



AN CHÚIRT OIBREACHAIS

THE LABOUR COURT

ANNUAL REPORT

2014



AN CHÚIRT OIBREACHAIS

THE LABOUR COURT

ANNUAL REPORT 2014

**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”

CONTENTS	Page
Chairman’s Foreword	4
Members of the Labour Court in 2014	8
Headlines 2014	9
Overview 2014	10
<i>Cases referred</i>	10
<i>Cases Completed</i>	14
<i>Hearings</i>	15
Cases before the Court in 2014	16
<i>Industrial Relations cases</i>	16
<i>Equality cases</i>	18
<i>Organisation of Working Time cases</i>	20
<i>National Minimum Wage cases</i>	22
<i>Protection of Employees (Part-Time Work) cases</i>	23
<i>Protection of Employees (Fixed-Term Work) cases</i>	25
<i>Safety, Health and Welfare at Work cases</i>	27
Five Year Trend in Dispute Referrals	28
Industrial Relations Climate in 2014	28
Other Activities	29
<i>Joint Labour Committees</i>	31
<i>Registered Employment Agreements</i>	33
<i>Joint Industrial Councils</i>	35
Support Services	37
Appendices	37
Appendix 1 - Referrals Received in 2014	38
Appendix 2 - Cases Completed in 2014	41
Appendix 3 - Joint Industrial Councils	45
Appendix 4 - Functions of the Labour Court	46
Appendix 5 - Structure of the Labour Court	49
Appendix 6 - Further Information	50
Appendix 7 - Financial Report 2014	51
Appendix 8 - Labour Court Work Programme 2014	52

CHAIRMAN'S FOREWORD

Overview

While the number of days lost due to industrial disputes during the year under review increased compared to 2013, the industrial relations environment overall remained relatively stable.

In 2014 there were 14 work stoppages resulting a loss of 44,015 days. That compares to 12 stoppages in 2013 resulting in a loss of 14,965 days. The increase in 2014 was mainly accounted for by a work stoppage involving secondary teachers in December. That is reflected in the fact that of the total number of days lost in the full year, 23,770 were in the Education Sector.

Elsewhere in the Public Sector significant change continues to be achieved in working arrangements and service delivery without any disruption, largely due to the effective use of the dispute resolution procedures provided by the Public Service Stability Agreement 2013-2016 (the Haddington Road Agreement). Under that agreement the parties are committed to refer issues in disputes that cannot otherwise be resolved, to the Court for adjudication, the outcome of which is binding on all parties. While these referrals are made under section 26(1) of the Industrial Relations Act 1990 and the Court issues a 'recommendation' to the parties, under the terms of the Haddington Road Agreement the parties are committed to accepting the Court's recommendations. The Court's experience indicates a high level of support by Public Sector workers, their trade unions and employers for these agreed arrangements, which are underpinned by a commitment to the maintenance of industrial peace for the duration of the agreement.

In the year under review the overall number of referrals to the Court declined from 967 in 2013 to 849 in 2014. The most significant change was in respect to industrial relations disputes, where 86 fewer referrals were received compared to the previous year. There were 22 fewer appeals referred to the Court under employment rights legislation.

Time Frames

The Court's statutory mandate is to provide a fair, independent and cost effective means of resolving workplace related disputes. The Court remains committed to providing 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. The Court meets that target in 80% of cases. Delay in providing a hearing date is most 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 and 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. The Court continues to employ a number of case management systems directed at ensuring that all issues arising in a case are properly addressed by the parties in their pre-hearing submissions.

Workplace Relations Reform

The enactment of the Workplace Relations Bill 2014 will result in the most profound change in the operation of the Court since its inception in 1946. Hitherto, the Court's primary functions were in the sphere of industrial relations dispute resolution. While the Court has, for many years, exercised a coordinate role in the adjudication of disputes involving statutory employment rights, the volume of such cases will increase considerably when the Court becomes the sole appellate body under all employment enactments.

The stated objective of the Minister in initiating the current reforms is to introduce a world class adjudication and appeals system in matters of employment rights. As part of its commitment to the achievement of that objective the Court has undertaken a number of initiatives directed at preparing for the expanded role that it will be required to perform. These initiatives involved providing Court members with training to deal with the diverse body of enactments that will come within the Court's jurisdiction when the new legislation takes effect. The Court has also undertaken a thorough review of its rules of procedure and internal case management arrangements, directed at ensuring that it can continue to provide the same optimum level and quality of service, within existing timescales, that it currently provides. In that regard, a key objective of the Court is to ensure that the centrality of its industrial relation peace-making role is preserved within the new arrangements.

