



AN CHÚIRT OIBREACHAIS

THE LABOUR COURT

ANNUAL REPORT

2012



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**Presented to the Minister for Jobs, Enterprise and Innovation under
Section 23(1) of the Industrial Relations Act 1946**

MISSION STATEMENT OF THE LABOUR COURT

“To find a basis for real and substantial agreement through the provision of fast, fair, informal and inexpensive arrangements for the adjudication and resolution of industrial disputes”

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CHAIRMAN'S FOREWORD

In the year under review the workload of the Court has stabilised at slightly below that of the previous year. As will be seen in the body of this Report the Court received a total of 1,181 referrals in 2012. This was slightly down on the total of 1,254 referrals received in 2011. There was, however, some change in the profile of cases dealt with. In line with a fairly consistent trend experienced over the past number of years there was a decrease in the number of cases coming before the Court under various provision of the Industrial Relations Acts 1946 to 2012. There were 693 cases referred under the various Industrial Relations Act in 2012 compared to 805 in 2011. This decrease can be explained in part by the decline in activity and employment in the broad construction sector. In previous years a considerable volume of cases arose from complaints made by trade unions and employer bodies alleging a contravention of the Registered Agreements for the construction or electrical contracting industries (referrals under Section 32 of the Industrial Relations Act 1946 and Section 10 of the Industrial Relations Act 1969). The fall-off in activity in both sectors is reflected in the continuing decline in the number of cases in these categories.

Cases involving the application of the Public Services Agreement 2010 – 2014 accounted for a significant number of industrial relations referrals received during the year. While these cases come before the Court pursuant to Section 26(1) of the Industrial Relations Act 1990, under the terms of the Agreement, the parties are committed to accept the recommendation of the Court. Another noticeable feature of the industrial relations cases dealt with is the extent to which they involved disputes concerning retrenchment in rates of pay and working conditions. The Court also issued a number of recommendations directed at resolving disputes which arose from changes introduced in pension arrangements, including the closure of defined benefit pension schemes. Cases in this category are indicative of the economic and commercial difficulties which many employments continue to experience. In dealing with cases in these general categories the Court has frequently pointed out that it will only recommend downward adjustments of established working conditions where it is satisfied that it is plainly and unambiguously necessary to do so in order to maintain the viability of the enterprises concerned and thus protect employment.

Despite the continually difficult economic environment industrial relations generally has remained remarkably stable. During the year there were five industrial disputes involving 1,920 workers which resulted in a loss of 8486 working days. This is indicative of the willingness of trade unions and employers to deal with difficult and complex industrial relations issues by negotiation and the use of the industrial relations mechanisms provided by the State rather than by unilateral action or conflict. This is a very welcome trend which contributes greatly to the prospect of economic recovery.

Again, in line with recent trends, there was a small increase in the number of appeals coming before the Court under employment rights legislation (from 449 in 2011 to 488 in 2012). As will be seen, cases in this category now account for 41% of the total case load of the Court. As I have previously pointed out, when measured in terms of workload, adjudication on employment rights disputes occupies a considerably greater percentage of the Court's time than their actual number may suggest. This arises from the length of hearings on average in these cases, which is significantly greater than that required to dispose of industrial relations disputes. Moreover, the complexity of the issues involved requires a far greater commitment in terms of time in the formulation and drafting of decisions. Determinations of the Court in employment rights issues are appealable to the High Court on a point of law. Very few appeals are taken and fewer still result in the decision of the Court being disturbed.

During the year under review three new statutes were added to the body of legislation within the Court's jurisdiction. On 30th January 2012, by Statutory Instrument 36/2012, the Minister for Transport, Tourism and Sport made Regulations entitled European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations 2012. The effect of these Regulations was to give certain categories of mobile workers engaged in road transport activities a right to complain to a Rights Commissioner concerning the organisation of their working time. The Appellate jurisdiction under these Regulations was given to the Court. There were no appeals received under these Regulations in 2012.

In May 2012 the Protection of Employees (Temporary Agency Work) Act 2012 was enacted to give effect to Directive 2008/104/EC on temporary agency work. The Act provides for the application of the principle of equal treatment in employment conditions to agency workers in relation to comparable permanent workers. Disputes arising under the Act can be referred to a Rights Commissioner at first instance and on appeal to the Court.

In August 2012 the Industrial Relations (Amendment) Act 2012 was enacted. The purpose of this Act was to make new provision for the making of Employment Regulation Orders and for the functioning of Joint Labour Committees. This became necessary following the decision of the High Court in *John Grace Fried Chicken Limited and Ors v Catering Joint Labour Committee, Ireland and the Attorney General* [2011] 1 I.L.R.M 392, which held that the provisions of the Industrial Relations Act 1946 under which these orders were formally made, were invalid having regard to Article 15 of the Constitution. This Act also extensively amended the provisions of the 1946 Act which related to the registration of employment agreements. After the close of the period to which this report relates the Supreme Court held that Part III of the 1946 Act, which deals with Registered Employment Agreements, was also invalid having regard to Article 15 of the Constitution.

An immediate effect of this judgment was to render void the registration of all agreements registered under the Act in its unamended form. The implications of the judgment vis-à-vis the amendments made by the 2012 Act are, at the time of writing, uncertain and advice is being obtained from the Office of the Attorney General through the Department of Jobs, Enterprise and Innovation.

Familiarisation sessions were arranged for members of the Court on the new legislation which came within its statutory jurisdiction. The Court also held a number of seminars on particular issues relating to its work as part of its commitment to the on-going training and professional development of its members.

There were no changes in the membership of the Court during 2012.

Preparation for the proposed reform of the employment rights dispute resolution institutions has required the involvement of the Court and its staff in additional administrative and planning activities during the year. The Court continues to cooperate fully with the Department in making the necessary arrangements for the effective implementation of the proposed reforms which will take effect on the enactment of the proposed Workplace Relations Bill. The reforms, when fully implemented, will make far reaching changes in the scope of the Court's jurisdiction in employment rights matters and consequently in the volume, range and complexity of its workload. The Court is currently working to ensure that its practices, procedures and its administrative structure are adjusted so as to facilitate the smooth transitions to the new arrangements envisaged by the Minister's reform programme.

I wish to thank my colleagues for their continued commitment during the year under review in providing an efficient and cost effective service to Court users. I also wish to express my appreciation of the work undertaken by the members of the Court's secretariat and administrative staff. Despite reductions in staff numbers, they have continued to ensure the smooth running of the Court and that cases are heard and decisions issued without undue delay.

Finally, I wish to thank the Minister for Jobs, Enterprise and Innovation, the Secretary General and the Officials of the Department for their continued support during the year. In particular I wish to record my appreciation of the fact that they have continued to provide the Court with the resources necessary to properly discharge its statutory function notwithstanding the severe budgetary pressures within which the Department is required to operate.

