



AN CHÚIRT OIBREACHAIS

THE LABOUR COURT

ANNUAL REPORT

2013



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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 Court experienced a decrease of 19% in the overall number of referrals received. There was a decrease of 20% in the number of referrals received under the Industrial Relations Acts 1946 – 2012. The number of appeals received under the various employment rights statutes within the Court's jurisdiction fell by 17% in this period. The decrease in the number of industrial relations referrals is mainly accounted for by a continuation of the general decline in the number of disputes between trade unions and employers concerning terms and conditions of employment which has been experienced in recent years. However, with the gradual improvement in the economy and increased participation in the workforce a reversal in this trend can be anticipated.

A development of major significance affecting the Court during the year arose from the decision of the Supreme Court in *McGowan v Labour Court & Ors* [2013] IESC 21, which was delivered in July 2013. In that decision the Supreme Court held that the statutory provisions under which Registered Employment Agreements (REAs) were universally applicable in the sectors to which they relate were repugnant to the Constitution and invalid. In consequence of this decision the Court could not continue to process complaints from trade unions or employers alleging a contravention of an REA. In previous years the Court had processed a significant number of these complaints under section 32 of the Industrial Relations Act 1946 and section 10 of the Industrial Relations Act 1969.

The striking down of the REA system has had serious consequence for pay determination in the sectors previously regulated by this system, principally construction and electrical contracting. It also has serious consequence on a broader level in that, unlike most European Countries, there is now no mechanism available in Ireland by which sectorial collective agreements concluded between representative trade unions and employer organisations can be given normative effect within the sector to which they relate. This can only have a destabilising effect on established sectorial negotiating structures in the industries previously covered by REAs and, potentially at least, could lead to increased incidents of disputes in individual employments within those sectors. With an expected upturn in construction and related activity, including electrical

contracting, the requirements of stable industrial relations make it particularly important that the long established machinery for the determination of pay and conditions of employment and dispute resolution in those sectors is not undermined.

In response to the situation that has developed the Department of Jobs, Enterprise and Innovation have indicated an intention to bring forward legislation directed at reintroducing a form of universally applicable sectorial pay determination arrangements that address the constitutional frailties of the previous system. We look forward to operating the new arrangements when they are introduced.

Overall, the general industrial relations situation in Ireland continues to be positive. The great majority of disputes between employers and trade unions are resolved through negotiation and, where necessary, with the assistance of the Court and the Labour Relations Commission. Nevertheless there were a higher number of days lost due to industrial disputes in 2013 than in recent years. During the year under review a total of 14,965 days were lost in consequence of 12 disputes involving 11,924 workers. That compares to 8,486 days lost in 2012, due to 5 disputes involving 1,920 workers.

In 2013 the Court worked closely with officials of the Department of Jobs Enterprise and Innovation in developing the Ministers proposals for a major overhaul of the State institutions for the resolution of disputes concerning statutory employment rights. Central to these proposals is the creation of a two tiered system involving a single first instance adjudication service to be provided through the new Workplace Relations Commission and a single appellate service provided by an expanded Labour Court. When fully implemented, these proposals will involve the transfer of all appellate functions currently exercisable by the Employment Appeals Tribunal to the Court. This will greatly expand the jurisdiction of the Court in the determination of employment rights disputes and will add significantly to the workload of the Court. Arrangements are underway to familiarise the members of the Court with the legislative provisions for which they will become responsible through the process of continuing professional development already in place for Court members.

Operational changes will also be required in the programming and managements of Court cases so as to ensure the efficiency and cost effectiveness of the new system. Some of these changes have already been introduced. The Court's website has been amalgamated with that of the other industrial relations / employment rights bodies in a new Workplace Relations website at www.workplacerelations.ie. A new centralised referral service has been put in place for all employment rights disputes and a new referral form is now in use for that purpose. The operation and effectiveness of these new arrangements is being closely monitored and adjustments made to overcome any initial difficulties identified.

The Court continues to strive to meet its mandate of providing a fair, independent and cost effective means of resolving workplace related disputes. Central to the Court's commitment is that it will provide a hearing date without undue delay and that it will deliver a decision or recommendation within a reasonable timeframe following the hearing. On average the Court can provide a hearing date within 13 weeks of referral and deliver a recommendation within three weeks from the date of hearing in industrial relations cases and a determination within six weeks of hearing in employment rights cases. Delay in providing a hearing is often caused by applications for adjournments which can have a disrupting effect on the operational efficiency of the Court and lead to an undesirable delay in the disposal of cases. Consequently the Court will only grant adjournments in exceptional circumstances and in compelling circumstances. Delays in issuing recommendations / determinations, where they occur, are frequently caused by a failure on the part of parties to provide the Court with all of the information that it requires in order to fairly dispose of a case. Consequently, the Court has put in place a process of case management directed at ensuring that the issues arising in the case are properly identified and addressed before the case proceeds to a hearing.

There were no changes in the membership of the Court in 2013.