I must also place on record our appreciation of the Minister's willingness to support the Court by providing it with the additional resources necessary to undertake this new role. Arrangements have been put in place for the establishment of a fourth division of the Court (a Deputy Chairman, a Worker Member and an Employer member) and for the creation of an additional post of Deputy Chairman. A commitment has also been given to providing the Court with additional support staff.

Meeting of European Labour Court Judges

The Irish Labour Court hosted the 22nd Conference of European Labour Court Judges which was held in University College Dublin on 15th and 16th September 2014. This network of European Labour Courts was established by the ILO 30 years ago so as to provide a forum in which members of the different Labour Courts, who deal with disputes between workers and employers, can meet regularly and discuss issues of common interest and concern.

Most of the employment rights statutes in Ireland, and elsewhere in Europe, are based on social policy Directives of the European Union which are intended to ensure that common standards of worker protection are applied in each of the Member States. It follows, as the Court of Justice of the European Union has often pointed out, that the principles enshrined in European legislative provisions must be interpreted and applied consistently throughout the Union.

The members of this network come from countries with very different legal systems and different legal traditions but in accordance with established principles of European Law must apply their national legislation in a way that produces a common result which conforms to the object pursued by the European Legislation on which it is based. The ILO network provides a valuable opportunity for the members of European Labour Courts to learn from each other's experience and to discuss developments in employment law throughout the Union and in other countries following the European tradition.

The 2014 conference was organised around two important topics; the impact of Information Technologies (IT) on industrial and employment relations and the effect of a transfer of engagements on collective agreements.

The Department of Jobs, Enterprise and Innovation provided the Court with the financial resource necessary to host the conference, for which I am grateful. I also wish to gratefully acknowledge the assistance that the Court received from the Dean and faculty of the Sutherland Law School of UCD who provided the Court with the facilities in which to hold the conference. The delegates were addressed by the Minister for Business and Employment, Mr Ged Nash T.D. The Minister also hosted a reception for delegates.

Change in Court Membership

During the year there was one change in the membership of the Court. In February 2014 Pádraigín Ní Mhurchú retired as a Worker Member of the Court. She was replaced by Andrew McCarthy, formally a Divisional Organiser with SIPTU.

Pádraigín was the longest serving member in the history of the Court. She was first appointed in 1984 having had a distinguished career in the trade union movement, latterly as General Secretary of the former Irish Women Workers Union. Pádraigín made an immense contribution to the development of the Court during her period in office. Her personal and professional qualities and her capacity to deal successfully with complex disputes involving both industrial relations and legal issues have been widely acknowledged by her colleagues, employers and trade unions alike. I wish her a long and happy retirement.

Acknowledgement

Finally, I wish to place on record my appreciation of the work and dedication of the deputy Chairman and Members of the Court together with our support staff, all of whom have

contributed to the success of the Court in discharging its statutory mandate. I wish to thank, in particular, our Administrative Manager, Brenda Ward, who provides me with invaluable support in managing the administrative affairs of the Court. I also wish to thank the Minister, the Secretary General of the Department of Jobs, Enterprise and Innovation and the officials of the Department for their continued support and assistance during the year.

Kevin Duffy
Chairman

May 2015

MEMBERS OF THE LABOUR COURT IN 2014

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 to March 2014 Andrew McCarthy from April 2014 Jerry Shanahan Linda Tanham</i>
Registrar	<i>Hugh O'Neill</i>

HEADLINES 2014

In 2014, the Labour Court

- Received 849 referrals
- Held 698 hearings
- Issued 568 Recommendations / Determinations / Decisions / Orders
- Investigated 104 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 2014 compared to 2013

Category	Number in 2014	Number in 2013
Referrals received	849	957
Hearings	698	737
Recommendations etc. issued	568	655
Cases settled prior to / at Hearing	104	145
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	0
<i>Variations</i>	0	0

OVERVIEW 2014

CASES REFERRED TO THE COURT IN 2014

Number of Referrals

	2014	2013	Difference
Industrial Relations	469	555	-86
Employment Rights	380	402	-22
Total	849	957	-108 (-11%)

Overall there was an 11% decrease in referrals to the Labour Court in 2014 compared to the previous year (from 957 to 849) with some sub-categories of referrals witnessing more significant change.

Referrals under the Industrial Relations Acts 1946 to 2012 accounted for 55% of total referrals. This class of referral showed an overall decrease of 86 or 15% compared to 2013 (469 referrals compared with 555 in 2013).

