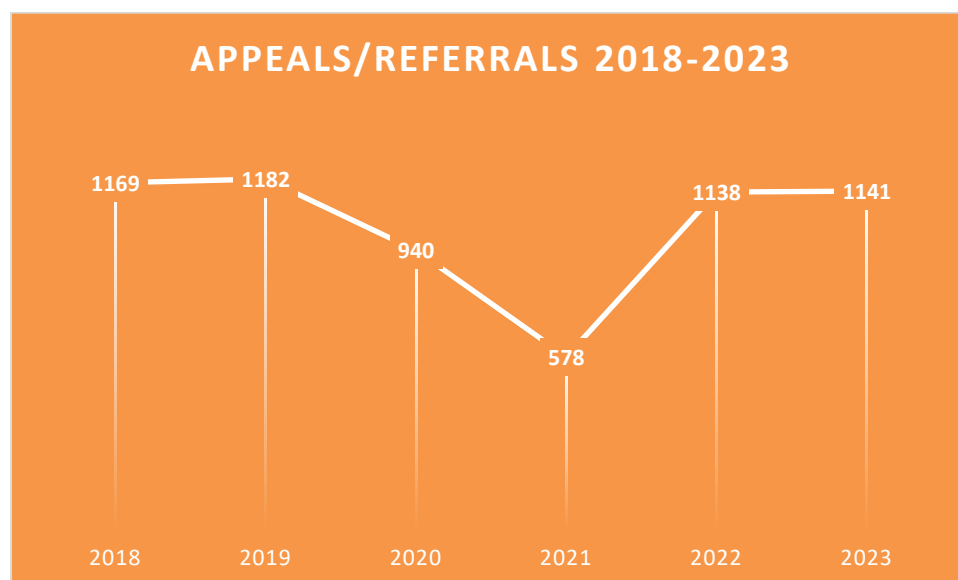
See [Appendix 2](#) for detailed case activity statistics.

## Chapter 3 Dispute referrals

### 3.1 Five-year trend 2018 – 2023

The Court saw a stabilisation of referrals and appeals to the level seen in years preceding the pandemic.

Fig 7: Number of referrals of employment and industrial disputes 2017 – 2023



### 3.2 Industrial Relations Climate in 2023

There were, according to the CSO, twelve industrial disputes in progress in 2023 involving 3,326 workers, whereas 4,078 workers were involved in seven industrial disputes in 2022.

Table 1: Industrial disputes 2019 -2023

Category	2023	2022	2021	2020	2019
<b>No. of Disputes</b>	12	7	2	8	9
<b>No. of Firms</b>	32	50	2	8	9
<b>No. of Workers</b>	3,326	4,078	543	22,076	42,656
<b>No. of Days Lost</b>	4,203	5,256	1,515	21,704	**n/a

*\*\*The CSO were unable to establish the no. of days lost in Q4 2019 and therefore were unable to provide a total no. of days lost in 2019.*

**Source: Central Statistics Office**

## Chapter 4 - Other Activities during 2023

### 4.1 The 24<sup>th</sup> annual meeting of the ILO network of European Labour Court Judges



#### **Delegates from across Europe at a welcome meeting in SIPTU Headquarters in Liberty Hall**

The Labour Court hosted the 24<sup>th</sup> annual meeting of the ILO network of European Labour Court Judges in Dublin in September 2023. The group meets annually under the aegis of the International Labour Organisation (ILO). The ILO regularly contributes to the professional development of labour court judges and staff by providing vocational training and organising information symposia. The ILO collaborates with European Labour Courts and holds periodic meetings to discuss themes of common concern and to assess the evolution of labour law in their respective countries in light of key judicial decisions.

Topics discussed in Dublin in 2024 included “Strikes, essential services and minimum services” and “Work-related duties and obligations outside the workplace and beyond working time”. The network also discussed the apparent decline in referral rates across many of the countries. The Irish Labour Court with its remit extending across industrial relations dispute resolution and determination of employments rights based appeals is unique across the member organisations of the network.

## *4.2 Joint Labour Committees*

The Industrial Relations Acts 1946 - 2015 make provision for a system of Joint Labour Committees (JLCs), which is a mechanism to allow for the setting of statutory minimum rates of pay and conditions of employment in particular industry sectors through the mechanism of Employment Regulation Orders (ERO's).