Kevin Duffy

Chairman

June 2013

MEMBERS OF THE LABOUR COURT IN 2012

Chairman	<i>Kevin Duffy</i>
Deputy Chairmen	<i>Caroline Jenkinson</i> <i>Brendan Hayes</i>
Employer Members	<i>Peter Murphy</i> <i>Sylvia Doyle</i> <i>Mary Cryan</i>
Worker Members	<i>Pádraigín Ní Mhurchú</i> <i>Jerry Shanahan</i> <i>Linda Tanham</i>
Registrar	<i>Hugh O'Neill</i>

HEADLINES 2012

In 2012, the Labour Court

- received 1,181 referrals
- held 938 hearings
- issued 691 Recommendations / Determinations / Decisions / Orders
- investigated 192 cases that were settled prior to or at a hearing

and

- registered 1 Employment Agreement
- registered 1 Collective Agreement under the Organisation of Working Time Act, 1997

Work of the Labour Court in 2012 compared to 2011

Category	Number in 2012	Number in 2011
Referrals received	1,181	1,254
Hearings	938	1,043
Recommendations etc. issued	691	774
Cases settled prior to / at Hearing	192	245
Collective Agreements approved:		
<i>Organisation of Working Time Act</i>	1	0
<i>Part-Time Work Act</i>	0	0
Employment Regulation Orders made	0	1
Joint Industrial Councils registered	0	2
Registered Employment Agreements:		
<i>Registrations</i>	1	3
<i>Variations</i>	0	1

OVERVIEW 2012

CASES REFERRED TO THE COURT IN 2012

Number of Referrals

	2012	2011	Difference
Industrial Relations	693	805	-112 (-14%)
Employment Rights	488	449	+39 (+9%)
Total	1,181	1,254	-73 (-6%)

Overall there was a 6% decrease in referrals to the Labour Court in 2012 compared to the previous year (from 1,254 to 1,181) with some sub-categories of referrals witnessing more significant change.

Referrals under the Industrial Relations Acts 1946 to 2012 accounted for 59% of total referrals. This class of referral showed an overall decrease of 112 or 14% compared to 2011 (693 referrals compared with 805). The most significant change was in relation to referrals under Section 10 of the Industrial Relations Act 1946, which provides for complaints to be made to the Court for breaches of Registered Employment Agreements. Total referrals under this category were 52 in 2012 compared with 136 in 2011 – a decrease of 62%.

Referrals under Employment Rights legislation accounted for 41% of cases coming to the Court during the year but due to the complex issues of law involved in many of these cases, they occupy a greater proportion of the overall workload of the Court. While the overall number of referrals under Employment Rights legislation was broadly similar to 2011 (488 in 2012 compared to 449 in the previous year), some sub-categories witnessed more significant change. The most significant increases occurred in referrals under the Employees (Provision of Information and Consultation Act, 2006) which increased to 10 compared with 1 in the previous year and referrals under the National Minimum Wage Act, 2000 which totalled 33 compared with 24 in the previous year – an increase of 38%. In addition referrals under the Organisation of Working Time legislation totalled 273 compared with 249 in the previous year – an increase of 10% and appeals against decisions of the Equality Tribunal totalled 73 compared with 67 in the previous year – an increase of 9%.

Profile of Referrals – by Category

Category	2012	2011	Change
Industrial Relations	693	805	-112
Employment Rights:	488	449	
Equality	73	67	+6
Organisation of Working Time	273	249	+24
National Minimum Wage	33	24	+9
Part-Time Work	12	13	-1
Fixed-Term Work	64	68	-4
Safety, Health & Welfare at Work	21	25	-4
Employee Information and Consultation	10	1	+9
Exceptional Collective Redundancies	1	0	+1
Health Act	1	2	-1
Total	1,181	1,254	-73

Categories of Referrals – as Proportion of Total Referrals

Category	2012	2011
Industrial Relations	59%	64%
Employment Rights:	41%	36%
Equality	6%	5.3%
Organisation of Working Time	23%	20%
National Minimum Wage	3%	1.91%
Part-time Work	1%	1.03%
Fixed-Term Work	5%	5.4%
Safety, Health & Welfare at Work	2%	1.99%
Information and Consultation	0.8%	0.02%
Health Act	0.08%	0.15%
Exceptional Collective Redundancies	0.08%	0

Profile of Referrals – by Source

Source	2012	2011
Cases which had earlier involved Labour Relations Commission -	701	
of which		
Referrals from conciliation services ¹	161	199
Referrals from advisory services ²	2	2
Appeal against Recommendation / Decision of Rights Commissioner	538	528
Appeal against decision of Director of Equality Tribunal	72	67
Direct referrals ³	167	135
Other ⁴	241	323
Total	1,181	1,254

¹ This includes a number of cases in which the parties returned to the Court subsequent to the issue of a Recommendation by the Court. Also, it includes both referrals under S.26 of the Industrial Relations Act 1990, and referrals under S. 20(2) of the Industrial Relations Act 1969.

² Cases in which negotiation procedures were not in place.

³ These include referrals under Section 20 of the Industrial Relations Act 1969 where the complainant or both parties agree in advance to accept the Court's Recommendation; referrals directly to the Court under Section 26(5) of the Industrial Relations Act 1990; referrals under Section 2(1) of the Industrial Relations Act 2001 (as amended) where negotiating procedures are not in place;

⁴ "Other" includes complaints by employers or unions of breaches of Registered Employment Agreements (REAs) referred under Section 32 of the Industrial Relations Act 1946 or Section 10 of the Industrial Relations Act 1969; requests for determinations under Section 6 of the Industrial Relations Act 2001; cases re interpretation of REAs; and referrals under various employment rights provisions.

Full details of referrals under various enactments are set out in Appendix 1.

CASES COMPLETED BY THE COURT IN 2012

Number of Cases Completed

2012	2011	Difference
883	1,019	136 (- 13%)

Profile of Completed Cases – by Category

CATEGORY	NUMBER 2012	NUMBER 2011	DIFFERENCE
Industrial Relations	535	688	-153
Equality	44	52	-8
Organisation of Working Time	212	207	+5
National Minimum Wage	16	20	-4
Part-Time Work	14	5	+9
Fixed Term Work	48	31	+17
Safety, Health & Welfare at Work	12	14	-2
Employee Information and Consultation	1	1	0
Health Act	0	1	-1
Exceptional Collective Redundancies	1	0	+1
Total	883	1,019	-136

Details of the cases completed by the Court under various enactments are included in Appendix 2.

HEARINGS IN 2012

Number of Hearings

The Court held a total of 938 Hearings in 2012, compared with 1043 in 2011. For the purposes of these hearings, the Court arranged sittings at a total of 13 locations.

