



AN CHÚIRT OIBREACHAIS

THE LABOUR COURT

ANNUAL REPORT

2016



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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

Foreword to Annual Report 2016 (July 2017)

Overview

This year was the first full year of operation of the Workplace Relations Act, 2015 and consequently was the first opportunity to see the effect of that legislation on the conduct of employment relations in the economy. The implementation of the legislation left undisturbed the mechanisms in place to support dispute resolution in the area of Industrial Relations. Specifically, the conciliation and first instance functions of the now Workplace Relations Commission (WRC) and the functions of the Court under the Industrial Relations Acts, 1946 to 2015 remained undisturbed and continued to be effective in the robust delivery of resolution services in individual and collective industrial disputes. To the degree that an ambition of the Workplace Relations Reform Programme has been to provide a 'world class' service it can fairly be recorded that the retention of the existing industrial relations dispute resolution framework of conciliation by the Commission and onward referral to the Court where required was a solid endorsement of what was and is a 'World Class' service. The objective of dispute resolution mechanisms is to resolve disputes. The Conciliation Service of the WRC consistently achieves resolution of over 80% of all disputes referred to it and almost all of the unresolved disputes are referred onwards to the Labour Court where resolution is found as a result of a Recommendation of the Court in almost all cases.

It is in the area of disputes arising under the body of employment law that the dispute resolution infrastructure has seen the most change. The Adjudication Service of the WRC was, in 2016, the sole body of first instance adjudication of employment rights based disputes. The Labour Court was the sole appellate body under that same body of employment law. It is to the credit of the Commission and its staff that the appeal rate from the Commission to the Court of decisions of Adjudication Officers remained reasonably consistent with appeal rates from the previous adjudication bodies.

The Labour Court for its part experienced a surge in appeals to it of decisions made under employment law. Such appeals increased by 80% in the year. It is important to note that this surge was expected and reflected the bringing together of all appeal avenues to the single appeal route to the Labour Court rather than any emerging trend of increased disputation between employers and workers arising from employment rights under the law.

A significant element of the Workplace Relations Reform programme was the drive to make available comprehensive information as regards the nature of first and second instance decisions in employment rights cases made by the Adjudication Officers of the WRC and by the Labour Court on appeal. The value of such information is that clearly available information is an aid to parties in evaluating their own case and in forming a judgement as regards the likely interpretation of the law by Adjudication Officers and the Labour Court itself. In effect, the educational value of such information is a key feature of the supportive dimension of the Workplace Relations Reform Programme. The Labour Court is satisfied that its decisions continue to be publicly available and strongly welcomes the fact that for the first time all first instance decisions in employment rights cases are to be similarly available.

The Labour Court agreed with the WRC during 2016 that the web presence, which includes the ICT platform for making decisions publicly available of both bodies, should be examined. The Labour Court is an independent Statutory Body and it is critical that parties and the public generally are aware that appeals from the WRC are to a separate body. Similarly the separation between the Conciliation Service of the WRC and the Labour Court is a vital element of the infrastructure made available by the State for the resolution of collective and individual labour disputes. The web presence of the Labour Court and the WRC is currently located at www.workplacerelations.ie and the Labour Court considers that this common web address may lead to some confusion as regards the separateness in real and statutory terms of the Labour Court and WRC. This is a matter which will be considered and worked through jointly by the bodies in 2017. As part of that project the Labour Court and the WRC will work together to enhance the accessibility and utility of the databases containing the decisions of the Labour Court and Adjudication Officers.

Timescale for Hearings

A key feature of the Workplace Relations Reform Programme was to enhance service to the public by shortening the length of time between original referral of a complaint and final outcome including of an appeal if such was undertaken. The average timescale for scheduling hearings of the Labour Court in Dublin in 2016 was 13 weeks from the date of appeal or referral. Outside of Dublin it was 16 weeks from date of referral in 2016. The difference in waiting times, while small, is a consequence of the Labour Court's commitment to the formation of hearing programmes outside of Dublin which involve appropriate workloads and as a result optimal value for money. It is a feature of the process of arranging hearings of the Labour Court that a primary cause of delay in holding hearings is the rate of application for adjournment made by parties after the Court has scheduled a hearing. The Court, in an effort to deal with this factor and in the interest of efficient service delivery to the public, continued its policy of only postponing cases in the most exceptional of circumstances. This issue will remain a focus of the Court in 2017.

The Court operates to a target of issuing recommendations in Industrial Relations cases within three weeks of the conclusion of the hearing and within 6 weeks in employment rights cases. These targets are met in 85% of cases.

Number of Referrals

In 2016, the Court received 1121 referrals under the various statutes within its jurisdiction. This compares to 810 received in 2015 and represents an increase overall of 38% of referrals. The level of referrals in industrial relations cases, at 402, remained broadly static year on year. The level of referral in employment rights cases however, as mentioned above, increased very significantly.

The changes brought about by the Workplace Relations Act 2015 impacted significantly on the profile of cases coming before the Court. In 2016 the proportion of referrals to the Court which were employment rights based was 64% - a change to the picture in 2015 when referrals of industrial relations and employment rights disputes were almost exactly 50:50. It is estimated that this trend of majority referral to the Court of appeals in the area of employment rights will continue and grow.

It is also however to be borne in mind that employment rights referrals are, in the main, disputes affecting single individuals while collective disputes in the area of industrial relations commonly involve very significant numbers of workers in a single referral. In essence the work of the Court in the area of industrial relations has the most widespread impact across the economy notwithstanding the pattern of referral to the Court in terms of employment rights versus industrial relations.

Industrial Relations overview

This report elsewhere records a continuing low level of industrial dispute activity in the economy. This, in the view of the Labour Court, is a reflection of the capacity of workers and their representatives and employers and their representatives to jointly engage effectively and constructively to resolve disputes and where necessary to rely on the institutions of the State, including the Labour Court, to find resolution where direct engagement is not successful. The Labour Court is confident that the continuing commitment of the parties to engagement and dialogue will ensure that the level of dispute in the economy will remain at normal and reasonable levels in 2017.

Pay

During the year the Court dealt with a number of disputes involving claims by trade unions for increases in pay. These claims were made against the background of the relative improvement in the economy generally and in the economic and commercial circumstances of many employments. The approach of the Court was to recommend increases in pay where this was justified and sustainable, having regard to the circumstances of the employments concerned and the strength of the case advanced on behalf of the workers on whose behalf the claims were made. Where increases in pay were recommended they tended to be of the order of 2% to 2.5% for a 12 month period.