A JLC is comprised of representatives of employers and workers in the relevant sector under an independent chairman appointed by the Minister. The worker and employer members are appointed by the Court in accordance with the Fifth Schedule of the Industrial Relations Act 1990. Once the JLC formulates proposals for an ERO, it is required to notify the public of this and invite representations. Following consideration of any such representations, the Committee may subject to any amendments it makes adopt the proposals and the adopted proposals are then submitted to the Court including a report from the Chairman of the JLC setting out the circumstances surrounding their adoption, together with copies of any submissions or documentation considered by the JLC when formulating and adopting the proposals. In the event the Court adopts the proposals they are then sent to the Minister and where the Minister is satisfied that the statutory requirements have been complied with the Minister makes an ERO giving effect to the proposals.

The following JLCs were in existence in 2023.

1. Agricultural Workers
2. Catering
3. Contract Cleaning
4. Hairdressing
5. Hotels
6. Retail, Grocery and Allied Trades
7. Security Industry
8. English Language Schools Sector
9. Early Years' Service

The most recent review under Section 41A of the Industrial Relations Act 1946 ('the Act') which was completed on 12th April 2023 recommended that all JLCs which were the subject of the Review be maintained in their current form. The detail of that review is published on [www.labourcourt.ie](http://www.labourcourt.ie).

## *Activities in this Area in 2023*

### **Agricultural Workers**

No meetings of the JLC were convened in 2023 and no proposals for an ERO were formulated.

### **Catering**

No meetings of the JLC were convened in 2023 and no proposals for an ERO were formulated.

### **Contract Cleaning**

Proposals for a new ERO were adopted by the JLC on 23<sup>rd</sup> November 2023. As of the end of 2023 the 2022 S.I. was still extant. ([S.I. 110 of 2022](#)).

### **Hairdressing**

No meetings of the JLC were convened in 2023 and no proposals for an ERO were formulated.

### **Hotels**

No meetings of the JLC were convened in 2023 and no proposals for an ERO were formulated.

### **Retail, Grocery and Allied Trades**

No meetings of the JLC were convened in 2023 and no proposals for an ERO were formulated.

### **Security Industry**

A new ERO which amended the 2017 ERO for the Security Industry was signed by the Minister effective from 4th September 2023.

A copy of the ERO (S.I. 424 of 2023) can be found: [Here](#)

### **English Language Schools JLC**

No meetings of the JLC were convened in 2023 and no proposals for an ERO were formulated.

### **Early Years Service**

The Early Years Service JLC met on a number of occasions in 2023 but failed to formulate proposals for a new/revised ERO(s). In August 2023 this matter was referred to the Labour Court for recommendation as provided for by section 42B (4) of the Industrial Relations Act 1946. A Labour Court recommendation issued on the 14 September 2023.

[S.I. No. 457 of 2022, Employment Regulation Order \(Early Years' Service Joint Labour Committee\) Order No. 1 2022](#)

[S.I. No. 458 of 2022, Employment Regulation Order \(Early Years' Service Joint Labour Committee\) Order No. 2 2022](#)

### *4.4 Joint Industrial Councils*

A "qualified Joint Industrial Council" (JIC) is a voluntary negotiating body for an industry or part of an industry and is representative of employers and workers. If it fulfils conditions set out in the industrial relations legislation, it may apply to the Labour Court for registration and the Court, if satisfied, will place it on the Register of Joint Industrial Councils.

The Labour Court facilitates the JICs by making available an officer of the Court to act as secretary at their meetings. Details of those JICs registered with the Court as of 31 December 2023 are included in [Appendix 3](#).

Apart from the five bodies on the Register of JICs, there are a number of other bodies which are engaged in similar activities, but which have not applied for registration e.g. the Electrical Contracting Industry JIC and the State Industrial Employees JIC. The Labour Court makes available an officer of the Court to act as secretary at meetings of such bodies and officers of the Court attended eight meetings of the Electrical Contracting JIC and five meetings of the State Industrial Employees JIC during the year.

#### **4.5 Registered Employment Agreements**

The Industrial Relations (Amendment) Act 2015 provided a mechanism for the registration of employment agreements between an employer or employers and trade unions governing terms and conditions in individual enterprises.