Origins of Cases Heard in 2012

The following shows the origins of cases heard by the Court in 2012, based on the address of the employer:

County	Number of cases in 2012
Athlone	4
Cork	41
Donegal	10
Dublin	676
Galway	40
Limerick	39
Portlaoise	22
Roscommon	21
Sligo	22
Thurles	16
Waterford	11
Westport	18
Wexford	18
Total	938

INDUSTRIAL RELATIONS CASES IN 2012

INDUSTRIAL RELATIONS CASES REFERRED TO THE COURT

Number of Industrial Relations Referrals Received

2012	2011	Difference
693	805	112 (- 14%)

The number of referrals under the Industrial Relations Acts 1946 to 2012 decreased by 14% to 693.

While most categories remained fairly constant, there were some exceptions to the 2011 trend. Proportionately the most significant change was in relation to referrals under Section 10 of the Industrial Relations Act 1969. Total referrals under this category were 52 in 2012 compared with 136 in 2011 – a decrease of 62%. There was also a reduction in referrals from the Labour Relations Commission under Section 26(1) of the 1990 Industrial Relations Act, 1990 from 193 to 158 - a decrease of 18%.

The biggest increase in referrals received were under Section 20(1) of the Industrial Relations Act 1969 which increased from 133 to 158 - an increase of 19%.

Details of the cases referred to the Court under various enactments are included in Appendix 1.

Profile of Industrial Relations Cases Received

Source	2012	2011	Difference
Referrals from LRC (conciliation)*	158	193	-35
Appeals of Recommendations of Rights Commissioners	133	146	-13)
Complaint by employer body of breach of REA	52	136	-84)
Complaint by union of breach of REA	170	163	+7
Direct referral – advance acceptance of Recommendation	161	139	+22
Direct referral where no negotiating procedures in place	2	4	-2
Interpretation of Registered Employment Agreement/ Scope of Joint Labour Committee or of Employment Regulation Order	16	24	-8

* This includes a number of cases in which the parties returned to the Court subsequent to the issue of a Recommendation.

INDUSTRIAL RELATIONS CASES COMPLETED BY THE COURT

Number of Industrial Relations Cases Completed

2012	2011	Difference
535	688	-153 (-22%)

APPEALS IN INDUSTRIAL RELATIONS CASES

Recommendations of Rights Commissioners in industrial relations cases may be appealed to the Labour Court by either party to a dispute. The Court issued decisions in 104 appeals of such recommendations in 2012; a further 18 cases were settled prior to or at the Labour Court hearing.

Sources of Industrial Relations Appeals

Appeal by	2012	2011
Worker	66 (63%)	70 (71%)
Employer	38 (37%)	28 (28%)
Both sides	0	1 (1%)
Total	104	99

Outcome of Industrial Relations Appeals

Outcome of Appeal	2012	2011
Rights Commissioner's recommendation upheld	41 (39%)	60 (61%)
Rights Commissioner's recommendation varied/amended	55 (53%)	26 (26%)
Rights Commissioner's recommendation overturned	8 (8%)	13 (13%)
Other	0	0
Total	104	99

EQUALITY CASES IN 2012

EQUALITY CASES REFERRED TO THE COURT

Number of Equality Referrals

Category	2012	2011	Difference
Appeal of decision of Director of Equality Tribunal	66	64	+2
Appeal of decision of Director of Equality Tribunal re time limit	6	2	+4
Appeal under Pensions Act	1	1	0
Total	73	67	+6

The number of referral to the Court in 2012 under equality legislation increased by 6 to 73 in 2012. The number of equality referrals has fallen to its present level of 73 from a total of 102 in 2002.

Discriminatory Grounds Cited in Equality Appeals Referred

In the 58 appeals under Section 83 of the Employment Equality Acts 1998 to 2012, seven of the nine discriminatory grounds provided for under the legislation were cited. More than one ground was cited in a number of cases.

Number of cases in which each ground was cited

Gender	Race	Family Status	Age	Disability	Sexual Orientation	Marital Status	Religion	Membership of travelling community
28	21	9	10	14	nil	4	1	nil

Number of grounds cited per appeal referred to the Court

Single ground cited	52 appeals
Two grounds cited	10 appeals
Three or more grounds cited	4 appeals

EQUALITY CASES COMPLETED BY THE COURT

Number of Equality Cases Completed

Type/source	2012	2011	Difference
Dismissal (direct referral by individual(s))	1	0	+1
Appeals	43	52	-9
Total	44	52	-8

Source and Outcome of Appeal Cases

Of the 43 equality appeal cases completed by the Court in 2012, 14 were settled at or after hearing and the Court did not, therefore, issue a Determination in those cases. The following shows the source and the outcome of the appeals in the 29 cases in which the Court issued a Determination:

Source of Appeals

Appeal by	2012	2011
Worker	18	28
Employer	11	7
Both sides	nil	nil
Total	29	35

Outcome of Appeals

	2012	2011
Decision of Director of Equality Tribunal affirmed	16	23
Decision of Director overturned	5	8
Decision of Director varied	8	3
Other	0	1
Total	29	35

The text of each of these Determinations can be viewed on the Court's website www.labourcourt.ie. A synopsis of the Determinations will also be made available on the website.

ORGANISATION OF WORKING TIME CASES IN 2012

FUNCTIONS OF THE COURT

The functions of the Labour Court under the Organisation of Working Time Act 1997 are:

- to approve and register collective agreements under the Act
- to determine appeals of decisions of Rights Commissioners under the Act
- to determine complaints that decisions of Rights Commissioners under the Act have not been implemented

COLLECTIVE AGREEMENTS

Approvals in 2012

There was one approval of a collective agreement in 2012.

WORKING TIME CASES REFERRED TO THE COURT

Number and Categories of Referrals

Category	2012	2011	Difference
Appeals of decisions of Rights Commissioners	169	119	+50 (+42%)
Complaints that decisions of Rights Commissioners were not implemented	104	130	-26 (-20%)
Total	273	249	+24 (+10%)

WORKING TIME CASES COMPLETED BY THE COURT

Number Completed - by Category

Category	2012	2011	Difference
Appeals of decisions of Rights Commissioners	115	76	+39 (51%)
Complaints that decisions of Rights Commissioners were not implemented	97	131	-34 (26%)
Total	212	207	+5 (2.4%)

Appeals Completed - Source and Outcome

Of the 115 appeals completed, twenty were settled at or before a hearing and the Court did not, therefore, issue a Determination in those cases. The information below relates to the 88 cases in which the Court issued a Determination.

Source of Appeals

	2012	2011
Appeal by Employer	39 (44%)	33 (59%)
Appeal by Worker(s)	49 (56%)	23 (41%)
Appeal by Both	0	0
Total	88	56

Outcome of Appeals

	2012	2011
Rights Commissioner decision upheld	43 (49%)	26 (46%)
Rights Commissioner decision varied/amended	31 (35%)	20 (36%)
Rights Commissioner decision overturned	14 (16%)	10 (18%)
Total	88	56

The text of each of these Determinations can be viewed on the Court's website www.labourcourt.ie. A synopsis of the Determinations will also be made available on the website.