Changes in Membership

During the year the Labour Court bade farewell to its eminent Chairman, Kevin Duffy. Kevin had served as Chairman for 13 years and before that for 6 years as Deputy Chairman. Kevin's distinguished career incorporated a period as a Bricklayer followed by a long period representing

workers in the Trade Union movement and ultimately as Assistant General Secretary of the Irish Congress of Trade Unions. Kevin's work on the Labour Court has rightly led to a position where his wisdom, fairness and expertise are widely recognised as having contributed hugely to the effectiveness of the conduct of employment relations in Ireland throughout his period as Chairman. His unique skillset, including as a barrister, means that the respect in which he is held is equally evident in both legal and industrial relations circles. I personally want to acknowledge his contribution to the work of the Labour Court and to wish him similar success in his future endeavours.

During 2016 the Court also bade farewell to Ms Mary Cryan who had served as a member of the Court for six years. Mary had come to the Labour Court with a distinguished background as an employment and Human Resource Management professional. Her career in the Court was marked by her dedication to effective public service and her skill as a practitioner in the pursuit of effective dispute resolution. I would like to thank Mary for her service to the Court and to congratulate her on her distinguished career.

Acknowledgement

Finally, I wish to place on record my appreciation of the work and dedication of the members and staff of the Labour Court. Their commitment to public service and their dedication to quality outcomes continue to ensure that the Labour Court successfully discharges its statutory mandate. I wish to thank in particular the Head of Administration of the Labour Court, Mairead Daly, who provided me with invaluable and expert support and guidance in managing the administrative affairs of the Court. I also wish to thank the Minister for Jobs Enterprise and Innovation, the former and current Secretary General of the Department and the Assistant Secretary General responsible for the Labour Affairs Division of the Department and the officials of the Department for their continued and invaluable support and assistance during the year.

Kevin Foley
Chairman

July 2017

MEMBERS OF THE LABOUR COURT IN 2016

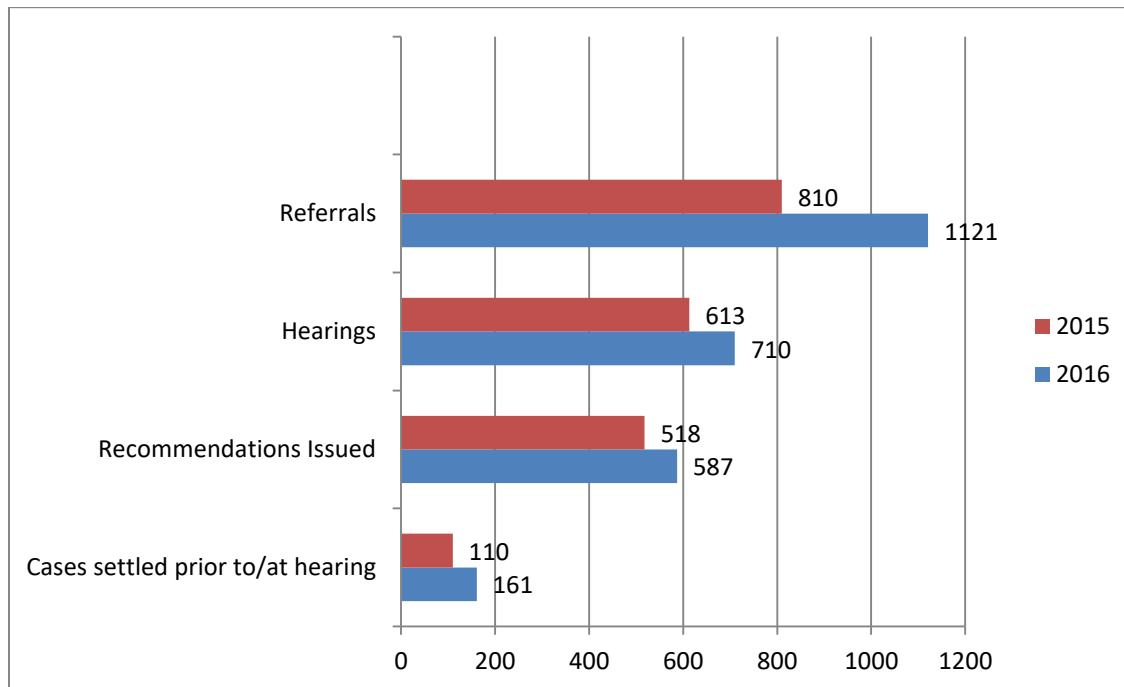
Chairman	<i>Kevin Foley (Appointed July 2016)</i> <i>Kevin Duffy (Retired June 2016)</i>
Deputy Chairmen	<i>Caroline Jenkinson</i> <i>Brendan Hayes</i> <i>Alan Haugh</i>
Employer Members	<i>Peter Murphy</i> <i>Sylvia Doyle</i> <i>Mary Cryan (Retired October 2016)</i> <i>Gavin Marie</i>
Worker Members	<i>Jerry Shanahan</i> <i>Linda Tanham</i> <i>Andrew McCarthy</i> <i>Louise O' Donnell</i>
Registrar	<i>Hugh O'Neill</i>

HEADLINES 2016

In 2016, the Labour Court

- Received 1121 referrals
- Held 707 hearings
- Issued 587 Recommendations / Determinations / Decisions / Orders
- Investigated 161 cases that were settled prior to or at a hearing
- Registered 1 Collective Agreement under the Organisation of Working Time Act, 1997

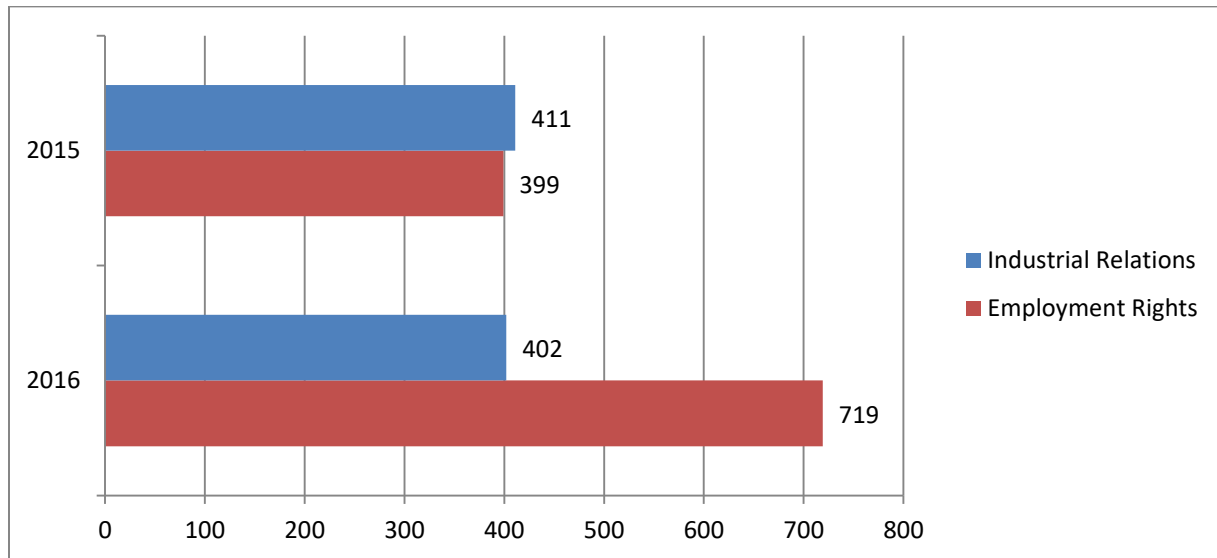
WORK OF THE LABOUR COURT IN 2016



NOTES

Additionally in 2016 there was one Collective Agreement approved under the Organisation and Working Time Act as well as the adoption of one Employment Regulation Order for the Contract Cleaning Industry.