The Industrial Relations (Amendment) Act, 2015 defines an employment agreement as:

*“an agreement relating to the remuneration or the conditions of employment of workers of any class, type or group made between a trade union or trade unions of workers and one or more than one employer or a trade union of employers, that is binding only on the parties to the agreement in respect of the workers of that class, type or group.”*

Where the Labour Court is satisfied that an agreement presented satisfies the relevant statutory requirements it will register the agreement. The effect of this is to make the provisions of the agreement legally enforceable in respect of every worker of the class type or group to which it is expressed to apply.

#### **Activities in this Area in 2023**

An application to register an Employment Agreement between Connect Trade Union and employers comprising the Overhead Powerline Contractors Group (OPCG) was received in October 2022 and was registered by the Court on 17<sup>th</sup> January 2023.

*S.I. No. 229/2023 - Registered Employment Agreement (Overhead Powerline Contractors Group) Order 2023.*

The Court received an application to vary the agreement on 6 November 2023. This application was being considered by the Court at the end of 2023.

#### **4.6 Sectoral Employment Orders**

Sectoral Employment Orders (SEO's) made under the Workplace Relations Act 2015 provide a legislative framework which allows the making of Statutory Orders providing for minimum rates of pay, sick leave and pension to apply to workers of a class, type or group (including apprentices) in a specified economic sector. An SEO must also contain a dispute resolution procedure and so acts to promote industrial harmony and minimise industrial unrest.

Upon receipt of a request, the Labour Court can initiate an examination of the pay, pension and sick pay entitlements of workers in a particular sector and, if it deems it appropriate, make a recommendation to the Minister on the matter. Such a request may be made by:

- A trade union of workers;
- A trade union or an organisation of employers; or
- A trade union of workers jointly with a trade union or an organisation of employers

The trade union of workers and / or the organisation of employers must be substantially representative of the workers and employers in the sector to which the application relates.

If the Minister is satisfied that the Court has complied with the provisions of the Industrial Relations (Amendment) Act, 2015, he/she shall make the Order. Where such an Order is made it will be binding across the sector to which it relates.

## **Activities in this Area in 2023**

### **Construction Sector SEO**

The Construction Sectoral Employment Order was signed by the Minister of State in April 2023 and commenced on the 18 September 2023. From September 2023 minimum hours rates of pay and minimum pension contributions increased in line with the terms set out in the Order itself.

The Order can be viewed at the link below:

[S.I. No. 207 of 2023, Sectoral Employment Order \(Construction Sector\) 2023](#)

### *Mechanical Engineering Sector SEO*

In October 2023 the 2018 Sectoral Employment Order was quashed by the High Court following a challenge to it by the Association of Plumbing and Heating Contractors and no request for a new SEO was submitted in 2023.

## *5.0 Internal Services*

### *Financial Management*

The Labour Court is funded by the Exchequer, through the Department of Enterprise, Trade and Employment. Expenditure totalling €3,582,926 was incurred by the Court during 2023. This comprised €2,881,567 in respect of pay and €701,359 in respect of non-pay. All Labour Court finances are administered through the Department's budget and form part of the Department's accounts. As well as arranging its own tenders for the provision of goods and services, the Court also avails of drawdown of services from the Department in areas such as learning and development. Expenditure is monitored constantly and is reviewed on a monthly basis.

For details see [Appendix 5: Financial Report for 2022](#).

### *Customer Service*

The Labour Court operates under a Customer Service Charter and Action Plan 2022-2024. The Charter sets out the level of service users can expect to receive if they have occasion to avail of the Court's services. The Customer Action Plan describes how the commitments and standards set out in the

Customer Charter will be delivered in accordance with the guiding principles of QCS that have been adopted across the public service. The Charter can be viewed at [www.labourcourt.ie](http://www.labourcourt.ie)

#### *Memorandum of Understanding*

In 2023 the Labour Court prepared a Memorandum of Understanding (MoU) with its parent Department, the Department of Enterprise, Trade and Employment, in fulfilment of the requirement under the Government decision of 15 November 2011 and under the Public Service Reform Programme published on 17 November 2011 for each Department to, *inter alia*, put in place robust Service Level Agreements with its State Bodies by June 2012.

The Court undertook to provide an agreed level of service in accordance with the deliverables and performance criteria specified in its submitted annual work programme as set out in [Appendix 6](#) and in accordance with all relevant legislation.





**THE LABOUR COURT**  
*An Chúirt Oibreachais*



## Appendix 1: Industrial relations statistics

Table 1.1 Profile of industrial relations cases received.