I again wish to thank the Deputy Chairs, Members of the Court and the Administrative Staff, for their continued hard work and dedication in ensuring the success of the Court and the quality of the service that it provides. I also wish to thank the Minister for Jobs, Enterprise and Innovation, the Secretary General of the Department and the Officials of the Department for the

continued support that they provide to the Court. In particular, I wish to record that despite the ongoing constraints on this and all other Government Departments we have been provided with the financial and other resources necessary to properly fulfil our statutory mandate.

Kevin Duffy
Chairman

September 2014

MEMBERS OF THE LABOUR COURT IN 2013

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

HEADLINES 2013

In 2013, the Labour Court

- Received 957 referrals
- Held 737 hearings
- issued 655 Recommendations / Determinations / Decisions / Orders
- investigated 145 cases that were settled prior to or at a hearing

and

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

Work of the Labour Court in 2013 compared to 2012

Category	Number in 2013	Number in 2012
Referrals received	957	1181
Hearings	737	938
Recommendations etc. issued	655	691
Cases settled prior to / at Hearing	145	192
Collective Agreements approved:		
<i>Organisation of Working Time Act</i>	1	1
<i>Part-Time Work Act</i>	0	0
Employment Regulation Orders made	0	0
Joint Industrial Councils registered	0	0
Registered Employment Agreements:		
<i>Registrations</i>	0	1
<i>Variations</i>	0	0

OVERVIEW 2013

CASES REFERRED TO THE COURT IN 2013

Number of Referrals

	2013	2012	Difference
Industrial Relations	555	693	-138
Employment Rights	402	488	-86
Total	957	1,181	-224 (-19%)

Overall there was a 19% decrease in referrals to the Labour Court in 2013 compared to the previous year (from 1,181 to 957) with some sub-categories of referrals witnessing more significant change.

Referrals under the Industrial Relations Acts 1946 to 2012 accounted for 58% of total referrals. This class of referral showed an overall decrease of 138 or 20% compared to 2012 (555 referrals compared with 693 in 2012). The most significant change was in relation to referrals under Section 32 of the Industrial Relations Act 1969 which decreased from 170 in 2012 to 37 in 2013 and Section 10 of the Industrial Relations Act 1969 where referrals decreased from 52 in 2012 to 10 in 2013. This arose from a Supreme Court judgement on 9 May 2013 (which held that Part III of the Industrial Relations Act 1946 was invalid having regard to Article 15.2.1 of the Constitution) which meant that complaints of breaches of registered employment agreements under sections 32 of the 1946 Act and under section 10 of the Industrial Relations Act 1969 could not be accepted or processed by the Labour Court from 9 May 2013.

Within the sphere of Employment Rights legislation, referrals during the year accounted for 42% of cases coming to the Court and decreased by 86 (18%). While the overall number of referrals under Employment Rights legislation was broadly similar, some sub-categories witnessed more significant change. The most significant increase occurred in referrals arising from the introduction of the Protection of Employees (Temporary Agency Work) Act 2012 which gave rise to 25 referrals in 2013. There were also decreases in referrals under the National Minimum

Wage Act 2000 from 33 to 23 and decreases in referrals under the Protection of Employees (Fixed-Term Work) Act 2003 from 64 to 41.

Profile of Referrals – by Category

Category	2013	2012	Change
Industrial Relations	555	693	-138
Employment Rights:	402	488	-88
Equality	70	73	-3
Organisation of Working Time	207	273	-66
National Minimum Wage	23	33	-10
Part-Time Work	10	12	-2
Fixed-Term Work	41	64	-23
Safety, Health & Welfare at Work	21	21	0
Employee Information and Consultation	4	10	-6
Exceptional Collective Redundancies	0	1	-1
Health Act	0	1	-1
Temporary Agency Work	25	0	+25
Criminal Justice Act	1	0	+1
Total	957	1,181	

Categories of Referrals – as Proportion of Total Referrals

Category	2013	2012
Industrial Relations	58%	59%
Employment Rights:	42%	41%
Equality	7%	6%
Organisation of Working Time	22%	23%
National Minimum Wage	2%	3%
Part-time Work	1%	1%
Fixed-Term Work	4%	5%
Safety, Health & Welfare at Work	2%	2%
Information and Consultation	.4%	0.8%
Health Act	0	0.08%
Exceptional Collective Redundancies	0	0.08%
Temporary Agency Work	3%	
Criminal Justice Act	.1%	

Profile of Referrals – by Source

Source	2013	2012
Cases which had earlier involved Labour Relations Commission –	638	701
of which		
Referrals from conciliation services ¹	166	161
Referrals from advisory services ²	0	2
Appeal against Recommendation / Decision of Rights Commissioner/ Complaint that Rights Commissioners decision not implemented	472	538
Appeal against decision of Director of Equality Tribunal	70	72
Direct referrals ³	200	167
Other ⁴	49	241
Total	957	1,181

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.