NATIONAL MINIMUM WAGE CASES IN 2012

FUNCTIONS OF THE COURT

The functions of the Labour Court under the National Minimum Wage Act 2000 are:

- to determine appeals of decisions of Rights Commissioners under the Act
- to determine complaints that decisions of Rights Commissioners under the Act have not been complied/fully complied with
- to decide on applications for (temporary) exemption from the obligation to pay employees their entitlements under the Act

MINIMUM WAGE REFERRALS RECEIVED

Number and Categories of cases referred

Category	2012	2011	Difference
Appeals of decisions of Rights Commissioners	30	13	+17
Complaints that decisions of Rights Commissioners were not implemented	3	11	-8
Applications for exemption from the provisions of the Act	0	0	0
Total	33	24	+9

MINIMUM WAGE CASES COMPLETED BY COURT

Number of Cases Completed by Category

Category	2012	2011	Difference
Appeals of decision of Rights Commissioners	14	8	+6
Complaints that decisions of Rights Commissioners not implemented	2	12	-10
Total	16	20	-4

The text of each of these Determinations can be viewed on the Court's website www.labourcourt.ie. A synopsis of the Determinations will also be made available on the website.

PROTECTION OF EMPLOYEES (PART-TIME WORK) CASES IN 2012

FUNCTIONS OF THE COURT

The functions of the Labour Court under the Protection of Employees (Part-Time Work) Act 2001 are:

- to approve collective agreements regarding casual part-time employees under the Act
- to determine appeals of decisions of Rights Commissioners under the Act
- to determine complaints that decisions of Rights Commissioners under the Act have not been implemented

COLLECTIVE AGREEMENTS

The Labour Court did not receive any application for approval of a collective agreement under this Act in 2012.

PART-TIME WORK CASES REFERRED TO THE COURT IN 2012

Number and Categories of Referrals

Category	Number of Referrals		
	2012	2011	Difference
Appeals of decisions of Rights Commissioners	12	13	-1
Complaints that decisions of Rights Commissioners were not implemented	0	0	0
Total	12	13	-1

PART-TIME WORK CASES COMPLETED BY THE COURT IN 2012

Number of Cases Completed - by Category

Category	2012	2011	Difference
Appeals of decisions of Rights Commissioners	14	5	+9
Complaints that decisions of Rights Commissioners were not implemented	0	0	0
Total	14	5	+9

The text of each of these Determinations can be viewed on the Court's website www.labourcourt.ie. A synopsis of the Determinations will also be made available on the website.

PROTECTION OF EMPLOYEES (FIXED-TERM WORK) CASES IN 2012

FUNCTIONS OF THE COURT

The functions of the Labour Court under the Protection of Employees (Fixed-Term Work) Act 2003 are:

- to determine appeals of decisions of Rights Commissioners under the Act
- to determine complaints that decisions of Rights Commissioners under the Act have not been implemented

FIXED-TERM WORK CASES REFERRED TO THE COURT IN 2012

Number and Categories of Referrals

Category	Number of Referrals		
	2012	2011	Difference
Appeals of decisions of Rights Commissioners	62	51	+11
Complaints that decisions of Rights Commissioners not implemented	2	17	-15
Total	64	68	-4

FIXED-TERM WORK CASES COMPLETED BY THE COURT IN 2012

Number of Cases Completed - by Category

Category	2012	2011	Difference
Appeals of decisions of Rights Commissioners	45	17	+28
Complaints that decisions of Rights Commissioners were not implemented	3	14	-11
Total	48	31	+17

Appeals Completed - Source and Outcome

Of the 45 appeals completed by the Court, five were settled before or at a hearing and the Court did not issue a Determination in those three cases. The information below relates to the 40 cases in which the Court issued a Determination.

Source of appeal	No cases 2012	No cases 2011
Appeal by Employer	14 (35%)	5 (36%)
Appeal by Worker(s)	18 (45%)	9 (64%)
Appeal by Both	8 (20%)	0
Total	40	14

Outcome of appeal	No cases 2012	No cases 2011
Rights Commissioner decision upheld	15	6
Rights Commissioner decision varied/amended	19	6
Rights Commissioner decision set aside	6	2
Total	40	14

The text of each of the cases in which the Court issued a Determination can be viewed on the Court's website www.labourcourt.ie. A synopsis of the Determinations will also be made available on the website.

SAFETY, HEALTH AND WELFARE AT WORK CASES IN 2012

FUNCTIONS OF THE COURT

The functions of the Labour Court under the Safety, Health and Welfare at Work Act 2005 are:

- to determine appeals of decisions of Rights Commissioners under the Act
- to determine complaints that decisions of Rights Commissioners under the Act have not been implemented

SAFETY, HEALTH AND WELFARE CASES REFERRED TO THE COURT IN 2012

Number and Categories of Referrals

Category	Number of Referrals		
	2012	2011	Difference
Appeals of decisions of Rights Commissioners	19	25	-6
Complaints that decisions of Rights Commissioners not implemented	2	0	+2
Total	21	25	-4

SAFETY, HEALTH AND WELFARE CASES COMPLETED BY THE COURT IN 2012

Number of Cases Completed - by Category

Category	2012	2011	Difference
Appeals of decisions of Rights Commissioners	10	14	-4
Complaints that decisions of Rights Commissioners were not implemented	2	0	+2
Total	12	14	-2

The text of each of the appeals in which the Court issued a Determination can be viewed on the Court's website www.labourcourt.ie. A synopsis of the Determinations will also be made available on the website.

DISPUTE REFERRALS: FIVE YEAR TREND 2008 – 2012

REFERRALS OF EMPLOYMENT DISPUTES

Labour Court

Year	No. of referrals
2012	1,181
2011	1,254
2010	1,452
2009	1,433
2008	1,179
5-year Average	1,299

INDUSTRIAL RELATIONS CLIMATE IN 2012

The number of days lost due to industrial disputes in 2012 was 8,486 compared with 3,695 for 2011.

There were 5 industrial disputes in 2012, affecting 1,920 workers and 5 firms.

Industrial disputes: Last 5 years

Category	2012	2011	2010	2009	2008
No. of Disputes	5	8	14	23	12
No. of Firms	5	8	14	168	10
No. of Workers	1920	1,384	511	278,228	356
No. of Days Lost	8486	3,695	6,602	329,706	4,179

Source: Central Statistics Office

OTHER ACTIVITIES

JOINT LABOUR COMMITTEES

What are Joint Labour Committees?

The Industrial Relations Acts 1946 to 2012 make provision for a system of Joint Labour Committees (JLCs), a mechanism designed to allow for the setting of statutory minimum rates of pay and conditions of employment in particular sectors.