		2022	2023
<b>Appeal of Adjudication Officer Decision</b>	Section 13(9), Industrial Relations Act, 1969	106	151
	Section 10, Industrial Relations (Misc Prov) Act, 2004	0	9
	Section 45(B), Industrial Relations Act, 1946	3	2
<b>Direct Referral</b>	Section 20(1), Industrial Relations Act, 1969	52	99
	Section 20(2), Industrial Relations Act, 1969	1	5
	Section 2(1), Industrial Relations (Amendment) Act, 2001	0	0
	Section 26(5) Industrial Relations Act, 1990	0	1
	Section 12(1), Industrial Relations (Amendment) Act 2015	0	1
	Section 23(3), Industrial Relations (Amendment) Act 2015	4	9
	Section 42B(4), of the Industrial Relations Act, 1946	2	2
<b>Conciliation Service</b>	Section 26(1), Industrial Relations Act, 1990	79	74
<b>Total</b>		<b>247</b>	<b>353</b>

Table 1.2: Industrial relations cases activity 2023 by category

	Worker	Company	Withdrawn	Settled	Recommendations/Decisions	Upheld	Overturned	Varied	Outside Time Limit	Direct Referral
<b>Industrial Relations Acts 1946-2015</b>	0	0	0	0	0	0	0	0	0	0
<b>S7, Industrial Relations Act, 1969</b>	0	0	0	0	0	0	0	0	0	0
<b>S10, IR (Misc Prov) Act 2004</b>	9	0	1	0	1	1	0	0	0	0
<b>Section 23(3), Industrial Relations (Amendment) Act, 2015</b>	9	0	2	2	0	0	0	0	0	0
<b>S32 Industrial Relations Act, 1946</b>	0	0	0	0	0	0	0	0	0	0
<b>S33(1) Industrial Relations Act, 1946</b>	0	0	0	0	0	0	0	0	0	0
<b>Section 2(1), Industrial Relations (Amendment) Act, 2001</b>	0	0	0	0	0	0	0	0	0	0
<b>Section 12 (1), Industrial Relations (Amendment) Act 2015</b>	1	0	0	1	0	0	0	0	0	0
<b>Section 13(9), Industrial Relations Act, 1969</b>	151	0	49	7	68	28	16	21	0	3
<b>Section 20(1), Industrial Relations Act, 1969</b>	99	0	58	1	40	1	0	0	0	39
<b>Section 20(2), Industrial Relations Act, 1969</b>	5	0	0	0	2	0	0	0	0	2
<b>Section 26(1), Industrial Relations Act, 1990</b>	74	0	13	5	52	1	0	0	0	51
<b>Section 26(5), Industrial Relations Act, 1990</b>	1	0	0	0	1	0	0	0	0	1
<b>Section 45(B) Industrial Relations Act, 1946</b>	2	0	6	2	3	3	0	0	0	0
<b>Section 42B(4), Industrial Relations Act, 1946</b>	2	0	0	0	1	0	0	0	0	1
<b>Grand Total</b>	<b>353</b>	<b>0</b>	<b>129</b>	<b>18</b>	<b>168</b>	<b>34</b>	<b>16</b>	<b>21</b>	<b>0</b>	<b>97</b>
	<b>Total received 353</b>		<b>Total completed 315</b>			<b>Total decisions 168</b>				