2013 Overview – continued

CASES COMPLETED BY THE COURT IN 2013

Number of Cases Completed

2013	2012	Difference
800	883	-83

Profile of Completed Cases – by Category

CATEGORY	2013	2012	DIFFERENCE
Industrial Relations	492	535	-43
Equality	39	44	-5
Organisation of Working Time	179	212	-33
National Minimum Wage	14	16	-2
Part-Time Work	5	14	-9
Fixed Term Work	39	48	-9
Safety, Health & Welfare at Work	21	12	+9
Employee Information and Consultation	7	1	+6
Health Act	0	0	0
Exceptional Collective Redundancies	0	1	-1
Temporary Agency Work	4	0	+4
Total	800	883	-83

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

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 2013

The following shows the origins of cases heard by the Court in 2013, based on the address of the employer:

County	Number of cases in 2013
Carlow	5
Cavan	3
Clare	16
Cork	42
Donegal	2
Dublin	417
Galway	29
Kerry	17
Kildare	11
Kilkenny	12
Laois	7
Leitrim	1
Limerick	35
Longford	2
Louth	12
Mayo	12
Meath	6
Monaghan	10
Offaly	9
Roscommon	4
Sligo	4
Tipperary (NR)	13
Tipperary (SR)	9
Waterford	21
Westmeath	9
Wexford	22
Wicklow	6
Foreign	1
Total	737

INDUSTRIAL RELATIONS CASES IN 2013

INDUSTRIAL RELATIONS CASES REFERRED TO THE COURT

Number of Industrial Relations Referrals Received

2013	2012	Difference
555	693	-138

The number of referrals under the Industrial Relations Acts 1946 to 2012 decreased by 20% to 555.

While most categories remained fairly constant, there were some exceptions to the 2012 trend. Proportionately the most significant change was in relation to referrals under Section 32 of the Industrial Relations Act 1969 which decreased from 170 in 2012 to 37 in 2013 and Section 10 of the Industrial Relations Act 1969 where referrals decreased from 52 in 2012 to 10 in 2013. This arose from a Supreme Court judgement on 9 May 2013 which held that Part III of the Industrial Relations Act 1946 was invalid having regard to Article 15.2.1 of the Constitution.

There was also an increase in referrals received under Section 20(1) of the Industrial Relations Act 1969 which increased from 158 to 192 - an increase of 21%.

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

Profile of Industrial Relations Cases Received

Source	2013	2012	Difference
Referrals from LRC (conciliation)*	166	158	+ 8
Appeals of Recommendations of Rights Commissioners	144	133	+11
Complaint by employer body of breach of REA	10	52	-42
Complaint by union of breach of REA	37	170	-133
Direct referral – advance acceptance of Recommendation	196	161	+35
Direct referral where no negotiating procedures in place	0	2	-2
Interpretation of Registered Employment Agreement/ Scope of Joint Labour Committee or of Employment Regulation Order	2	16	-14

* 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

2013	2012	Difference
492	535	-43

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 101 appeals of such recommendations in 2013; a further 8 cases were settled prior to or at the Labour Court hearing.

Sources of Industrial Relations Appeals

Appeal by	2013	2012
Worker	77 (76%)	66 (63%)
Employer	23 (23%)	38 (37%)
Both sides	1 (1%)	0
Total	101	104

Outcome of Industrial Relations Appeals

Outcome of Appeal	2013	2012
Rights Commissioner's recommendation upheld	45 (45 %)	41 (39%)
Rights Commissioner's recommendation varied/amended	47 (46%)	55 (53%)
Rights Commissioner's recommendation overturned	9 (9%)	8 (8%)
Other		0
Total	101	104

EQUALITY CASES IN 2013

EQUALITY CASES REFERRED TO THE COURT

Number of Equality Referrals

Category	2013	2012	Difference
Appeal of decision of Director of Equality Tribunal	67	66	+1
Appeal of decision of Director of Equality Tribunal re time limit	3	6	-3
Appeal under Pensions Act	0	1	-1
Total	70	73	-3

The number of referral to the Court under equality legislation decreased by 3 to 70.

Discriminatory Grounds Cited in Equality Appeals Referred

In the 66 appeals under Section 83 of the Employment Equality Acts 1998 to 2012, eight 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	25	9	10	21	1	8	2	0

Number of grounds cited per appeal referred to the Court

Single ground cited	52 appeals
Two grounds cited	15 appeals
Three or more grounds cited	6 appeals

EQUALITY CASES COMPLETED BY THE COURT

Number of Equality Cases Completed

Type/source	2013	2012	Difference
Dismissal (direct referral by individual(s))	0	1	-1
Appeals	39	43	-4
Total	39	44	-5

Source and Outcome of Appeal Cases

Of the 39 equality appeal cases completed by the Court in 2013, 3 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 36 cases in which the Court issued a Determination:

Source of Appeals

Appeal by	2013	2012
Worker	25	18
Employer	10	11
Both sides	1	nil
Total	36	29

Outcome of Appeals

	2013	2012
Decision of Director of Equality Tribunal affirmed	22	16
Decision of Director overturned	7	5
Decision of Director varied	7	8
Other		0
Total	36	29

The text of each of these Determinations can be viewed on the Court's website www.workplacerelations.ie

ORGANISATION OF WORKING TIME CASES IN 2013

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 2013

The Labour Court received and approved one collective agreement in 2013.