A Joint Labour Committee may be established by the Labour Court in respect of a class or type of worker following an application by one of a number of parties designated in the relevant legislation. The Committee will be comprised of representatives of employers and workers in the relevant sector under an independent chairman. When it reaches agreement on terms and conditions, the JLC publishes details and invites submissions. Following consideration of any submissions, the Committee may make proposals to the Labour Court for making an Employment Regulation Order (see below).

The Labour Court supports the work of the JLCs by providing a Secretariat, accommodation and other facilities for their meetings.

At the end of 2012 there were 10 JLCs in existence – these are listed in Appendix 3.

Employment Regulation Orders (EROs)

An Employment Regulation Order is a statutory instrument, made by the Labour Court, setting out wages and conditions of employment applying to specified grades or categories of workers in a particular sector. The Court makes an ERO on foot of proposals received from the JLC for that sector.

The making of an ERO has the effect of making the wages and conditions contained in it legally enforceable: thus, a breach of the ERO may be investigated by the National Employment Rights Authority (NERA) and prosecuted by the Minister for Jobs, Enterprise and Innovation.

(See below for legislative changes to the making of an ERO which came into effect on 1 August 2012 under the Industrial Relations (Amendment) Act 2012.)

High Court ruling on the constitutionality of the making of EROs

A High Court ruling of 7 July 2011 (*John Grace Fried Chicken Ltd v Catering JLC & Ors*) found that the ERO wage-setting mechanism was unconstitutional. Consequently, all EROs were legally unenforceable. In response, the Minister for Jobs, Enterprise and Innovation undertook to carry out a reform of the JLC structure and to introduce legislation protecting the status of workers previously covered by the various EROs produced by the JLCs. As part of this process a review of the JLC structure commenced in 2012.

Activities in this area in 2012

There were no meetings held during 2012.

In the hairdressing area, there is provision in the relevant EROs for the registration by the JLC of learners (apprentices) in trades in that sector. The number of applications for the registration of learners in this trade, which registration is managed by the Labour Court, was 102 in 2012.

REGISTERED EMPLOYMENT AGREEMENTS

What are Registered Employment Agreements?

Employment agreements (as provided for in the Industrial Relations Acts 1946 to 2012) are agreements on pay and conditions of employment concluded by the two sides in an industry or enterprise. Any party to such an employment agreement may apply to the Labour Court to register the agreement in the *Register of Employment Agreements*.

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, and in respect of his or her employer, even if such worker or employer is not a party to the agreement.

If a registered employment agreement provides for variation of any of its provisions, any party to the agreement may apply to the Labour Court to vary the agreement as registered. If, after carrying out the required procedures, the Court thinks fit, it may make a Variation Order.

(See below for legislative changes to the registering of an REA which came into effect on 1 August 2012 under the Industrial Relations (Amendment) Act 2012.)

Registrations in 2012

At the end of 2012 there were 75 employment agreements on the Register maintained by the Court.

During 2012, 1 employment agreement was registered.

Details of the following employment agreements are available on the Labour Court website at www.labourcourt.ie

- Construction Industry (Wages and Conditions of Employment)
- Construction Industry (Pensions Assurance and Sick Pay)
- Electrical Contracting Industry
- Dublin and Dún Laoghaire Drapery, Footwear and Allied Trades
- Printing Industry (City and County of Dublin)
- Overhead Powerlines
- Contract Cleaning Industry

Breaches of Registered Employment Agreements

A complaint of a breach of a registered employment agreement may be made to the Labour Court under Section 32 of the Industrial Relations Act 1946 or Section 10 of the Industrial Relations Act 1969. Having examined the complaint, the Court may by order direct that specific things be done to comply with the Agreement. Failure to comply with such an Order may be prosecuted by the Minister for Jobs, Enterprise and Innovation.

In 2012, a total of 222 complaints of breaches of registered employment agreements were made to the Labour Court (see Appendix 1).

CHANGES UNDER THE INDUSTRIAL RELATIONS (AMENDMENT) ACT 2012

The Industrial Relations (Amendment) Act 2012 (which came into effect on 1 August 2012) made certain amendments in relation to Registered Employment Agreements and Employment Regulation Orders.

The effect of the amendments is that the Court cannot register an agreement unless it is satisfied that it is appropriate to do so by reference to listed criteria. Where the Court registers an agreement it is obliged to inform the Minister. The Minister may make an order confirming the terms of the agreement if he or she is satisfied that the statutory conditions of the Act have been complied with. Every order made by the Minister must be laid before each House of the Oireachtas and can be annulled by resolution of either House.

The Act also made changes in the law governing the making of Employment Regulation Orders. Many of the procedural changes mirror those provided for in relation to Registered Employment Agreements. They include a provision that Employment Regulation Orders will in future be made by Statutory Instrument laid before the Oireachtas following recommendation made to the Minister by the Court.

No Registered Employment Agreements or Employment Regulation Orders were made under the new provisions during 2012.

JOINT INDUSTRIAL COUNCILS

What are Joint Industrial Councils (JICs)?

A “*qualified Joint Industrial Council*” 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 Councils by making available an officer of the Court to act as secretary at their meetings.

At the end of 2012, there were 5 Joint Industrial Councils on the Register and, as required by Section 23(3) of the Industrial Relations Act 1946, details of these are included in Appendix 4.

Activities of registered JICs in 2012

The Joint Industrial Council for the Construction Industry held 2 meetings in 2012.
The Joint Industrial Council for the Contract Cleaning Industry held 1 meeting.

'Unregistered' JICs

Apart from the three bodies on the Register of Joint Industrial Councils, there are a number of other bodies which are engaged in similar activities but which have not applied for registration. The Labour Court also makes available an officer of the Court to act as secretary at meetings of such bodies, and officers of the Court attended meetings of the following 'unregistered' Joint Industrial Councils during 2012:

Electrical Contracting Industry (6 meetings)

State Industrial Employees (3 meetings)

WORKPLACE RELATIONS REFORM PROCESS

During 2012 work continued on the legislative programme of reform of the State's employment rights and industrial relations procedures. The aim is to establish a world-class workplace relations service and employment rights framework by streamlining the existing structures, procedures and mechanisms and establishing a simpler structure while building upon the recognised strengths of the existing systems. The overall objective of the reform is to encourage early resolution of disputes, the vindication of complainants'/employees' rights and minimisation of the costs involved for all parties in terms of money, time and workplace productivity.

In 2012, a number of reforms were introduced including the establishment of a Single Contact Portal and a Pilot Early Resolution Service and the launch of a Single Complaint Form and Website. This work is expected to continue with increased intensity in 2013 and the Labour Court is committed to full participation in achieving the aims of the reform project.