## Appendix 2: Employment rights statistics

Table 2.2: Profile of employment rights appeals received

Section /Act /Application	2023	2022	% change from 2022
<b>Unfair Dismissal</b>	<b>173</b>	<b>125</b>	<b>138%</b>
Section 8A Unfair Dismissals Acts, 1977	<b>173</b>	125	
<b>Equality</b>	<b>146</b>	<b>97</b>	<b>151%</b>
Section 83, Employment Equality Act, 1998	145	87	
Section 77(12), Employment Equality Act, 1998	<b>1</b>	10	
<b>Payment of Wages</b>	<b>112</b>	<b>204</b>	<b>55%</b>
Section 7, Payment of Wages Act, 1991	<b>112</b>	204	
<b>Organisation of Working Time</b>	<b>80</b>	<b>248</b>	<b>32%</b>
Section 28, Organisation of Working Time Act, 1997	<b>80</b>	248	
<b>Terms of Employment</b>	<b>78</b>	<b>65</b>	<b>120%</b>
Section 8, Terms of Employment (Information) Act, 1994-2018	<b>78</b>	65	
<b>Minimum Notice &amp; Terms of Employment</b>	<b>37</b>	<b>30</b>	<b>123%</b>
Section 12A Minimum Notice & Terms of Employment Acts, 1973	<b>37</b>	30	
<b>Redundancy Payments</b>	<b>44</b>	<b>27</b>	<b>163%</b>
Section 39A Redundancy Payments Act 1967	<b>44</b>	27	
<b>Protection of Employees on Transfer of Undertakings</b>	<b>15</b>	<b>7</b>	<b>214%</b>
Section 11(1) EC (Protection of Employees on Transfer of Undertakings) Regulations, 2003	<b>15</b>	7	
<b>Protected Disclosures</b>	<b>10</b>	<b>6</b>	<b>167%</b>
Paragraph 2 of Schedule 2, Protected Disclosures Act, 2014	<b>10</b>	6	
<b>Safety, Health &amp; Welfare at Work</b>	<b>32</b>	<b>17</b>	<b>188%</b>
Section 29, Safety, Health and Welfare at Work Act, 2005	<b>32</b>	17	
<b>Protection of Employees (Fixed Term Work)</b>	<b>14</b>	<b>29</b>	
Section 15, Protection of Employees (Fixed-Term Work) Act, 2003	<b>14</b>	29	<b>48%</b>
<b>National Minimum Wage</b>	<b>6</b>	<b>8</b>	<b>75%</b>
Section 29, National Minimum Wage Act, 2000	0	0	
Section 27(1), National Minimum Wage Act, 2000 and 2015	<b>6</b>	8	
<b>Protection of Employees (Part-Time Work)</b>	<b>1</b>	<b>6</b>	<b>17%</b>
Section 17-Protection of Employees (Part-time Work) Act, 2001	<b>1</b>	6	
<b>Parental Leave</b>	<b>2</b>	<b>0</b>	<b>200%</b>

Section 21(1), Parental Leave Acts, 1998 and 2006	0	0	
Section 19 (1), Parental Leave Acts, 1998 and 2006	2	0	
<b>All other appeals received by the Court</b>	<b>38</b>	<b>22</b>	<b>172%</b>
Section 21(2) of the Transnational Information & Consultation of Employees Act 1996	4	1	
Section 32(2), Maternity Protection Act, 1994	0	0	
Section 27 of the Paternity Leave and Benefit Act 2016	2	0	
Section 33(1), Maternity Protection Act, 1994	2	3	
Section 87(4) Schedule 6, of Consumer Protection Acts 2007	0	1	
Section 20 (2), Criminal Justice Act 2011	1	1	
Section 25 (2,) Protection of Employees (Temporary Agency Work) Act, 2012	4	3	
Section 4(6), Protections for Persons Reporting Child Abuse Act 1998	0	0	
Regulation 19, European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations, 2012	5	4	
Section 20 (1), Carer's Leave Act, 2001	0	2	
Section 67(5) of the Property Services Regulation Act 2011	1	0	
Section 42, European Communities (Protection of Employment) Regulations, 2000	0	1	
Schedule 4(1) of the European Communities (Occurrence Reporting in Civil Aviation) Regulations 2007	0	1	
Regulation 6 European Communities (Protection of Employment) Regulations 2000	2	1	
Section 16, European Communities (Organisation of Working Time ) (Mobile Staff in Civil Aviation) Regulations, 2006	0	1	
Section 28 (7), Appeal of Compliance Notice	0	1	
Section 8A(5), Prevention of Corruption (Amendment) Act 2001	3	2	
Section 81E of the Pensions Act, 1990 as amended by the Social Welfare (Miscellaneous Provisions) Act 2004	7	0	
Section 81(1) of the Pensions Acts, 1990 to 2014	2	0	
Protection of Employment Act, 1977	4	0	
Schedule 2 of the Employment Permits Act, 2006	1		
<b>Totals</b>	<b>788</b>	<b>891</b>	<b>88%</b>

### Appendix 3: Registered Joint Industrial Councils

The following particulars of associations on the Register of Joint Industrial Councils during the period covered by this Report are given in accordance with the requirements of section 23(3) Industrial Relations Act, 1946.