From 1st October, 2015, if an employer fails to carry out a decision of an Adjudication Officer of the Workplace Relations Commission or a decision of the Labour Court arising from an appeal of an Adjudication Officer, within the prescribed time, an application may be made to the District Court for an order directing the employer/respondent to carry out the decision.

**CASES REFERRED TO THE COURT IN 2016**

Overall there was a 38.4 % increase in referrals to the Labour Court in 2016 compared to the previous year (from 810 to 1121) with some sub-categories of referrals witnessing more significant change.

Referrals under the Industrial Relations Acts 1946 to 2015 accounted for 35.8% of total referrals. This class of referral showed an overall decrease of 9 referrals or 2% compared to 2015 (402 referrals compared with 411 in 2015).

Referrals under Employment Rights legislation accounted for 64.2% of cases coming to the Court, an increase of 80% compared to 2015. It is expected that referrals in employment rights will increase considerably on foot of the enactment of the Workplace Relations Act 2015, which makes the Court the sole appellate body under all employment enactments.

PROFILE OF REFERRALS – BY CATEGORY

CATEGORY	2016	2015
<u>Industrial Relations</u>	402	411
<u>Employment Rights:</u>	719	399
<i>Unfair Dismissals</i>	164	14
<i>Organisation of Working Time</i>	120	184
<i>Equality</i>	109	53
<i>Payment of Wages</i>	103	21
<i>Terms of Employment</i>	71	11
<i>Protection of Employees on Transfer of Undertakings</i>	25	2
<i>Minimum Notice & Terms of Employment Acts</i>	23	0
<i>Fixed-Term Work</i>	22	13
<i>Redundancy Payments Acts</i>	17	0
<i>Safety, Health & Welfare at Work</i>	14	14
<i>National Minimum Wage</i>	12	22
<i>Part-Time Work</i>	8	10
<i>Road Transport</i>	7	20
<i>Protected Disclosures Criminal Justice Act</i>	4	3
<i>Maternity Protection</i>	4	1
<i>Employee Information and Consultation</i>	2	13
<i>Appeal of Compliance Notice</i>	2	0
<i>Competition Acts</i>	2	0
<i>Dismissal of Claim by Adjudication Officer</i>	2	0
<i>European Communities Protection of Employment Regulations</i>	2	0
<i>Parental Leave Acts</i>	2	0
<i>Prevention of Corruption Amendment Act</i>	2	0
<i>Temporary Agency Work</i>	1	14
<i>Criminal Justice Act</i>	1	0
<i>Health Act</i>	0	2
<i>Pensions Act</i>	0	2
Total	1121	810

PROFILE OF REFERRALS – BY SOURCE

Source	2016	2015
Cases which had earlier involved Workplace Relations Commission (total)	921	650
• referrals from Conciliation Service ¹	150	160
• appeals from Adjudication Officers and complaints that decisions not implemented ²	771	490
Appeal against decision of Adjudication Officer (Equality cases)	109	53
Direct referrals ³	91	107
Total	1121	810

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 The increase in the number of appeals from Adjudication Officers and complaints that decisions were not implemented arose primarily in new areas of responsibility for the Labour Court under Payment of Wages, Terms of Employment and Unfair Dismissals. These new areas of responsibility were introduced by the Workplace Relations Act 2015.

³ These include referrals under Section 20(1) 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 where cases are referred to the Court in exceptional circumstances; referrals under Section 2(1) of the Industrial Relations Act 2001 (as amended) where negotiating procedures are not in place.

2016 OVERVIEW – CONTINUED**PROFILE OF COMPLETED CASES – BY CATEGORY**

CATEGORY	2016	2015
Organisation of Working Time	114	173
Payment of Wages	59	2
Equality	49	31
Unfair Dismissals	47	0
Terms of Employment	46	1
National Minimum Wage	16	16
Protection of Employees on Transfer of Undertakings	16	0
Fixed Term Work	15	19
Safety, Health & Welfare at Work	11	9
Road Transport	8	17
Part-Time Work	5	3
Redundancy Payments Acts	4	0
Prevention of Corruption Amendment Act	4	0
Minimum Notice & Terms of Employment Acts	3	0
Maternity Protection Act	3	0
Protected Disclosures	3	0
Employee Information and Consultation	2	2
Temporary Agency Work	2	16
Competition Acts	2	0
European Communities Protection of Employment Regulations	2	0
Criminal Justice Act	1	0
Pensions Act	1	0
Health Act	0	1
Industrial Relations	335	338
Total	748	628