Within the sphere of Employment Rights legislation, referrals during the year accounted for 45% of cases coming to the Court and decreased by 22 (5%). While the overall number of referrals under Employment Rights legislation was broadly similar, some sub-categories witnessed more significant change. The most significant increase in referrals occurred in Employee Information and Consultation cases which rose to 17 compared to 4 in the previous year. There were also decreases in the number of appeals against decisions of the Equality Tribunal from 70 to 53 and in referrals under the Protection of Employees (Temporary Agency Work) Act 2012 from 25 to 13.

Profile of Referrals – by Category

Category	2014	2013	Change
Industrial Relations	469	555	-86
Employment Rights:	380	402	-22
Equality	53	70	-17
Organisation of Working Time	183	207	-24
National Minimum Wage	26	23	+3
Part-Time Work	12	10	+2
Fixed-Term Work	41	41	0
Safety, Health & Welfare at Work	19	21	-2
Employee Information and Consultation	17	4	-13
Exceptional Collective Redundancies	0	0	0
Health Act	2	0	+2
Temporary Agency Work	13	25	-12
Criminal Justice Act	0	1	-1
Road Transport	14	0	+14
Total	849	957	-108

Categories of Referrals – as Proportion of Total Referrals

Category	2014	2013
Industrial Relations	55%	58%
Employment Rights:	45%	42%
Equality	7%	7%
Organisation of Working Time	21%	22%
National Minimum Wage	3%	2%
Part-time Work	1%	1%
Fixed-Term Work	5%	4%
Safety, Health & Welfare at Work	2%	2%
Information and Consultation	2%	0.4%
Health Act	.2%	0
Exceptional Collective Redundancies	0%	0
Temporary Agency Work	2%	3%
Criminal Justice Act	0%	0.1%
Road Transport	2%	

Profile of Referrals – by Source

Source	2014	2013
Cases which had earlier involved Labour Relations Commission –	648	638
of which		
Referrals from conciliation services ¹	183	166
Referrals from advisory services ²	0	0
Appeal against Recommendation / Decision of Rights Commissioner/ Complaint that Rights Commissioners decision not implemented	465	472
Appeal against decision of Director of Equality Tribunal	53	70
Direct referrals ³	146	200
Other ⁴	2	49
Total	849	957

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.

2014 Overview – continued

CASES COMPLETED BY THE COURT IN 2014

Number of Cases Completed

2014	2013	Difference
672	800	-128

Profile of Completed Cases – by Category

CATEGORY	2014	2013	DIFFERENCE
Industrial Relations	386	492	-106
Equality	50	39	+11
Organisation of Working Time	145	179	-34
National Minimum Wage	24	14	+10
Part-Time Work	7	5	+2
Fixed Term Work	31	39	-8
Safety, Health & Welfare at Work	8	21	-13
Employee Information and Consultation	8	7	+1
Health Act	0	0	0
Exceptional Collective Redundancies	0	0	0
Temporary Agency Work	8	4	+4
Road Transport	5	0	+5
Total	672	800	-128

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

2014 Overview – continued

HEARINGS IN 2014

Number of Hearings

The Court held a total of 698 hearings in 2014, compared with 737 in 2013. For the purposes of these hearings, the Court arranged sittings at a total of 13 locations.

Origins of Cases Heard in 2014

The following shows the origins of cases heard by the Court in 2014, based on the address of the employer:

County	Number of cases in 2014
Carlow	6
Cavan	3
Clare	9
Cork	55
Donegal	8
Dublin	396
Galway	50
Kerry	7
Kildare	9
Kilkenny	7
Laois	9
Leitrim	1
Limerick	34
Longford	1
Louth	8
Mayo	15
Meath	9
Monaghan	4
Offaly	4
Roscommon	0
Sligo	6
Tipperary (NR)	11
Tipperary (SR)	7
Waterford	18
Westmeath	5
Wexford	11
Wicklow	5
Foreign	0
Total	698

INDUSTRIAL RELATIONS CASES IN 2014

INDUSTRIAL RELATIONS CASES REFERRED TO THE COURT

Number of Industrial Relations Referrals Received

2014	2013	Difference
469	555	-86

The number of referrals under the Industrial Relations Acts 1946-2012 decreased by 15%. While most categories remained fairly constant, there were some exceptions to the 2013 trend.