WORKING TIME CASES REFERRED TO THE COURT

Number and Categories of Referrals

Category	2013	2012	Difference
Appeals of decisions of Rights Commissioners	107	169	-62
Complaints that decisions of Rights Commissioners were not implemented	100	104	-4
Total	207	273	-66

WORKING TIME CASES COMPLETED BY THE COURT

Number Completed - by Category

Category	2013	2012	Difference
Appeals of decisions of Rights Commissioners	84	115	-31
Complaints that decisions of Rights Commissioners were not implemented	95	97	-2
Total	179	212	-33

Appeals Completed - Source and Outcome

Of the 84 appeals completed, 9 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 75 cases in which the Court issued a Determination.

Source of Appeals

	2013	2012
Appeal by Employer	32 (43%)	39 (44%)
Appeal by Worker(s)	43 (57%)	49 (56%)
Appeal by Both	0	0
Total	75	88

Outcome of Appeals

	2013	2012
Rights Commissioner decision upheld	38 (50%)	43 (49%)
Rights Commissioner decision varied/amended	20 (27%)	31 (35%)
Rights Commissioner decision overturned	17 (23%)	14 (16%)
Total	75	88

The text of each of these Determinations can be viewed on the Court's website www.workplacereactions.ie

NATIONAL MINIMUM WAGE CASES IN 2013

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	2013	2012	Difference
Appeals of decisions of Rights Commissioners	16	30	-14
Complaints that decisions of Rights Commissioners were not implemented	7	3	+4
Applications for exemption from the provisions of the Act	0	0	0
Total	23	33	-10

MINIMUM WAGE CASES COMPLETED BY COURT

Number of Cases Completed by Category

Category	2013	2012	Difference
Appeals of decision of Rights Commissioners	8	14	-6
Complaints that decisions of Rights Commissioners not implemented	6	2	+4
Total	14	16	-2

The text of each of these Determinations can be viewed on the Court's website www.workplacerelations.ie

PROTECTION OF EMPLOYEES (PART-TIME WORK) CASES IN 2013

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 2013.

PART-TIME WORK CASES REFERRED TO THE COURT IN 2013

Number and Categories of Referrals

Category	Number of Referrals		
	2013	2012	Difference
Appeals of decisions of Rights Commissioners	10	12	-2
Complaints that decisions of Rights Commissioners were not implemented	0	0	0
Total	10	12	-2

PART-TIME WORK CASES COMPLETED BY THE COURT IN 2013

Number of Cases Completed - by Category

Category	2013	2012	Difference
Appeals of decisions of Rights Commissioners	5	14	-9
Complaints that decisions of Rights Commissioners were not implemented	0	0	0
Total	5	14	-9

The text of each of these Determinations can be viewed on the Court's website www.workplacerelations.ie

A synopsis of the Determinations will also be made available on the website.

PROTECTION OF EMPLOYEES (FIXED-TERM WORK) CASES IN 2013

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 2013

Number and Categories of Referrals

Category	Number of Referrals		
	2013	2012	Difference
Appeals of decisions of Rights Commissioners	37	62	-25
Complaints that decisions of Rights Commissioners not implemented	4	2	+2
Total	41	64	-23

FIXED-TERM WORK CASES COMPLETED BY THE COURT IN 2013

Number of Cases Completed - by Category

Category	2013	2012	Difference
Appeals of decisions of Rights Commissioners	37	45	-8
Complaints that decisions of Rights Commissioners were not implemented	2	3	-1
Total	39	48	-9

Appeals Completed - Source and Outcome

Of the 37 appeals completed by the Court, 6 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 31 cases in which the Court issued a Determination.

Source of appeal	2013	2012
Appeal by Employer	9 (29%)	14 (35%)
Appeal by Worker(s)	22 (71%)	18 (45%)
Appeal by Both		8 (20%)
Total	31	40

Outcome of appeal	2013	2012
Rights Commissioner decision upheld	16	15
Rights Commissioner decision varied/amended	6	19
Rights Commissioner decision set aside	9	6
Total	31	40

The text of each of the cases in which the Court issued a Determination can be viewed on the Court's website www.workplacerelations.ie

A synopsis of the Determinations will also be made available on the website.

SAFETY, HEALTH AND WELFARE AT WORK CASES IN 2013

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 2013

Number and Categories of Referrals

Category	Number of Referrals		
	2013	2012	Difference
Appeals of decisions of Rights Commissioners	19	19	0
Complaints that decisions of Rights Commissioners not implemented	2	2	0
Total	21	21	0

SAFETY, HEALTH AND WELFARE CASES COMPLETED BY THE COURT IN 2013

Number of Cases Completed - by Category

Category	2013	2012	Difference
Appeals of decisions of Rights Commissioners	21	10	+11
Complaints that decisions of Rights Commissioners were not implemented	0	2	-2
Total	21	12	+9

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

DISPUTE REFERRALS: FIVE YEAR TREND 2009 – 2013

REFERRALS OF EMPLOYMENT DISPUTES

Labour Court

Year	No. of referrals
2013	957
2012	1,181
2011	1,254
2010	1,452
2009	1,433
5-year Average	1,255

INDUSTRIAL RELATIONS CLIMATE IN 2013

The number of days lost due to industrial disputes in 2013 was 14,965 compared with 8486 for 2012.