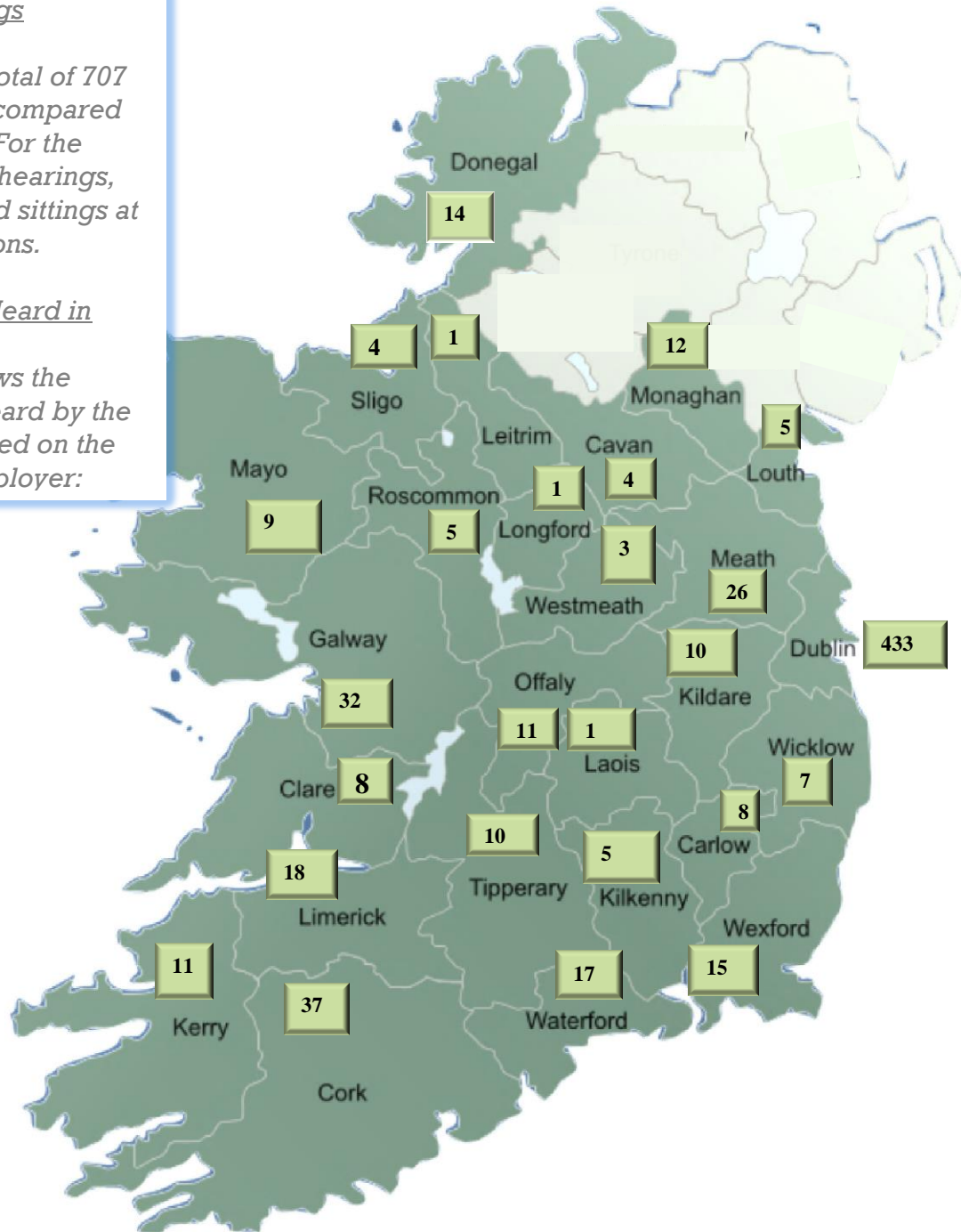
HEARINGS IN 2016

Number of Hearings

The Court held a total of 707 hearings in 2016, compared with 613 in 2015. For the purposes of these hearings, the Court arranged sittings at a total of 12 locations.

Origins of Cases Heard in 2016

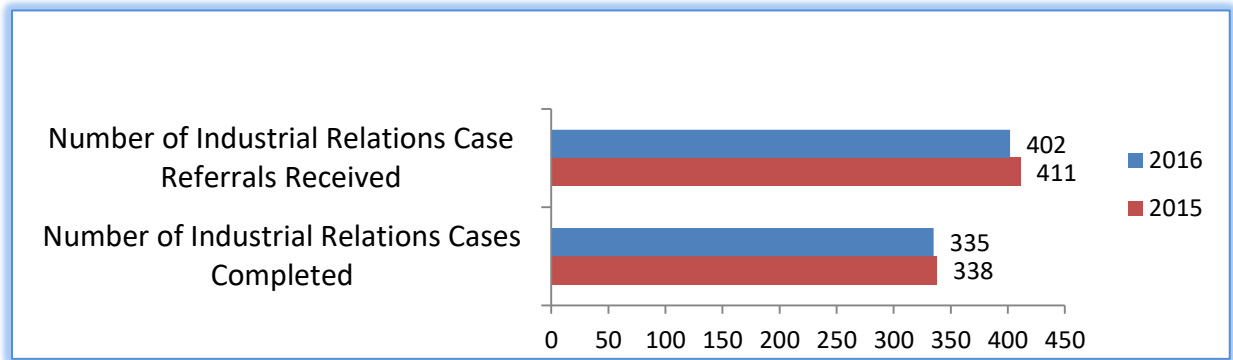
The following shows the origins of cases heard by the Court in 2016, based on the address of the employer:



INDUSTRIAL RELATIONS CASES IN 2016

INDUSTRIAL RELATIONS CASES REFERRED AND COMPLETED BY THE COURT

The number of referrals received under the Industrial Relations Acts 1946-2015 decreased by 2%. While most categories remained fairly constant, there were some exceptions to the 2015 trend.



PROFILE OF INDUSTRIAL RELATIONS CASES RECEIVED

Source	2016	2015	Difference
Referrals from WRC (conciliation)*	145	160	-15
Appeals of Recommendations of Adjudication Officers	161	144	17
Direct referral – advance acceptance of Recommendation	91	107	-16
Direct referral where no negotiating procedures in place	4	0	4
Case referred to the Court in exceptional circumstances	1	0	1
Total	402	411	-9

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

APPEALS IN INDUSTRIAL RELATIONS CASES

Recommendations of Adjudication Officers in industrial relations cases may be appealed to the Labour Court by either party to a dispute. Out of the 101 cases completed, a total of 28 cases were settled prior to or at the Labour Court hearing. The Court declined jurisdiction in 3 cases. The following information relates to the remaining 70 appeals in which the Court issued a recommendation.

SOURCES OF INDUSTRIAL RELATIONS APPEALS

Appeal by	2016	2015
Worker	46	72
Employer	23	20
Both sides	1	0
Total	70	92

OUTCOME OF INDUSTRIAL RELATIONS APPEALS

Outcome of Appeal	2016	2015
Adjudication Officer's recommendation upheld	26	41
Adjudication Officer's recommendation varied/amended	26	42
Adjudication Officer's recommendation overturned	18	9
Total	70	92

UNFAIR DISMISSAL CASES IN 2016

The functions of the Labour Court under the Unfair Dismissals Act 1997 to 2017 are:-

- to determine appeals of decisions of Adjudication Officers under the Act;

UNFAIR DISMISSAL CASES REFERRED TO THE COURT IN 2016

<i>Number and Categories of Referrals Received</i>	2016
Appeals of decisions of Adjudication Officers	164
Total	164

UNFAIR DISMISSAL CASES COMPLETED BY THE COURT IN 2016

<i>Number of Cases Completed by Category</i>	2016
Appeals of decisions of Adjudication Officers	47
Total	47

APPEALS COMPLETED - SOURCE AND OUTCOME

There were 14 referrals received under the Unfair Dismissals Acts from 1 October 2015 to 31 December 2015 and 14 cases were completed during this period.