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

Profile of Industrial Relations Cases Received

Source	2014	2013	Difference
Referrals from LRC (conciliation)*	183	166	+17
Appeals of Recommendations of Rights Commissioners	155	144	+11
Complaint by employer body of breach of REA	0	10	-10
Complaint by union of breach of REA	0	37	-37
Direct referral – advance acceptance of Recommendation	128	196	-68
Direct referral where no negotiating procedures in place	1	0	+1
Interpretation of Registered Employment Agreement/ Scope of Joint Labour Committee or of Employment Regulation Order	0	2	-2
Interpretation of Pay and Conditions	2	0	+2

* 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

2014	2013	Difference
386	492	-106

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 103 appeals of such recommendations in 2014; a further 20 cases were settled prior to or at the Labour Court hearing.

Sources of Industrial Relations Appeals

Appeal by	2014	2013
Worker	77 (75%)	77 (76%)
Employer	25 (24%)	23 (23%)
Both sides	1 (1%)	1 (1%)
Total	103	101

Outcome of Industrial Relations Appeals

Outcome of Appeal	2014	2013
Rights Commissioner's recommendation upheld	50 (48%)	45 (45 %)
Rights Commissioner's recommendation varied/amended	46 (45%)	47 (46%)
Rights Commissioner's recommendation overturned	7 (7%)	9 (9%)
Other	0	0
Total	103	101

EQUALITY CASES IN 2014

EQUALITY CASES REFERRED TO THE COURT

Number of Equality Referrals

Category	2014	2013	Difference
Appeal of decision of Director of Equality Tribunal	48	67	-19
Appeal of decision of Director of Equality Tribunal re time limit	4	3	+1
Appeal under Pensions Act	1	0	+1
Total	53	70	17

Discriminatory Grounds Cited in Equality Appeals Referred

In the 53 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
12	19	2	13	16	0	2	1	0

Number of grounds cited per appeal referred to the Court

Single ground cited	46 appeals
Two grounds cited	4 appeals
Three or more grounds cited	3 appeals

EQUALITY CASES COMPLETED BY THE COURT

Number of Equality Cases Completed

Type/source	2014	2013	Difference
Dismissal (direct referral by individual(s))	0	0	0
Appeals	50	39	+12
Total	50	39	+12

Source and Outcome of Appeal Cases

Of the 50 equality appeal cases completed by the Court in 2014, 5 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 45 cases in which the Court issued a Determination:

Source of Appeals

Appeal by	2014	2013
Worker	34	25
Employer	11	10
Both sides	0	1
Total	45	36

Outcome of Appeals

	2014	2013
Decision of Director of Equality Tribunal affirmed	26	22
Decision of Director overturned	6	7
Decision of Director varied	13	7
Total	45	36

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

ORGANISATION OF WORKING TIME CASES IN 2014

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 2014.

WORKING TIME CASES REFERRED TO THE COURT

Number and Categories of Referrals

Category	2014	2013	Difference
Appeals of decisions of Rights Commissioners	116	107	+9
Complaints that decisions of Rights Commissioners were not implemented	67	100	-33
Total	183	207	-24

WORKING TIME CASES COMPLETED BY THE COURT

Number Completed - by Category

Category	2014	2013	Difference
Appeals of decisions of Rights Commissioners	90	84	+6
Complaints that decisions of Rights Commissioners were not implemented	55	95	-40
Total	145	179	-34

Appeals Completed - Source and Outcome

Of the 90 appeals completed, 16 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 74 cases in which the Court issued a Determination.

Source of Appeals

	2014	2013
Appeal by Employer	22 (30%)	32 (43%)
Appeal by Worker(s)	51 (69%)	43 (57%)
Appeal by Both	1 (1%)	0
Total	74	75

Outcome of Appeals

	2014	2013
Rights Commissioner decision upheld	23 (31%)	38 (50%)
Rights Commissioner decision varied/amended	39 (53%)	20 (27%)
Rights Commissioner decision overturned	12 (16%)	17 (23%)
Total	74	75

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

NATIONAL MINIMUM WAGE CASES IN 2014

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	2014	2013	Difference
Appeals of decisions of Rights Commissioners	21	16	+5
Complaints that decisions of Rights Commissioners were not implemented	5	7	-2
Applications for exemption from the provisions of the Act	0	0	0
Total	26	23	+3

MINIMUM WAGE CASES COMPLETED BY COURT IN 2014

Number of Cases Completed by Category

Category	2014	2013	Difference
Appeals of decision of Rights Commissioners	19	8	+11
Complaints that decisions of Rights Commissioners not implemented	5	6	-1
Total	24	14	+10

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 2014

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 2014.