There were 12 industrial disputes in 2013, affecting 11,924 workers and 12 firms.

Industrial disputes: Last 5 years

Category	2013	2012	2011	2010	2009
No. of Disputes	12	5	8	14	23
No. of Firms	12	5	8	14	168
No. of Workers	11,924	1,920	1,384	511	278,228
No. of Days Lost	14,965	8,486	3,695	6,602	329,706

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 is 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 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.

A High Court ruling in July 2011, which held the wage setting mechanism operated by the JLCs to be unconstitutional, caused the cessation of JLC activity in 2013.

Reform of Joint Labour Committees

Section 41A of Industrial Relations Act 1946 (inserted by Section 11 of the Industrial Relations (Amendment) Act 2012) provides that reviews of each Joint Labour Committee (JLC) will be carried out by the Labour Court, as soon as practicable after the commencement of the Act, and at least once every five years thereafter. In 2013 the Labour Court undertook such a review. In its review the Labour Court considered whether any JLC should be abolished, maintained in its current form, amalgamated with another JLC or have its establishment order amended. The Labour Court submitted its report to the Minister during 2013.

The Report recommended that the overall number of JLCs be reduced and that the scope of others be amended to take into account the changing circumstances of the sectors within which those JLCs operate.

On 1 October 2013 the Minister for Jobs, Enterprise and Innovation, published the Report of the Labour Court's Review of the Joint Labour Committee system accepting the recommendations contained in the Report. The report recommended the abolishment of the Dublin Hotels and the Law Clerks JLCs, the narrowing of the scope of the Agricultural, Hairdressing, Retail Grocery, Hotels (outside Dublin), Contract Cleaning and Security JLCs and the amending of the administration of the two Catering JLCs pending their amalgamation following amended legislation. In the latter context, the Minister also stated his intention to look at applying the Hairdressing JLC country-wide once the necessary legislation was passed.

Employment Regulation Orders (EROs)

An Employment Regulation Order 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 and which have been adopted by the Labour Court, the Minister for Jobs, Enterprise and Innovation makes an ERO confirming the terms of the ERO if he is satisfied that the statutory conditions 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 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.

Activities in this area in 2013

There were no Joint Labour Committee meetings held during 2013 and no Employment Regulation Orders were made under the new provisions.

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 152 in 2013.

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.

The Industrial Relations (Amendment) Act 2012 made certain amendments in relation to Registered Employment Agreements. 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 for Jobs, Enterprise and Innovation. The Minister may make an order confirming the terms of the agreement if he 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.

Registrations in 2013

No Registered Employment Agreements were made under the new provisions during 2013.

Details of the following employment agreements are available on the workplace relations website at www.workplacerelements.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 2013, a total of 47 complaints of breaches of registered employment agreements were made to the Labour Court (see Appendix 1).

A Supreme Court judgement on 9 May 2013 held that Part III of the Industrial Relations Act 1946 was invalid having regard to Article 15.2.1 of the Constitution. The effect of this decision was to invalidate the registration of employment agreements previously registered under that Act. In consequence the Court no longer had jurisdiction to enforce, interpret or otherwise apply these agreements. This meant that complaints of breaches of registered employment agreements under sections 32 of the 1946 Act and under section 10 of the Industrial Relations Act 1969, which relate to agreements which were registered under the invalid provisions of the 1946 Act, could not be accepted or processed by the Labour Court from 9 May 2013.

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 2013, 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 3.

Activities of registered JICs in 2013

The Joint Industrial Council for the Construction Industry held 3 meetings in 2013.

'Unregistered' JICs

Apart from the 5 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 2013:

Electrical Contracting Industry (8 meetings)

State Industrial Employees (3 meetings)

SUPPORT SERVICES

SUPPORT SERVICES IN 2013

Financial Management

The Labour Court is funded by the Exchequer, through the Department of Jobs, Enterprise and Innovation. Expenditure totalling € 2.22m was incurred by the Court during 2013. This comprised €1.9m in respect of pay and €0.32m 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 the Court also availed of drawdown from the Department in such areas as training, office supplies and equipment. Expenditure is monitored constantly and is reviewed on a monthly basis.

For details see Appendix 7: Financial Report for 2013.

Customer Service

The Court's Customer Service Charter outlines its commitment to providing a quality customer service, based on the principles of quality customer service for the Public Service and the Civil Service Code of Standards and Behaviour endorsed by the Government. The Court considers that it met the commitments undertaken in the Customer Service Charter.

Memorandum of Understanding

In 2013 the Labour Court prepared a Memorandum of Understanding (MOU) with its parent Department (Department of Jobs, Enterprise & Innovation) 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 8 and in accordance with all relevant legislation.