Of the 47 appeals completed in 2016, 7 were settled at or before a hearing and the Court did not, therefore, issue a Determination in those cases. The Court declined jurisdiction in two cases. The information below relates to the remaining 38 cases in which the Court issued a Determination.

<i>Source of Appeals</i>	2016
Appeal by Employer	7
Appeal by Worker(s)	31
Appeal by Both	0
Total	38

<i>Outcome of Appeals</i>	2016
Adjudication Officer decision upheld	16
Adjudication Officer decision varied/amended	11
Adjudication Officer decision overturned	11
Total	38

ORGANISATION OF WORKING TIME CASES IN 2016

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 Adjudication Officers under the Act
- to determine complaints that decisions of Adjudication Officers under the Act have not been implemented

COLLECTIVE AGREEMENTS

APPROVALS IN 2016

In 2016, the Labour Court received and approved one collective agreement under the Organisation of Working Time 1997.

WORKING TIME CASES REFERRED TO THE COURT

<i>Number and Categories of Referrals Received</i>	2016	2015
Appeals of decisions of Adjudication Officers	85	97
Complaints that decisions of Adjudication Officers were not implemented	35	87
Total	120	184

WORKING TIME CASES COMPLETED BY THE COURT

<i>Number of Cases Completed by Category</i>	2016	2015
Appeals of decisions of Adjudication Officers	69	76
Complaints that decisions of Adjudication Officers were not implemented	45	97
Total	114	173

APPEALS COMPLETED - SOURCE AND OUTCOME

Of the 69 appeals completed, 25 were settled at or before a hearing and the Court did not, therefore, issue a Determination in those cases. The Court declined jurisdiction in one case and one case involved a change in name. The information below relates to the remaining 42 cases in which the Court issued a Determination.

<i>Source of Appeals</i>	2016	2015
Appeal by Employer	12	20
Appeal by Worker(s)	30	35
Appeal by Both	0	0
Total	42	55

<i>Outcome of Appeals</i>	2016	2015
Adjudication Officer decision upheld	17	15
Adjudication Officer decision varied/amended	20	31
Adjudication Officer decision overturned	5	9
Total	42	55

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

EQUALITY CASES IN 2016

EQUALITY CASES REFERRED TO THE COURT

NUMBER OF EQUALITY REFERRALS

Category	2016	2015
Appeal of decision of Adjudication Officer	103	48
Appeal of decision of Adjudication Officer re time limit	6	5
Total	109	53

DISCRIMINATORY GROUNDS CITED IN EQUALITY APPEALS REFERRED

In the 109 appeals under 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.

EQUALITY CASES COMPLETED BY THE COURT

SOURCE AND OUTCOME OF APPEAL CASES

Of the 49 equality appeal cases completed by the Court in 2016, 11 were settled at or after hearing and the Court did not, therefore, issue a Determination in those cases. The Court declined jurisdiction in one case and the following shows the source and the outcome of the appeals in the 37 cases in which the Court issued a Determination:

<i>Source of Appeals</i>	2016	2015
Worker	28	16
Employer	9	10
Total	37	26

<i>Outcome of Appeals</i>	2016	2015
Adjudication Officer decision upheld	17	14
Adjudication Officer decision overturned	7	5
Adjudication Officer decision varied	13	7
Total	37	26

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

PAYMENT OF WAGES CASES IN 2016

FUNCTIONS OF THE COURT

The functions of the Labour Court under the Payment of Wages Act 1991 are:-

- to determine appeals of decisions of Adjudication Officers under the Act;

PAYMENT OF WAGES CASES REFERRED TO THE COURT

<i>Number and Categories of Referrals Received</i>	2016
Appeals of decisions of Adjudication Officers	103
Total	103

PAYMENT OF WAGES CASES COMPLETED BY THE COURT

<i>Number of Cases Completed by Category</i>	2016
Appeals of decisions of Adjudication Officers	59
Total	59

APPEALS COMPLETED - SOURCE AND OUTCOME

There were 21 referrals received under the Payment of Wages Act from 1 October 2015 to 31 December 2015 and 2 cases were completed during this period.

Of the 59 appeals completed in 2016, 15 were settled at or before a hearing and the Court did not, therefore, issue a Determination in those cases. The Court declined jurisdiction in 7 cases. The information below relates to the 37 cases in which the Court issued a Determination.

<i>Source of Appeals</i>	2016
Appeal by Employer	10
Appeal by Worker(s)	27
Appeal by Both	0
Total	37

<i>Outcome of Appeals</i>	2016
Adjudication Officer decision upheld	21
Adjudication Officer decision varied/amended	3
Adjudication Officer decision Overturned	13
Total	37

TERMS OF EMPLOYMENT CASES IN 2016

FUNCTIONS OF THE COURT

The functions of the Labour Court under the Terms of Employment Acts 1994 to 2012 are:-

- to determine appeals of decisions of Adjudication Officers under the Act;

TERMS OF EMPLOYMENT CASES REFERRED TO THE COURT

<i>Number and Categories of Referrals Received</i>	2016
Appeals of decisions of Adjudication Officers	71
Total	71

TERMS OF EMPLOYMENT CASES COMPLETED BY THE COURT

<i>Number of Cases Completed by Category</i>	2016
Appeals of decisions of Adjudication Officers	46
Total	46

APPEALS COMPLETED - SOURCE AND OUTCOME

There were 11 referrals received under the Terms of Employment Act from 1 October 2015 to 31 December 2015 and 1 case was completed during this period.

Of the 46 appeals completed in 2016, 13 were settled at or before a hearing and the Court did not, therefore, issue a Determination in those cases. The Court declined jurisdiction in one case. The information below relates to the remaining 32 cases in which the Court issued a Determination.

<i>Source of Appeals</i>	2016
Appeal by Employer	12
Appeal by Worker(s)	20
Appeal by Both	0
Total	32

<i>Outcome of Appeals</i>	2016
Adjudication Officer decision upheld	16
Adjudication Officer decision varied/amended	8
Adjudication Officer decision overturned	8
Total	32

PROTECTION OF EMPLOYEES (FIXED-TERM WORK) CASES IN 2016

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 Adjudication Officers under the Act;
- to determine complaints that decisions of Adjudication Officers under the Act have not been implemented.

FIXED-TERM WORK CASES REFERRED TO THE COURT

<i>Number and Categories of Referrals Received</i>	2016	2015
Appeals of decisions of Adjudication Officers	20	13
Complaints that decisions of Adjudication Officers were not implemented	2	0
Total	22	13

FIXED-TERM WORK CASES COMPLETED BY THE COURT

<i>Number of Cases Completed by Category</i>	2016	2015
Appeals of decisions of Adjudication Officers	12	19
Complaints that decisions of Adjudication Officers were not implemented	3	0
Total	15	19

APPEALS COMPLETED - SOURCE AND OUTCOME

Of the 12 appeals completed by the Court, 2 were settled before or at a hearing and the Court did not issue a Determination in those 2 cases. The information below relates to the 10 cases in which the Court issued a Determination.