PART-TIME WORK CASES REFERRED TO THE COURT IN 2014

Number and Categories of Referrals

Category	Number of Referrals		
	2014	2013	Difference
Appeals of decisions of Rights Commissioners	12	10	+2
Complaints that decisions of Rights Commissioners were not implemented	0	0	0
Total	12	10	+2

PART-TIME WORK CASES COMPLETED BY THE COURT IN 2014

Number of Cases Completed - by Category

Category	2014	2013	Difference
Appeals of decisions of Rights Commissioners	7	5	+2
Complaints that decisions of Rights Commissioners were not implemented	0	0	0
Total	7	5	+2

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

PROTECTION OF EMPLOYEES (FIXED-TERM WORK) CASES IN 2014

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 2014

Number and Categories of Referrals

Category	Number of Referrals		
	2014	2013	Difference
Appeals of decisions of Rights Commissioners	39	37	+2
Complaints that decisions of Rights Commissioners were not implemented	2	4	-2
Total	41	41	0

FIXED-TERM WORK CASES COMPLETED BY THE COURT IN 2014

Number of Cases Completed - by Category

Category	2014	2013	Difference
	Appeals of decisions of Rights Commissioners	29	37
Complaints that decisions of Rights Commissioners were not implemented	2	2	0
Total	31	39	-8

Appeals Completed - Source and Outcome

Of the 31 appeals completed by the Court, 6 were settled before or at a hearing and the Court did not issue a Determination in those eight cases. The information below relates to the 23 cases in which the Court issued a Determination.

Source of appeal	2014	2013
Appeal by Employer	6 (24%)	9 (29%)
Appeal by Worker(s)	18 (72%)	22 (71%)
Appeal by Both	1 (4%)	
Total	25	31

Outcome of appeal	2014	2013
Rights Commissioner decision upheld	9 (39%)	16
Rights Commissioner decision varied/amended	5 (22%)	6
Rights Commissioner decision set aside	8 (35%)	9
Other	1 (4%)	0
Total	23	31

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

SAFETY, HEALTH AND WELFARE AT WORK CASES IN 2014

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 2014

Number and Categories of Referrals

Category	Number of Referrals		
	2014	2013	Difference
Appeals of decisions of Rights Commissioners	18	19	-1
Complaints that decisions of Rights Commissioners not implemented	1	2	-1
Total	19	21	-2

SAFETY, HEALTH AND WELFARE CASES COMPLETED BY THE COURT IN 2014

Number of Cases Completed - by Category

Category	2014	2013	Difference
Appeals of decisions of Rights Commissioners	7	21	-14
Complaints that decisions of Rights Commissioners were not implemented	1	0	+1
Total	8	21	-13

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

DISPUTE REFERRALS: FIVE YEAR TREND 2010 – 2014

REFERRALS OF EMPLOYMENT DISPUTES

Labour Court

Year	No. of referrals
2014	849
2013	957
2012	1,181
2011	1,254
2010	1,452
5-year Average	1,139

INDUSTRIAL RELATIONS CLIMATE IN 2014

The number of days lost due to industrial disputes in 2014 was 44,015 compared with 14,965 for 2013.

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

Industrial disputes: Last 5 years

Category	2014	2013	2012	2011	2010
No. of Disputes	14	12	5	8	14
No. of Firms	14	12	5	8	14
No. of Workers	32,363	11,924	1,920	1,384	511
No. of Days Lost	44,015	14,965	8,486	3,695	6,602

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 2014

Three Joint Labour Committees were re-established in 2014 – The Security JLC, the Contract Cleaning JLC and the Hairdressing JLC. There were 13 Joint Labour Committee meetings held during 2014 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 153 in 2014.

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 2014

No Registered Employment Agreements were made under the new provisions during 2014.

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 2014, no complaints of breaches of registered employment agreements were made to the Labour Court.

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 2014, 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 2014

The Joint Industrial Council for the Construction Industry held 2 meetings in 2014.

'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 2014:

Electrical Contracting Industry (7 meetings)

State Industrial Employees (6 meetings)

SUPPORT SERVICES

SUPPORT SERVICES IN 2014

Financial Management

The Labour Court is funded by the Exchequer, through the Department of Jobs, Enterprise and Innovation. Expenditure totalling € 2.08m was incurred by the Court during 2014. This comprised €1.8m in respect of pay and €0.26m 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 2014.