Workplace Relations Reform Programme

In July 2011, the Minister for Jobs, Enterprise and Innovation announced a programme to reform the State's workplace relations/employment rights and industrial relations structures and frameworks. This programme will establish a two-tier Workplace Relations structure by merging the activities of the National Employment Rights Authority, the Labour Relations Commission, the Equality Tribunal and the first instance functions of the Labour Court and the Employment Appeals Tribunal into a new Body of First Instance - the Workplace Relations Commission (WRC). The appellate functions of the Employment Appeals Tribunal will be incorporated into an expanded Labour Court.

All first instance complaints will be made to the Workplace Relations Commission where three options for resolving complaints will be available – early resolution, inspection and adjudication. All appeals will be to the Labour Court with the only further appeal being to the High Court on a point of law.

The Labour Court will be retained as a stand-alone statutory body and will be the single appellate body to deal with all appeals from the WRC. The Labour Court will continue to deliver all of its existing services (other than the small number of first instance functions transferring to the WRC) in addition to taking on the appellate functions of the EAT.

AN CHÚIRT OIBREACHAIS

THE LABOUR COURT

ANNUAL REPORT 2013 APPENDICES

APPENDIX 1

REFERRALS RECEIVED IN 2013

<i>Section /Act /Application</i>	2013	2012	Difference
Industrial Relations			
Section 32, Industrial Relations Act, 1946 (Complaint by a union of breach of REA)	37	170	-133
Section 33(1), Industrial Relations Act, 1946 (Interpretation of REA)	2	16	-14
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	0	0
Section 10, Industrial Relations Act, 1969 (Complaint of breach of REA)	10	52	-42
Section 13(9), Industrial Relations Act, 1969 (Appeal against Rights Commissioner's Recommendation)	144	133	+11
Section 20(1), Industrial Relations Act, 1969 (Cases referred directly by the Union or workers - advance acceptance of Recommendation)	192	158	+34
Section 20(2), Industrial Relations Act, 1969 (Cases referred directly by the parties - advance acceptance of Recommendation)	4	3	+2
Section 26(1), Industrial Relations Act, 1990 (Cases referred to the Court by the LRC)	166	158	+8
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)	0	2	-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	1	-1
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	555	693	-137
Equality			
Section 77(12), Employment Equality Act, 1998 (Appeal against decision of Director of Equality Tribunal - time limit)	3	6	-3
Section 83, Employment Equality Act, 1998 (Appeal against decision of Director of Equality Tribunal)	66	62	+4
Section 77A(2)(a), Employment Equality Acts, 1998 to 2008 (Appeal against Decision of Director of Equality Tribunal)	1	4	-3
Section 81(4), Pensions Act 1990 (Case referred to Court outside time limit)	0	1	-1
Total Equality Cases	70	73	-3

Organisation of Working Time			
Section 28(1), Organisation of Working Time Act, 1997 (Appeal against a Rights Commissioner's decision)	107	169	-62
Section 28(8), Organisation of Working Time Act, 1997 (Complaint that Rights Commissioner's decision was not implemented)	100	104	-4
Total Organisation of Working Time cases	207	273	-66

Temporary Agency Work			
Section 25(2) Protection of Employees (Temporary Agency Work) Act 2012	24	0	+24
Section 25(3) Protection of Employees (Temporary Agency Work) Act 2012	1	0	+1
Total Temporary Agency Work cases	25	0	+25

Protected Disclosure Criminal Justice Act			
Section 20 (2)	1	0	
Total Protected Disclosure Criminal Justice Act	1	0	

<i>Section / Act / Application</i>	2013	2012	Difference
National Minimum Wage			
Section 27(1), National Minimum Wage Act, 2000 (Appeal against decision of a Rights Commissioner)	16	30	-14
Section 31(1), National Minimum Wage Act, 2000 (Complaint that Rights Commissioner's decision was not implemented)	7	3	+4
Total National Minimum Wage cases	23	33	-10
Protection of Employees (Part-time Work)			
Section 17(1) Protection of Employees (Part-time Work) Act, 2001 (Appeal against decision of a Rights Commissioner)	10	12	-2
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	10	12	-2
Protection of Employees (Fixed-Term Work)			
Section 15(1) Protection of Employees (Fixed-Term Work) Act, 2003 (Appeal against decision of a Rights Commissioner)	37	62	-25
Section 15(8) Protection of Employees (Fixed-Term Work) Act, 2003 (Complaint that Rights Commissioner's decision was not implemented)	4	2	+2
Total Fixed Term Work cases	41	64	-23
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	19	0
Section 29(8) Safety, Health and Welfare at Work Act, 2005 (Complaint by employee that Rights Commissioner's Decision has not been implemented)	2	2	0
Total Safety, Health and Welfare cases	21	21	0
Employee Information and Consultation			
Section 15(1) Employees (Provision of Information and Consultation) Act, 2006 (Cases referred directly to the Court)	0	0	0
Section 15(2) Employees (Provision of Information and Consultation)	0	2	-2