Source of Appeals	2016	2015
Appeal by Employer	1	4
Appeal by Worker(s)	9	11
Appeal by Both	0	0
Total	10	15

Outcome of Appeals	2016	2015
Adjudication Officer decision upheld	5	12
Adjudication Officer decision varied/amended	1	2
Adjudication Officer decision set aside	4	1
Total	10	15

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 2016

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 Adjudication Officers under the Act;
- to determine complaints that decisions of Adjudication Officers under the Act have not been implemented.

SAFETY, HEALTH AND WELFARE CASES REFERRED TO THE COURT

<i>Number and Categories of Referrals Received</i>	2016	2015
Appeals of decisions of Adjudication Officers	13	13
Complaints that decisions of Adjudication Officers not implemented	1	1
Total	14	14

SAFETY, HEALTH AND WELFARE CASES COMPLETED BY THE COURT

<i>Number of Cases Completed by Category</i>	2016	2015
Appeals of decisions of Adjudication Officers	11	8
Complaints that decisions of Adjudication Officers were not implemented	0	1
Total	11	9

APPEALS COMPLETED - SOURCE AND OUTCOME

Of the 11 appeals completed, 5 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 6 cases in which the Court issued a Determination.

<i>Source of Appeals</i>	2016	2015
Appeal by Employer	0	2
Appeal by Worker(s)	6	3
Appeal by Both	0	0
Total	6	5

<i>Outcome of Appeals</i>	2016	2015
Adjudication Officer decision upheld	6	4
Adjudication Officer decision varied/amended	0	1
Adjudication Officer decision overturned	0	0
Total	6	5

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

NATIONAL MINIMUM WAGE CASES IN 2016

FUNCTIONS OF THE COURT

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

- to determine appeals of decisions of Adjudication Officers under the Act;
- to determine complaints that decisions of Adjudication Officers 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

<i>Number and Categories of Referrals Received</i>	2016	2015
Appeals of decisions of Adjudication Officers	6	16
Complaints that decisions of Adjudication Officers were not implemented	6	6
Total	12	22

MINIMUM WAGE CASES COMPLETED BY COURT IN 2015

<i>Number of Cases Completed by Category</i>	2016	2015
Appeals of decisions of Adjudication Officers	8	14
Complaints that decisions of Adjudication Officers not implemented	8	2
Total	16	16

APPEALS COMPLETED - SOURCE AND OUTCOME

Of the 8 appeals completed, 2 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 6 cases in which the Court issued a Determination.

<i>Source of Appeals</i>	2016	2015
Appeal by Employer	1	2
Appeal by Worker(s)	5	6
Total	6	8

<i>Outcome of Appeals</i>	2016	2015
Adjudication Officer decision upheld	3	3
Adjudication Officer decision varied/amended	3	3
Adjudication Officer decision overturned	0	2
Total	6	8

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 2016

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 Adjudication Officers under the Act;
- to determine complaints that decisions of Adjudication Officers 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 2016.

PART-TIME WORK CASES REFERRED TO THE COURT IN 2016

<i>Number and Categories of Referrals Received</i>	2016	2015
Appeals of decisions of Adjudication Officers	8	7
Complaints that decisions of Adjudication Officers were not implemented	0	3
Total	8	10

PART-TIME WORK CASES COMPLETED BY THE COURT IN 2016

<i>Number of Cases Completed by Category</i>	2016	2015
Appeals of decisions of Adjudication Officers	4	3
Complaints that decisions of Adjudication Officers were not implemented	1	0
Total	5	3

APPEALS COMPLETED - SOURCE AND OUTCOME

Of the 4 appeals completed, 1 was settled at or before a hearing and the Court did not, therefore, issue a Determination in those cases. The Court declined jurisdiction in two of the cases. The information below relates to the 1 case in which the Court issued a Determination.

<i>Source of Appeals</i>	2016	2015
Appeal by Employer	0	0
Appeal by Worker(s)	1	1
Total	1	1

<i>Outcome of Appeals</i>	2016	2015
Adjudication Officer decision upheld	1	1
Adjudication Officer decision varied/amended	0	0
Adjudication Officer decision overturned	0	0
Total	1	1

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

OTHER APPEAL CASES REFERRED TO THE COURT IN 2016

<i>Number and Categories of Referrals</i>	2016	2015
EC (Protection of Employees on Transfer of Undertakings) Regulations 2003	25	2
Minimum Notice & Terms of Employment Acts 1973 to 2005	23	*0
Redundancy Payments Act 1967 to 2014	17	*0
Protected Disclosures Criminal Justice Act	4	3
Maternity Protection Acts 1994	4	*1
Appeal of Compliance Notice	2	*0
Competition Acts 2002 to 2014	2	*0
Dismissal of Claim by Adjudication Officer	2	*0
European Communities (Protection of Employment) Regulations 2000	2	*0
Parental Leave Acts 1998 to 2006	2	*0
Prevention of Corruption Amendment Act 2001	2	*0
Criminal Justice Act 2011	1	0
Health Act, 2004 (Appeal against Rights Commissioner's Decision under this Act)	0	2
Pensions Act 1990	0	2
Employees Provision of Information and Consultation Act 2006	2	13
Protection of Employees (Temporary Agency Work) Act 2012	1	14

European Communities Organisation of Working Time of Persons Performing Mobile Road Transport Activities Regulations 2012	7	20
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*** Referrals Received under new legislation from 1 October 2015 to 31 December 2015**