AN CHÚIRT OIBREACHAIS

THE LABOUR COURT

ANNUAL REPORT 2012 APPENDICES

APPENDIX 1

REFERRALS RECEIVED IN 2012

<i>Section /Act /Application</i>	2012	2011	Difference
Industrial Relations			
Section 32, Industrial Relations Act, 1946 (Complaint by a union of breach of REA)	170	163	+7
Section 33(1), Industrial Relations Act, 1946 (Interpretation of REA)	16	22	-6
Section 33(3), Industrial Relations Act, 1946 (Interpretation of REA – ref by Court of Law)	0	0	0
Section 43(1), Industrial Relations Act, 1990 (Interpretation of code of practice)	0	0	0
Section 57(1), Industrial Relations Act, 1946 (Question of scope of JLC or ERO)	0	2	-2
Section 10, Industrial Relations Act, 1969 (Complaint of breach of REA)	52	136	-84
Section 13(9), Industrial Relations Act, 1969 (Appeal against Rights Commissioner's Recommendation)	133	146	-13
Section 20(1), Industrial Relations Act, 1969 (Cases referred directly by the Union or workers - advance acceptance of Recommendation)	158	133	+25
Section 20(2), Industrial Relations Act, 1969 (Cases referred directly by the parties - advance acceptance of Recommendation)	3	6	-3
Section 26(1), Industrial Relations Act, 1990 (Cases referred to the Court by the LRC)	158	193	-35
Section 26(3), Industrial Relations Act, 1990 (Cases referred to the Court by the LRC without conciliation)	0	0	0
Section 26(5), Industrial Relations Act, 1990 (Cases referred to the Court in exceptional circumstances)	0	0	0
Section 2(1), Industrial Relations (Amendment) Act, 2001 as amended by Industrial Relations (Miscellaneous Provisions) Act, 2004 (Cases where negotiating procedures are not in place)	2	4	-2
Section 6(1), Industrial Relations (Amendment) Act, 2001 (Request for Determination in relation to Recommendation)	0	0	0
Section 10(1), Industrial Relations (Misc. Prov.) Act, 2004 (Appeal against Rights Commissioner's Decision – re victimisation)	1	0	0
Section 28(1) and Section 29(2), Industrial Relations Act, 1946 (Report of hearing REA variation and cancellation)	0	0	0
Section 7, Industrial Relations Act 1969 (interpretation re pay and conditions)	0	0	0
Total Industrial Relations Cases	693	805	-112
Equality			
Section 77(12), Employment Equality Act, 1998 (Appeal against decision of Director of Equality Tribunal - time limit)	6	2	+4
Section 83, Employment Equality Act, 1998 (Appeal against decision of Director of Equality Tribunal)	62	58	+4
Section 77A(2)(a), Employment Equality Acts, 1998 to 2008 (Appeal against Decision of Director of Equality Tribunal)	4	6	-2
Section 81(4), Pensions Act 1990 (Case referred to Court outside time limit)	1	1	0
Total Equality Cases	73	67	+6

Organisation of Working Time			
Section 28(1), Organisation of Working Time Act, 1997 (Appeal against a Rights Commissioner's decision)	169	119	+50
Section 28(8), Organisation of Working Time Act, 1997 (Complaint that Rights Commissioner's decision was not implemented)	104	130	-26
<i>Total Organisation of Working Time cases</i>	273	249	+24

REFERRALS RECEIVED IN 2012

APPENDIX 1 - continued

<i>Section / Act / Application</i>	2012	2011	Difference
National Minimum Wage			
Section 27(1), National Minimum Wage Act, 2000 (Appeal against decision of a Rights Commissioner)	30	13	+17
Section 31(1), National Minimum Wage Act, 2000 (Complaint that Rights Commissioner's decision was not implemented)	3	11	-8
Total National Minimum Wage cases	33	24	+9
Protection of Employees (Part-time Work)			
Section 17(1) Protection of Employees (Part-time Work) Act, 2001 (Appeal against decision of a Rights Commissioner)	12	13	-1
Section 17(8) Protection of Employees (Part-time Work) Act, 2001 (Complaint that Rights Commissioner's decision was not implemented)	0	0	0
Total Part-time Work cases	12	13	-1
Protection of Employees (Fixed-Term Work)			
Section 15(1) Protection of Employees (Fixed-Term Work) Act, 2003 (Appeal against decision of a Rights Commissioner)	62	51	+11
Section 15(8) Protection of Employees (Fixed-Term Work) Act, 2003 (Complaint that Rights Commissioner's decision was not implemented)	2	17	-15
Total Fixed Term Work cases	64	68	-4
Safety, Health and Welfare at Work			
Section 29(1) Safety, Health and Welfare at Work Act, 2005 (Appeal against decision of a Rights Commissioner)	19	25	-6
Section 29(8) Safety, Health and Welfare at Work Act, 2005 (Complaint by employee that Rights Commissioner's Decision has not been implemented)	2	0	+2
Total Safety, Health and Welfare cases	21	25	-4
Employee Information and Consultation			
Section 15(1) Employees (Provision of Information and Consultation) Act, 2006 (Cases referred directly to the Court)	0	1	-1
Section 15(2) Employees (Provision of Information and Consultation) Act, 2006	2	0	+2
Section 15(4) Employees (Provision of Information and Consultation) Act, 2006	1	0	+1
Section 15(5) Employees (Provision of Information and Consultation) Act, 2006	7	0	+7
Total Information and Consultation cases	10	1	+9
Exceptional Collective Redundancies			
Section 7(1)(a), Protection of Employment (Exceptional Collective Redundancies and Related Matters) (Request by Minister for opinion on Collective Redundancies)	1	0	+1
Total Exceptional Collective Redundancies Cases	1	0	+1
Health			

Section 55M(11) Health Act, 2004 (Appeal against Rights Commissioner's Decision under this Act)	1	2	-1
Total Health Cases	1	2	+1
TOTAL REFERRALS RECEIVED	1,181	1,254	-198