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 2014 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 2014 APPENDICES

APPENDIX 1

REFERRALS RECEIVED IN 2014

<i>Section /Act /Application</i>	2014	2013	Difference
Industrial Relations			
Section 32, Industrial Relations Act, 1946 (Complaint by a union of breach of REA)	0	37	-37
Section 33(1), Industrial Relations Act, 1946 (Interpretation of REA)	0	2	-2
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)	0	10	-10
Section 13(9), Industrial Relations Act, 1969 (Appeal against Rights Commissioner's Recommendation)	155	144	+11
Section 20(1), Industrial Relations Act, 1969 (Cases referred directly by the Union or workers - advance acceptance of Recommendation)	125	192	-67
Section 20(2), Industrial Relations Act, 1969 (Cases referred directly by the parties - advance acceptance of Recommendation)	2	4	-2
Section 26(1), Industrial Relations Act, 1990 (Cases referred to the Court by the LRC)	182	166	+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)	1	0	+1
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	0	+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)	1	0	+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)	2	0	+2
Total Industrial Relations Cases	469	555	-86
Equality			
Section 77(12), Employment Equality Act, 1998 (Appeal against decision of Director of Equality Tribunal - time limit)	4	3	+1
Section 83, Employment Equality Act, 1998 (Appeal against decision of Director of Equality Tribunal)	44	66	-22
Section 77A(2)(a), Employment Equality Acts, 1998 to 2008 (Appeal against Decision of Director of Equality Tribunal)	4	1	+3
Section 81(4), Pensions Act 1990 (Case referred to Court outside time limit)	1	0	+1
Total Equality Cases	53	70	-17

Organisation of Working Time			
Section 28(1), Organisation of Working Time Act, 1997 (Appeal against a Rights Commissioner's decision)	116	107	+9
Section 28(8), Organisation of Working Time Act, 1997 (Complaint that Rights Commissioner's decision was not implemented)	67	100	-33
Total Organisation of Working Time cases	183	207	-24

Temporary Agency Work			
Section 25(2) Protection of Employees (Temporary Agency Work) Act 2012	12	24	-12
Section 25(3) Protection of Employees (Temporary Agency Work) Act 2012	1	1	0
Total Temporary Agency Work cases	13	25	-12

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

<i>Section / Act / Application</i>	2014	2013	Difference
National Minimum Wage			
Section 27(1), National Minimum Wage Act, 2000 (Appeal against decision of a Rights Commissioner)	21	16	+5
Section 31(1), National Minimum Wage Act, 2000 (Complaint that Rights Commissioner's decision was not implemented)	5	7	-2
Total National Minimum Wage cases	26	23	+3
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	10	+2
Section 17(8) Protection of Employees (Part-time Work) Act, 2001 (Complaint that Rights Commissioner's decision was not implemented)	0	0	=
Total Part-time Work cases	12	10	+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)	39	37	+2
Section 15(8) Protection of Employees (Fixed-Term Work) Act, 2003 (Complaint that Rights Commissioner's decision was not implemented)	2	4	-2
Total Fixed Term Work cases	41	41	0
Safety, Health and Welfare at Work			
Section 29(1) Safety, Health and Welfare at Work Act, 2005 (Appeal against decision of a Rights Commissioner)	18	19	-1
Section 29(8) Safety, Health and Welfare at Work Act, 2005 (Complaint by employee that Rights Commissioner's Decision has not been implemented)	1	2	-1
Total Safety, Health and Welfare cases	19	21	-2
Employee Information and Consultation			
Section 15(1) Employees (Provision of Information and Consultation) Act, 2006 (Cases referred directly to the Court)	1	0	+1

Section 6(5) Employees (Provision of Information and Consultation) Act, 2006	1	0	+1
Section 15(4) Employees (Provision of Information and Consultation) Act, 2006	0	0	0
Section 15(5) Employees (Provision of Information and Consultation) Act, 2006	15	4	+11
Total Information and Consultation cases	17	4	+13
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	0	0
Total Exceptional Collective Redundancies Cases	0	0	0
Health			
Section 55M(11) Health Act, 2004 (Appeal against Rights Commissioner's Decision under this Act)	2	0	+2
Total Health Cases	2	0	+2
Road Transport			
Section 19, European Communities (Road Transport) (Organisation Of Working Time Of Persons Performing Mobile Road Transport Activities) Regulations, 2012	14	0	+14
Total Road Transport	14		+14
TOTAL REFERRALS RECEIVED	849	957	-108