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

OTHER APPEAL CASES COMPLETED BY THE COURT IN 2016

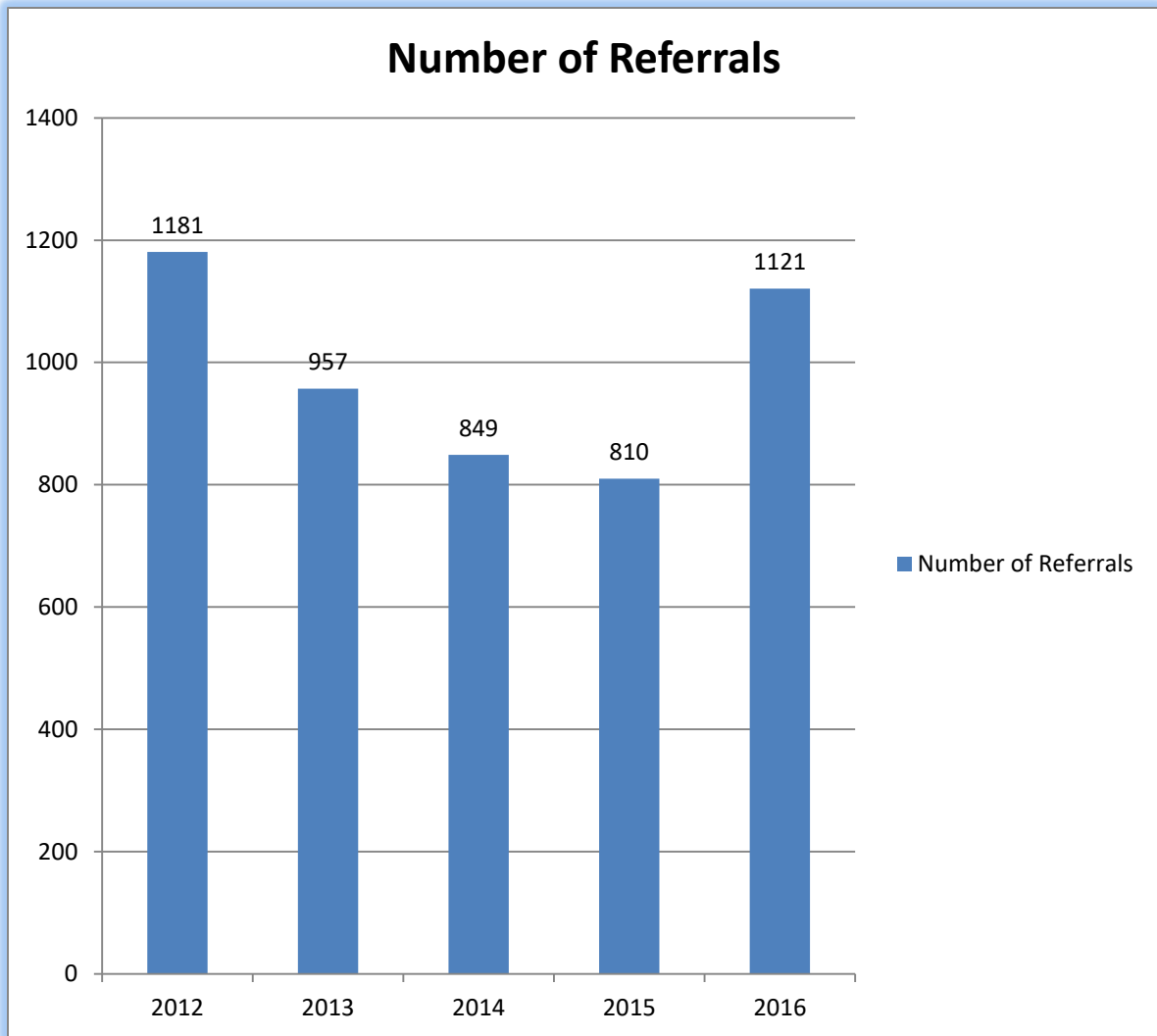
Number of Cases Completed - by Category	2016	2015
EC (Protection of Employees on Transfer of Undertakings) Regulations 2003	16	0
European Communities Organisation of Working Time of Persons Performing Mobile Road Transport Activities Regulations 2012	8	17
Redundancy Payments Act 1967 to 2014	4	*0
Prevention of Corruption Amendment Act 2001	4	*0
Minimum Notice & Terms of Employment Acts 1973 to 2005	3	*0
Maternity Protection Act 1994	3	*0
Protected Disclosures Act 2014	3	0
Employees Provision of Information and Consultation Act 2006	2	2
Protection of Employees (Temporary Agency Work) Act 2012	2	16
Competition Acts 2002 to 2014	2	*0
European Communities (Protection of Employment) Regulations 2000	2	*0
Pensions Act 1990 (Case referred to Court outside time limit)	1	0
Criminal Justice Act 2011	1	0
Health Act, 2004	0	1

* Cases Completed under new legislation from 1 October 2015 to 31 December 2015

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

DISPUTE REFERRALS: FIVE YEAR TREND 2012 – 2016

REFERRALS OF EMPLOYMENT DISPUTES



INDUSTRIAL RELATIONS CLIMATE IN 2016

The number of days lost due to industrial disputes in 2016 was 71,647 compared with 32,964 in 2015. Two Disputes in the Education Sector accounted for 76.2% of the days lost in 2016 – with 54,562 of the 71,647 total days lost. There were 10 industrial disputes in 2016, affecting 29,372 workers and 10 firms.

INDUSTRIAL DISPUTES: LAST 5 YEARS

Category	2016	2015	2014	2013	2012
No. of Disputes	10	9	11	12	5
No. of Firms	10	9	11	12	5
No. of Workers	29,372	37,760	31,665	11,924	1,920
No. of Days Lost	71,647	32,964	44,015	14,965	8,486

Source: Central Statistics Office

OTHER ACTIVITIES

JOINT LABOUR COMMITTEES

The Industrial Relations Acts 1946 to 2015 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 [ERO] (see below).

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

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 a statutory instrument (S.I) 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.

ACTIVITIES IN THIS AREA IN 2016

The Security JLC, the Contract Cleaning JLC and the Hairdressing JLC held meetings during 2016 (A total of 21 meetings were held). An Employment Regulation Order was made proposed by the Contract Cleaning JLC and adopted by the Court:-

- Employment Regulation Amendment Order (Contract Cleaning Joint Labour Committee) 2016 (SI No. 548 of 2016).

SI No. 548 of 2016 came in to legal effect from 27 October, 2016. Employers affected by an ERO are obliged to pay wage rates and provide conditions of employment not less favourable than those prescribed. Any breaches of an Employment Regulation Order may be referred to the Workplace Relations Commission for appropriate action.

OTHER ACTIVITIES

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 215 in 2016.

REGISTERED EMPLOYMENT AGREEMENTS

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

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

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

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

expressed to apply. Finally, a party to a registered employment agreement may apply to the Court to vary the agreement in its application to any worker or workers to whom it applies.

REGISTRATIONS IN 2016

Following the commencement of the Industrial Relations (Amendment) Act 2015, one employment agreement was registered in 2016. Details of employment agreements registered are available to view on the Register of Employment Agreements on Workplacelrelations.ie

The Court expects to see an uptake in Registered Employment Agreements in the future as organisations familiarise themselves with the new requirements for registering agreements contained in the Industrial Relations (Amendment) Act 2015.

SECTORAL EMPLOYMENT ORDERS

A Sectoral Employment Order is made by the Minister and sets out the terms and conditions relating to the remuneration and any sick pay scheme or pension scheme, of the workers of a particular class, type or group in the economic sector in respect of which the request is expressed to apply.