1. Joint Board of Conciliation and Arbitration for the Boot and Shoe Industry of Ireland

Date of Registration: 10 July 1948

Secretary: Ms. C. Cronin/Ms. C. O'Reilly, The Labour Court

2. Joint Industrial Council for the Dublin Wholesale Fruit and Vegetable Trade

Date of Registration: 27 January 1964

Secretary: Ms. C. Cronin/Ms. C. O'Reilly, The Labour Court

3. Joint Industrial Council for the Construction Industry

Date of Registration: 26 July 1965

Secretary: Ms. C. Cronin/Ms. C. O'Reilly, The Labour Court

4. Joint Industrial Council for the Security Industry

Date of Registration: 12 December 2011

Secretary: Ms. C. Cronin/Ms. C. O'Reilly, The Labour Court

5. Joint Industrial Council for the Contract Cleaning Industry

Date of Registration: 19 December 2011

Secretary: Ms. C. Cronin/Ms. C. O'Reilly, The Labour Court

## Appendix 4: Further information

Further information about anything contained in this Annual Report is available from:

The Labour Court  
Lansdowne House  
Lansdowne Road  
Dublin 4  
D04 A3A8

Phone: (01) 613 6666 -

Or 0818 613666

Email: [info@labourcourt.ie](mailto:info@labourcourt.ie)

Website: [www.labourcourt.ie](http://www.labourcourt.ie)

<b>Query</b>	<b>Relevant section of the Labour Court</b>	<b>Contact</b>
About a particular case <u>before</u> the hearing	Programming Section	01 613 6666 or 0818 613666 Email <a href="mailto:info@labourcourt.ie">info@labourcourt.ie</a>
About a particular case <u>after</u> the hearing	Relevant Court Secretary	As indicated at the hearing
Joint Labour Committees Registered Employment Agreements/Sectoral Employment Orders Employment Regulation Orders	Relevant Court Secretary	As indicated at the hearing
General information about industrial relations and employment rights matters.	Workplace Relations Customer Services	01 6136700 or 0818 80 80 90

## Appendix 5: Financial report for 2023

Table 5.1 Labour Court outturn 2023

<b>Outturn</b>	<b>€</b>
<b>Pay</b>	2,881,567
<b>Non-pay</b>	701,359
<b>Total</b>	<b>3,582,926</b>

Table 5.2 Main areas of non-pay expenditure

	<b>€</b>
<b>IT Development</b>	<b>€339,503</b>
<b>Regional Hearings</b>	<b>€111,846</b>
<b>Office Equipment &amp; Supplies</b>	<b>€59,221</b>
<b>Post Telephones</b>	<b>€55,600</b>

### *Prompt Payments*

During 2023 the Court continued to comply with the Prompt Payment of Accounts Act, 1997 as amended by the European Communities (Late Payment in Commercial Transactions) Regulations, 2002.



## Appendix 6: Labour Court Work Programme for 2023

Strategic Objective	Objective
<b>Strategic Priority 1: Provide an efficient and high quality service to court users</b>	Deliver improved processing, listing and management of cases.
	Ensure that all scheduled Court sittings are supported to meet the needs of all users.
	Underpin the concept of the Labour Court as the court of last resort in the case of industrial relations disputes and as the single appellate body for all complaints made under the body of employment law with a strong brand identity and enhance communications with the public
	Develop appropriate customer service standards
<b>Strategic Priority 2: Develop and support Court Members and administrative staff</b>	Support administrative staff development by identifying and addressing current and future training needs and ensuring that all staff are provided with the skills, knowledge and experience to perform and develop within their roles
	Provide for knowledge transfer to ensure continuity of service when administrative staff move due to promotion, mobility or retirement.
	Enhance internal communications
	Continue the professional development programme for Court Members
<b>Strategic Priority 3: Optimise technology and improve case management process</b>	Generate efficiencies from greater use of online service delivery
	Identify and implement more efficient processes and workflows
	Enhance <a href="http://www.labourcourt.ie">www.labourcourt.ie</a> to provide improved and user-friendly access to information and online services for court users.
<b>Strategic Priority 4: Ensure effective governance</b>	Continue to adhere to DETE requirements in respect of business planning, risk management, records management, public procurement, financial procedures, GDPR and FOI.

THE LABOUR COURT

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D04 A3

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Email: [info@labourcourt.ie](mailto:info@labourcourt.ie)

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