APPENDIX 2

CASES COMPLETED IN 2012

<i>Section / Act / Application</i>	2012	2011	Difference
Industrial Relations			
Section 32, Industrial Relations Act, 1946 (Complaint by a union of breach of REA)	116	164	-48
Section 33(1), Industrial Relations Act, 1946 (Interpretation of REA)	12	27	-15
Section 33(3), Industrial Relations Act, 1946 (Interpretation of REA – ref by Court of Law)	0	0	0
Section 10, Industrial Relations Act, 1969 (Complaint of breach of REA)	42	103	-61
Section 13(9), Industrial Relations Act, 1969 (Appeal against Rights Commissioner's Recommendation)	122	108	+14
Section 20(1), Industrial Relations Act, 1969 (Cases referred directly by the Union or workers- advance acceptance of Recommendation)	89	80	+9
Section 20(2), Industrial Relations Act, 1969 (Cases referred directly by the parties- advance acceptance of Recommendation)	1	7	-6
Section 26(1), Industrial Relations Act, 1990 (Cases referred to the Court by the LRC)	152	196	-44
Section 26(3), Industrial Relations Act, 1990 (Cases referred to the Court by the LRC without conciliation)	0	0	0
Section 26(5), Industrial Relations Act, 1990 (Cases referred to the Court in exceptional circumstances)	0	0	0
Section 43(1), Industrial Relations Act, 1990 (Interpretation of code of practice)	0	0	0
Section 43(2), Industrial Relations Act, 1990 Complaint of Breach of Code of Practice	0	0	0
Section 2(1), Industrial Relations (Amendment) Act, 2001 as amended by Industrial Relations (Miscellaneous Provisions) Act, 2004 (Cases where negotiating procedures are not in place)	1	3	-2
Section 6(1), Industrial Relations (Amendment) Act, 2001 (Request for Determination in relation to Recommendation)	0	0	0
Section 10(1), Industrial Relations (Misc. Prov.) Act, 2004 (Appeal against Rights Commissioner's Decision – re victimisation)	0	0	0
Section 28(1) and Section 29(2), Industrial Relations Act, 1946 (Report of hearing REA variation and cancellation)	0	0	0
Section 57(1), Industrial Relations Act, 1946 (Question re scope of JLC or ERO)	0	0	0
Section 7, Industrial Relations Act 1969 (interpretation re pay and conditions)	0	0	0
Total Industrial Relations Cases	535	688	-153
Equality			
Section 24, Employment Equality Act, 1977 (Complaint that Court's Determination not implemented)	0	0	0
Section 77(2), Employment Equality Act, 1998 (Cases re dismissal arising from discrimination or victimisation)	0	0	0
Section 77(12), Employment Equality Act, 1998 (Appeal against decision of Director of Equality Tribunal - time limit)	3	2	+1
Section 83, Employment Equality Act, 1998 (Appeal against decision of Director of Equality Tribunal)	40	49	-9
Section 77A(2)(a), Employment Equality Acts, 1998 to 2008	0	1	-1

Section 81(4), Pensions Act 1990 (Case referred to Court outside time limit)	1	0	+1
Total Equality Cases	44	52	-8

APPENDIX 2 - continued
CASES COMPLETED IN 2012 - continued

<i>Section / Act / Application</i>	2012	2011	Difference
Organisation of Working Time			
Section 28(1), Organisation of Working Time Act, 1997 (Appeal against a Rights Commissioner's decision)	115	76	+39
Section 28(8), Organisation of Working Time Act, 1997 (Complaint that Rights Commissioner's decision was not implemented)	97	131	-34
Total Organisation of Working Time Cases	212	207	+5
National Minimum Wage			
Section 27(1), National Minimum Wage Act, 2000 (Appeal against decision of a Rights Commissioner)	14	8	+6
Section 31(1), National Minimum Wage Act, 2000 (Complaint that Rights Commissioner's decision was not implemented)	2	12	-10
Total National Minimum Wage Cases	16	20	-4
Protection of Employees (Part-time Work)			
Section 17(1) Protection of Employees (Part-time Work) Act, 2001 (Appeal against decision of a Rights Commissioner)	14	5	+9
Section 17(8) Protection of Employees (Part-time Work) Act, 2001 (Complaint that Rights Commissioner's decision was not implemented)	0	0	0
Total Part-time Work Cases	14	5	+9
Protection of Employees (Fixed-Term Work)			
Section 15(1) Protection of Employees (Fixed-Term Work) Act, 2003 (Appeal against decision of a Rights Commissioner)	45	17	+28
Section 15(8) Protection of Employees (Fixed-Term Work) Act, 2003 (Complaint that Rights Commissioner's decision was not implemented)	3	14	-11
Total Fixed Term Work Cases	48	31	+17
Employee Safety, Health & Welfare			
Section 29(1) Safety, Health and Welfare at Work Act, 2005 (Appeal against decision of a Rights Commissioner)	10	14	-4
Section 29(8) Safety, Health and Welfare at Work Act, 2005 (Complaint by employee that Rights Commissioner's Decision has not been implemented)	2	0	+2
Total Safety, Health & Welfare Cases	12	14	-2
Employee Information and Consultation			
Section 15(1) Employees (Provision of Information and Consultation) Act, 2006 (Cases referred to the Court by LRC)	0	1	-1
Section 15(5) Employees (Provision of Information and Consultation) Act, 2006	1	0	+1
Total Information and Consultation Cases	1	1	0
Exceptional Collective Redundancies			
Section 7(1)(a), Protection of Employment (Exceptional Collective Redundancies and Related Matters) (Request by Minister for opinion on Collective Redundancies)	1	0	+1
Total Exceptional Collective Redundancies Cases	1	0	+1

Health			
Section 55M(11) Health Act, 2004 (Appeal against Rights Commissioner's Decision under this Act)	0	1	-1
Total Health Cases	0	1	-1
TOTAL	883	1,019	-136

APPENDIX 3

JOINT LABOUR COMMITTEES IN EXISTENCE AT 31 DECEMBER, 2012

1. Agricultural Workers Joint Labour Committee
2. Catering Joint Labour Committee
3. Catering Joint Labour Committee (County Borough of Dublin and Borough of Dún Laoghaire)
4. Contract Cleaning Joint Labour Committee
5. Hairdressing Joint Labour Committee
6. Hotels Joint Labour Committee
7. Hotels (for the areas known until 1st January 1994 as the County Borough of Dublin and the Borough of Dun Laoghaire) Joint Labour Committee
8. Law Clerks Joint Labour Committee
9. Retail Grocery and Allied Trades Joint Labour Committee
10. Security Industry Joint Labour Committee

APPENDIX 4

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) of the Industrial Relations Act 1946.

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

Date of Registration: 10th July 1948
Secretary: Ms C. Cronin/Ms C. O'Reilly
Labour Court

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

Date of Registration: 27th January 1964
Secretary: Ms C. Cronin/Ms C. O'Reilly
Labour Court

3. Joint Industrial Council for the Construction Industry

Date of Registration: 26th July 1965
Secretary: Ms C. Cronin/Ms C. O'Reilly
Labour Court

4. Joint Industrial Council for the Security Industry

Date of Registration: 12th December 2011
Secretary: Ms. C. Cronin/Ms C. O'Reilly
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
Labour Court

APPENDIX 5

FUNCTIONS OF THE LABOUR COURT

General Introduction

The Labour Court was established by the Industrial Relations Act of 1946 with functions designed to assist in the resolution of industrial relations issues. In the 65 years since it was set up, the role of the Court has evolved and expanded, principally by the addition in recent years of an adjudicative role in relation to a wide range of employment rights as set down in various statutes.

At this time, the role of the Court can be broadly divided as 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 referred to it under any of the employment rights Acts).

Industrial Relations

The involvement of the Labour Court in the industrial relations area is provided for in the Industrial Relations Acts 1946 to 2012 and it can take various forms, the main ones being as follows:

- *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 by the Labour Relations Commission (by way of conciliation meetings between the parties) to seek an agreed resolution. When a dispute is referred to the Court, it will hold a Hearing, following which it will issue a ‘*Recommendation*’ setting out the Court’s views as to what would represent a reasonable resolution of the issue(s) in dispute. The Recommendation is not binding on the parties but they would be expected to take due note of the Court’s views.