APPENDIX 2

CASES COMPLETED IN 2014

<i>Section / Act / Application</i>	2014	2013	Difference
Industrial Relations			
Section 32, Industrial Relations Act, 1946 (Complaint by a union of breach of REA)	0	76	-76
Section 33(1), Industrial Relations Act, 1946 (Interpretation of REA)	0	2	-2
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)	0	33	-33
Section 13(9), Industrial Relations Act, 1969 (Appeal against Rights Commissioner's Recommendation)	123	109	+14
Section 20(1), Industrial Relations Act, 1969 (Cases referred directly by the Union or workers- advance acceptance of Recommendation)	96	131	-35
Section 20(2), Industrial Relations Act, 1969 (Cases referred directly by the parties- advance acceptance of Recommendation)	3	5	-2
Section 26(1), Industrial Relations Act, 1990 (Cases referred to the Court by the LRC)	160	136	+24
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)	1	0	+1
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	0	0
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	+1
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)	2	0	+2
Total Industrial Relations Cases	386	492	-106
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)	6	2	+4
Section 83, Employment Equality Act, 1998 (Appeal against decision of Director of Equality Tribunal)	43	37	+6
Section 77A(2)(a), Employment Equality Acts, 1998 to 2008	1	0	+1

Section 81(4), Pensions Act 1990 (Case referred to Court outside time limit)	1	0		+1
Total Equality Cases	51	39		+12

APPENDIX 2 - continued
 CASES COMPLETED IN 2014 - continued

<i>Section / Act / Application</i>	2014	2013	Difference
Organisation of Working Time			
Section 28(1), Organisation of Working Time Act, 1997 (Appeal against a Rights Commissioner's decision)	90	84	+6
Section 28(8), Organisation of Working Time Act, 1997 (Complaint that Rights Commissioner's decision was not implemented)	55	95	-40
Total Organisation of Working Time Cases	145	179	-34
National Minimum Wage			
Section 27(1), National Minimum Wage Act, 2000 (Appeal against decision of a Rights Commissioner)	19	8	+11
Section 31(1), National Minimum Wage Act, 2000 (Complaint that Rights Commissioner's decision was not implemented)	5	6	-1
Total National Minimum Wage Cases	24	14	+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)	7	5	+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	7	5	+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)	29	37	-8
Section 15(8) Protection of Employees (Fixed-Term Work) Act, 2003 (Complaint that Rights Commissioner's decision was not implemented)	2	2	0
Total Fixed Term Work Cases	31	39	-8
Employee Safety, Health & Welfare			
Section 29(1) Safety, Health and Welfare at Work Act, 2005 (Appeal against decision of a Rights Commissioner)	7	21	-14
Section 29(8) Safety, Health and Welfare at Work Act, 2005 (Complaint by employee that Rights Commissioner's Decision has not been implemented)	1	0	+1
Total Safety, Health & Welfare Cases	8	21	-13
Employee Information and Consultation			
Section 15 Employees (Provision of Information and Consultation) Act, 2006	7	7	0
Total Information and Consultation Cases	7	7	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)	0	0	0
Total Exceptional Collective Redundancies Cases	0	0	0
Health			
Section 55M(11) Health Act, 2004 (Appeal against Rights Commissioner's Decision under this Act)	0	0	0
Total Health Cases	0	0	0

Temporary Agency Work			
Section 25(2) Protection of Employees (Temporary Agency Work) Act 2012	8	3	+5
Section 25(3) Protection of Employees (Temporary Agency Work) Act 2012	0	1	-1
Total Temporary Agency Work cases	8	4	+4
Road Transport			
Section 19, European Communities (Road Transport) (Organisation Of Working Time Of Persons Performing Mobile Road Transport Activities) Regulations, 2012	5	0	+5
Total Road Transport	5	0	+5
Total	672	800	-128

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*’.

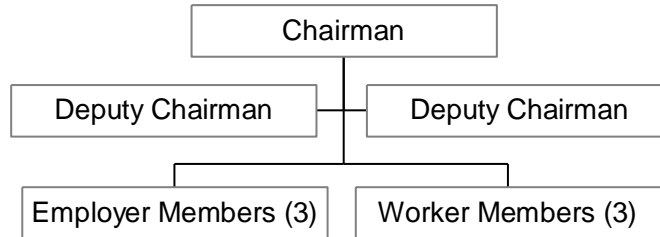
These functions of the Court arise mainly under the following Acts:

- 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

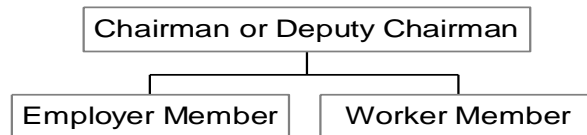
STRUCTURE OF THE LABOUR COURT AND LABOUR COURT ADMINISTRATION

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.