Act, 2006			
Section 15(4) Employees (Provision of Information and Consultation) Act, 2006	0	1	-1
Section 15(5) Employees (Provision of Information and Consultation) Act, 2006	4	7	-3
Total Information and Consultation cases	4	10	-6
Exceptional Collective Redundancies			
Section 7(1)(a), Protection of Employment (Exceptional Collective Redundancies and Related Matters) (Request by Minister for opinion on Collective Redundancies)	0	1	-1
Total Exceptional Collective Redundancies Cases	0	1	-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 REFERRALS RECEIVED	957	1,181	-224

APPENDIX 2

CASES COMPLETED IN 2013

<i>Section / Act / Application</i>	2013	2012	Difference
Industrial Relations			
Section 32, Industrial Relations Act, 1946 (Complaint by a union of breach of REA)	76	116	-40
Section 33(1), Industrial Relations Act, 1946 (Interpretation of REA)	2	12	-10
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)	33	42	-9
Section 13(9), Industrial Relations Act, 1969 (Appeal against Rights Commissioner's Recommendation)	109	122	-13
Section 20(1), Industrial Relations Act, 1969 (Cases referred directly by the Union or workers- advance acceptance of Recommendation)	131	89	+42
Section 20(2), Industrial Relations Act, 1969 (Cases referred directly by the parties- advance acceptance of Recommendation)	5	1	+4
Section 26(1), Industrial Relations Act, 1990 (Cases referred to the Court by the LRC)	136	152	-16
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)	0	1	-1
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	492	535	-43
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)	2	3	-1
Section 83, Employment Equality Act, 1998 (Appeal against decision of Director of Equality Tribunal)	37	40	-3
Section 77A(2)(a), Employment Equality Acts, 1998 to 2008	0	0	0

Section 81(4), Pensions Act 1990 (Case referred to Court outside time limit)	0	1		-1
Total Equality Cases	39	44		-5

APPENDIX 2 - continued
CASES COMPLETED IN 2013 - continued

<i>Section / Act / Application</i>	2013	2012	Difference
Organisation of Working Time			
Section 28(1), Organisation of Working Time Act, 1997 (Appeal against a Rights Commissioner's decision)	84	115	-31
Section 28(8), Organisation of Working Time Act, 1997 (Complaint that Rights Commissioner's decision was not implemented)	95	97	-2
Total Organisation of Working Time Cases	179	212	-33
National Minimum Wage			
Section 27(1), National Minimum Wage Act, 2000 (Appeal against decision of a Rights Commissioner)	8	14	-6
Section 31(1), National Minimum Wage Act, 2000 (Complaint that Rights Commissioner's decision was not implemented)	6	2	+4
Total National Minimum Wage Cases	14	16	-2
Protection of Employees (Part-time Work)			
Section 17(1) Protection of Employees (Part-time Work) Act, 2001 (Appeal against decision of a Rights Commissioner)	5	14	-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	5	14	-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)	37	45	-8
Section 15(8) Protection of Employees (Fixed-Term Work) Act, 2003 (Complaint that Rights Commissioner's decision was not implemented)	2	3	-1
Total Fixed Term Work Cases	39	48	-9
Employee Safety, Health & Welfare			
Section 29(1) Safety, Health and Welfare at Work Act, 2005 (Appeal against decision of a Rights Commissioner)	21	10	+11
Section 29(8) Safety, Health and Welfare at Work Act, 2005 (Complaint by employee that Rights Commissioner's Decision has not been implemented)	0	2	-2
Total Safety, Health & Welfare Cases	21	12	+9
Employee Information and Consultation			
Section 15 Employees (Provision of Information and Consultation) Act, 2006	7	0	0
Total Information and Consultation Cases	7	1	+6
Exceptional Collective Redundancies			
Section 7(1)(a), Protection of Employment (Exceptional Collective Redundancies and Related Matters) (Request by Minister for opinion on Collective Redundancies)	0	1	-1
Total Exceptional Collective Redundancies Cases	0	1	-1
Health			
Section 55M(11) Health Act, 2004 (Appeal against Rights Commissioner's Decision under this Act)	0	0	0
Total Health Cases	0	0	

Temporary Agency Work			
Section 25(2) Protection of Employees (Temporary Agency Work) Act 2012	3	0	+3
Section 25(3) Protection of Employees (Temporary Agency Work) Act 2012	1	0	+1
Total Temporary Agency Work cases	4	0	
Total	800	883	

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) 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 4

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 68 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, 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*’.

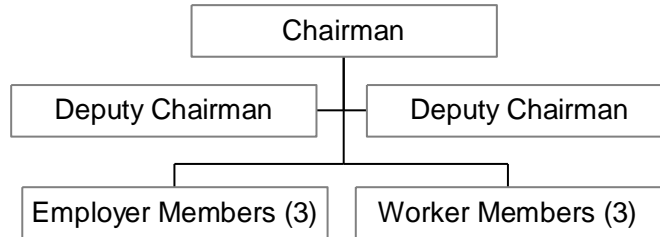
These functions of the Court arise mainly under the following Acts:

- 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 5

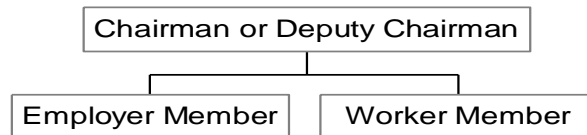
STRUCTURE OF THE LABOUR COURT AND LABOUR COURT ADMINISTRATION

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.