As an alternative to proceeding through conciliation with the Labour Relations Commission, disputes may be referred directly to the Court by one or both of the parties with advance agreement to be bound by the Court’s Recommendation.

There are special provisions relating to disputes where negotiating arrangements are not in place within the employment. In such a case, the Court will issue a Recommendation following its investigation and if the terms of the Recommendation are not complied with within a given period, the Court may on request issue an enforceable ‘*Determination*’.

- *Appeals of Rights Commissioners’ recommendations*

An industrial relations dispute involving one worker may be referred first to a Rights Commissioner for a Recommendation. The Rights Commissioner’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 earlier in this Annual Report. Generally, it will involve the registration by the Court of an agreement on pay and conditions which has been concluded by the two ‘sides’ in a sector or in an enterprise, with such registration having the effect of making the agreement legally enforceable. Complaints alleging breaches of a Registered Employment Agreement may be made to the Court whom, having examined the complaint, may make an Order directing that specified things be done to comply with the Agreement.

- Joint Labour Committees / Employment Regulation Orders

This area of the Labour Court’s activities is also described elsewhere in this Report. Briefly, the Court may on request establish a Joint Labour Committee in respect of a particular sector, with the Committee made up of representatives of the workers and employers in that sector and operating under an independent Chairman. The Committee will meet to discuss rates of pay and conditions to apply in the sector and may make proposals to the Labour Court to have the agreed rates and conditions incorporated in a legally enforceable instrument known as an ‘*Employment Regulation Order*’. Please refer to earlier note regarding the impact of the High Court ruling of July 2011 on the enforceability of EROs.

- Codes of Practice

The Industrial Relations Act 1990 makes provision for the preparation by the Labour Relations Commission of ‘*codes of practice*’ 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.

Employment rights

The main work for the Court in the area of employment rights involves acting as an appeal body in relation to decisions of other Employment Rights bodies whose function it is to investigate claims or complaints made under the relevant legislation.

- Employment Equality

Where a claim of discrimination in relation to employment has been made to the Director of the Equality Tribunal under the Employment Equality Acts 1998 to 2008, and the Director has issued a decision in relation to the claim, either of the parties may appeal that decision to the Labour Court. The Court will arrange a Hearing on the appeal and will issue a ‘*Determination*’.

- Other Employment Rights

In recent years, a wide range of employment rights has been set down in various Acts of the Oireachtas. Where a complaint has been made to a Rights Commissioner alleging a breach of any of the employment rights statutes listed below, the Decision of the Rights Commissioner may

be appealed to the Labour Court and the Court, having heard the parties, will issue a Determination.

Also, where an employer has failed to comply with the Decision of the Rights Commissioner in any case and hasn't appealed that Decision to the Labour Court, the worker may after a specified time complain to the Labour Court and the Court will issue an enforceable '*Determination*'.

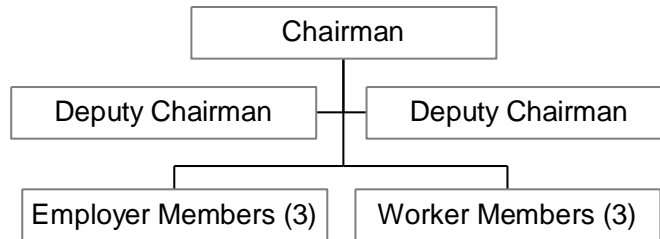
These functions of the Court arise mainly under the following Acts:

- the Organisation of Working Time Act 1997
- the National Minimum Wage Act 2000
- the Protection of Employees (Part-Time Work) Act 2001
- the Protection of Employees (Fixed-Term Work) Act 2003
- the Safety, Health and Welfare at Work Act 2005

APPENDIX 6

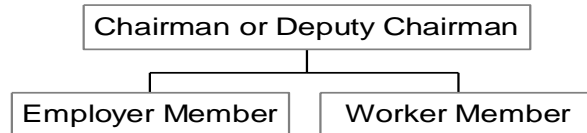
STRUCTURE OF THE LABOUR COURT AND LABOUR COURT ADMINISTRATION

The Labour Court consists of 9 members - a Chairman, 2 Deputy Chairmen and 6 ordinary Members (3 representing workers and 3 representing employers). The Labour Court also has a legal adviser who is known as the Registrar.



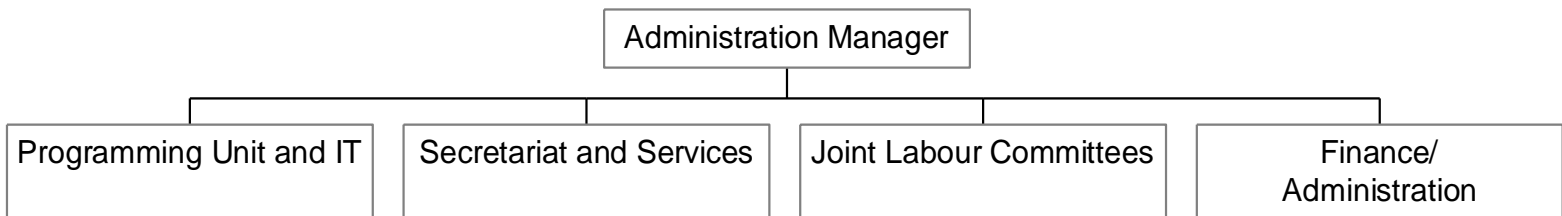
HEARINGS OF THE COURT

Each hearing of the Court is taken by a Division of the Court consisting of the Chairman or a Deputy Chairman of the Court, a Worker Member and an Employer Member



A Court Secretary also attends each hearing.

THE LABOUR COURT ADMINISTRATION



APPENDIX 7

FURTHER INFORMATION

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

The Labour Court
Tom Johnson House
Haddington Road
Dublin 4

Phone: (01) 613 6666
Lo-call number (if calling outside (01) area): 1890 22 02 28
Fax: (01) 613 6667

e-mail: info@labourcourt.ie
Website: www.labourcourt.ie

<u>Query</u>	<u>Relevant Section of the Labour Court</u>	<u>Contact</u>
About a particular case, <u>before</u> the hearing	Programming Section	(01) 6136608, 6136611, 6136650, 6136610
About a particular case, <u>after</u> the hearing	Relevant Court Secretary	As indicated at the hearing
<ul style="list-style-type: none">• Joint Labour Committees• Registered Employment Agreements• Employment Regulation Orders• National Minimum Wage• Hairdressing apprenticeship registrations	{ Joint Labour Committees/Joint Industrial Councils Section	(01) 6136638, 6136639, 6136640, 6136641, 6136642 e-mail: jlc@labourcourt.ie
General information about industrial relations, equality, organisation of working time, part-time work, fixed-term work	Workplace Relations Customer Services	1890 80 80 90