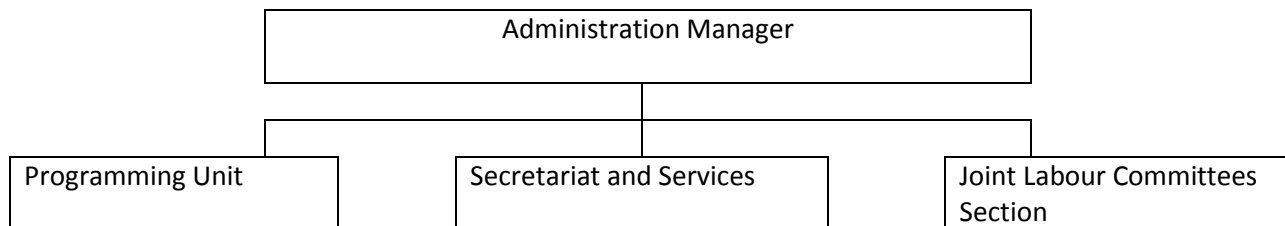
HEARINGS OF THE COURT

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.workplacereactions.ie

Query	Relevant Section of the Labour Court	Contact
About a particular case, <i>before</i> the hearing	Programming Section	(01) 6136608, 6136626, 6136610,
About a particular case, <i>after</i> 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 2014

Financial Report for 2014	€
Pay:	1,817,527
Non-pay:	265,565
TOTAL	2,083,092

The main areas of non-pay expenditure were as follows:	
	€
Post/Telephones	79,500
Office Equipment & Supplies	10,381
Office Premises	63,156

Expenditure on casework which required hearings to be conducted in locations outside the Labour Court's headquarters gave rise to expenditure of €74,135.

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 2014 KEY ACTIONS AND PERFORMANCE INDICATORS

Action	Performance in 2014
Work in liaison with the Reform Project Office to implement and embed the early win initiatives under the Reform Programme	<p>Appeals form drafted in liaison with Project Team</p> <p>Continual liaison with Programme Delivery Group in relation to accommodation.</p>
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	<p>Continual Liaison with Project team.</p> <p>Internal Rules and Procedures for new Business processes drafted</p> <p>Input given to the design process for Customer Relationship Management System (CRMS)</p> <p>Continual attendance at meetings as required.</p>
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 2014
The effective and efficient receipt and registration of complaints, appeals and dispute referrals	<p>Target met for registering of complaints/appeals within 5 working days of receipt</p> <p>Target met for issuing of acknowledgements to Complainants and notifications to Respondents within 5 working days of receipt of appeals/referrals met</p>
Provide for the effective and efficient hearing of, and issue of determinations on, complaints, appeals and dispute referrals	<p>Targets met for Court hearings in relation to</p> <ul style="list-style-type: none"> • setting of hearing dates • holding of hearings • issuing of determinations • publishing of Determinations on website <p>Synopses of employment rights cases involving not published in 2014 due to</p>

Action	Performance in 2014
	budget constraints.
Continued professional development programme for Court Members	<p>2 conferences attended in 2014.</p> <p>Hosting of European Labour Court Labour Court Judges meeting 2014 hosted by Labour Court in September 2014.</p> <p>2 In-house forums held</p>
<p>Review of JLCs</p> <p>Provide secretariat to JLCs</p>	<p>Appointments made to 3 JLCs which were re-established in 2014.</p> <p>Secretariat provided as required in 2014</p>
<p>The effective and efficient receipt of and deciding on proposals for, and applications to vary or cancel, EROs</p>	<p>Targets met for publishing proposals from JLC</p> <p>Secretariat provided as required in 2014</p> <p>No EROs submitted to Labour Court in 2014.</p>
<p>Decide applications to register/cancel registration of JICs</p> <p>Provide secretariat to JICs</p>	<p>No new or cancellations of JICs in 2014</p> <p>Secretariat provided as required</p>
<p>The effective and efficient receipt of and deciding on proposals to register, vary or review employment agreements</p>	<p>No new or varied REAs in 2014.</p>
<p>Manage scheme of registration of hairdressing apprentices</p>	<p>Target met for registration of apprenticeships and issuing of confirmation letters to prospective emigrants</p>