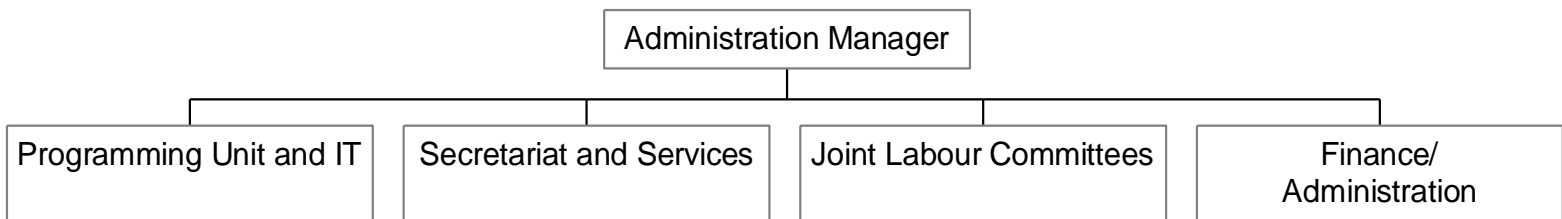
HEARINGS OF THE COURT

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 6

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.workplacerelations.ie

Query	Relevant Section of the Labour Court	Contact
About a particular case, <u>before</u> the hearing	Programming Section	(01) 6136608, 6136626, 6136610,
About a particular case, <u>after</u> the hearing	Relevant Court Secretary	As indicated at the hearing
Joint Labour Committees Registered Employment Agreements Employment Regulation Orders National Minimum Wage Hairdressing apprenticeship registrations	Joint Labour Committees/ Joint Industrial Councils Section	(01) 6136631, 6136632, 6136626 6136629 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

APPENDIX 7

FINANCIAL REPORT FOR 2013

Financial Report for 2013	€
Pay:	1,904,000
Non-pay:	323,000
TOTAL	2,227,000

The main areas of non-pay expenditure were as follows:	
	€
Post/Telephones	98,705
Office Equipment & Supplies	41,440
Office Premises	76,988

Expenditure on casework which required hearings to be conducted in locations outside the Labour Court's headquarters gave rise to expenditure of €67,000.

Prompt payments

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. In accordance with Government decision S29296 of 2 March 2011, the Labour Court is committed to making every effort to pay suppliers within 15 days of receipt of a valid invoice. Where necessary, prompt payment interest will be paid in accordance with guidelines issued by the Department of Jobs, Enterprise & Innovation.

APPENDIX 8

LABOUR COURT WORK PROGRAMME FOR 2013 KEY ACTIONS AND PERFORMANCE INDICATORS

Action	Performance in 2013
Work in liaison with the Reform Project Office to implement and embed the early win initiatives under the Reform Programme	Labour Court website closed down following Workplace Relations website launch in 2013
Liaise effectively with the Project Office on, and contribute resources to, the further streamlining of existing workplace relations complaints processing and hearings scheduling and management	Business processes kept under review Input given to the procurement process for Customer Relationship Management System (CRMS)
Liaise effectively with the Project Office on, and contribute resources to, the implementation of the Workplace Relations (Reform) Bill.	Staff redeployments took place as required in 2013
The effective and efficient receipt and registration of complaints, appeals and dispute referrals	Target met for registering of complaints/appeals within 5 working days of receipt Target met for issuing of acknowledgements to Complainants and notifications to Respondents within 5 working days of receipt of appeals/referrals met
Provide for the effective and efficient hearing of, and issue of determinations on, complaints, appeals and dispute referrals	Targets met for Court hearings in relation to <ul style="list-style-type: none"> • setting of hearing dates and holding of hearings • issuing of determinations • publishing of Determinations on website Synopsises of employment rights cases involving points of law published in 2013

Action	Performance in 2013
Continued professional development programme for Court Members	3 conferences attended in 2013
Review of JLCs Provide secretariat to JLCs	Notice to review published; review carried out within 6 weeks of date specified for receipt of submissions; copy of recommendations for JLCs forwarded to the Minister within 1 week Secretariat provided as required in 2013
The effective and efficient receipt of and deciding on proposals for, and applications to vary or cancel, EROs	JLCs not in operation for most of 2013
Decide applications to register/cancel registration of JICs Provide secretariat to JICs	No new or cancellations of JICs in 2013 Secretariat provided as required
The effective and efficient receipt of and deciding on proposals to register, vary or review employment agreements	No new or varied REAs in 2013.
Manage scheme of registration of hairdressing apprentices	Target met for registration of apprenticeships and issuing of confirmation letters to prospective emigrants