Upon receipt of a request to the Labour Court, it can initiate a review of the pay and pension and sick pay entitlements of workers in a particular sector and, if it deems it appropriate, make a recommendation to the Minister on the matter. Such a request (which must be substantially representative of employers and/or of workers) may be made by:-

- (a) A trade union of workers;
- (b) A trade union or an organisation of employers; or
- (c) A trade union of workers jointly with a trade union or an organisation of employers.

If the Minister is satisfied that the process provided for in the legislation has been complied with, by the Labour Court, he/she shall make the Order. Where such an order is made it will be binding across the sector to which it relates, and will be enforceable by the Workplace Relations Commission.

SECTORAL EMPLOYMENT ORDERS IN 2016

Following the commencement of the Industrial Relations (Amendment) Act 2015, no Sectoral Employment Orders were made by the Minister in 2016.

The Court expects to see an uptake in consideration of Sectoral Employment Orders in the future as organisations familiarise themselves with the new requirements for requesting that the Court conduct an examination, as contained in the Industrial Relations (Amendment) Act 2015.

JOINT INDUSTRIAL COUNCILS

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 2016, 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 2016

The Joint Industrial Council for the Construction Industry held two meetings in 2016.

‘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 Electrical Contracting Industry JIC and the State Industrial Employees JIC. The Labour Court makes available an officer of the Court to act as secretary at meetings of such bodies and officers of the Court attended 5 meetings of the State Industrial Employees Joint Industrial Council during 2016.

FINANCIAL MANAGEMENT

The Labour Court is funded by the Exchequer, through the Department of Jobs, Enterprise and Innovation. Expenditure totalling €2,607m was incurred by the Court during 2016. This comprised €2,212m in respect of pay and €0.395m 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 2016.

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 2016 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

The Workplace Relations Act 2015, was commenced by Ministerial Order on 1 October 2015, giving effect to the Minister for Jobs, Enterprise and Innovation's programme to reform the State's workplace relations/employment rights and industrial relations structures and frameworks. The Act provided that the Labour Court would be the sole appellate body in all equality and employment rights cases dealt with at first instance by Adjudication Officers of the Workplace Relations Commission.

As a result of the Workplace Relations Act 2015, all first instance complaints are made to the Workplace Relations Commission where three options for resolving complaints are available – early resolution, inspection and adjudication. All appeals are made to the Labour Court with the only further appeal being to the High Court on a point of law.

This Act has resulted in a substantial change in the Court's caseload and in the profile of cases with which it deals. In response to the new demands that these changes place on the Court's services a fourth division was created in November 2015 and an additional Deputy Chairman was appointed. As a result, 2016 was the first year in which the membership of the Court comprised of a Chairman, four Deputy Chairmen and eight Ordinary Members.

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THE LABOUR COURT

ANNUAL REPORT 2016 APPENDICES

APPENDIX 1
REFERRALS RECEIVED IN 2016

Section /Act /Application	2016	2015
<i>Industrial Relations</i>		
Section 13(9), Industrial Relations Act, 1969 (Appeal against Adjudication Officer's Recommendation)	160	144
Section 26(1), Industrial Relations Act, 1990 (Cases referred to the Court by the LRC)	145	160
Section 20(1), Industrial Relations Act, 1969 (Cases referred directly by the Union or workers - advance acceptance of Recommendation)	86	106
Section 20(2), Industrial Relations Act, 1969 (Cases referred directly by the parties - advance acceptance of Recommendation)	5	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)	4	0
Section 26(5), Industrial Relations Act, 1990 (Cases referred to the Court in exceptional circumstances)	1	0
Section 10(1), Industrial Relations (Misc. Prov.) Act, 2004 (Appeal against Adjudication Officer's Decision – re victimisation)	1	0
<i>Total Industrial Relations Cases</i>	402	411

<i>Equality</i>		
Section 83, Employment Equality Act, 1998 (Appeal against decision of Adjudication Officer)	103	48
Section 77(12), Employment Equality Act, 1998 (Appeal against Adjudication Officer's decision - time limit)	6	5
<i>Total Equality Cases</i>	109	53
<i>Organisation of Working Time</i>		
Section 28(1), Organisation of Working Time Act, 1997 (Appeal against Adjudication Officer's decision)	85	97
Section 28(8), Organisation of Working Time Act, 1997 (Complaint that Adjudication Officer's decision was not implemented)	35	87
<i>Total Organisation of Working Time cases</i>	120	184

<i>Temporary Agency Work</i>		
Section 25(2) Protection of Employees (Temporary Agency Work) Act 2012	1	13
Section 25(3) Protection of Employees (Temporary Agency Work) Act 2012	0	1
<i>Total Temporary Agency Work cases</i>	1	14
<i>Protected Disclosures Criminal Justice Act</i>		
Section 12(2) Protected Disclosures	4	3
<i>Total Protected Disclosure Criminal Justice Act</i>	4	3

<i>National Minimum Wage</i>		
Section 27(1), National Minimum Wage Act, 2000 (Appeal against decision of an Adjudication Officer)	6	16
Section 31(1), National Minimum Wage Act, 2000 (Complaint that Adjudication Officer's decision was not implemented)	6	6
<i>Total National Minimum Wage cases</i>	12	22
<i>Protection of Employees (Part-time Work)</i>		
Section 17(1) Protection of Employees (Part-time Work) Act, 2001 (Appeal against decision of an Adjudication Officer)	8	7
Section 17(8) Protection of Employees (Part-time Work) Act, 2001 (Complaint that Adjudication Officer's decision was not implemented)	0	3
<i>Total Part-time Work cases</i>	8	10
<i>Protection of Employees (Fixed-Term Work)</i>		
Section 15(1) Protection of Employees (Fixed-Term Work) Act, 2003 (Appeal against decision of an Adjudication Officer)	20	13
Section 15(8) Protection of Employees (Fixed-Term Work) Act, 2003 (Complaint that Adjudication Officer's decision was not implemented)	2	0
<i>Total Fixed Term Work cases</i>	22	13

Safety, Health and Welfare at Work		
Section 29(1) Safety, Health and Welfare at Work Act, 2005 (Appeal against decision of an Adjudication Officer)	13	13
Section 29(8) Safety, Health and Welfare at Work Act, 2005 (Complaint by employee that Adjudication Officer's Decision has not been implemented)	1	1
Total Safety, Health and Welfare cases	14	14
Employee Information and Consultation		
Section 15(1) Employees (Provision of Information and Consultation) Act, 2006 (Cases referred directly to the Court)	2	0
Section 15(5) Employees (Provision of Information and Consultation) Act, 2006	0	13
Total Information and Consultation cases	2	13
Health		
Section 55M(11) Health Act, 2004 (Appeal against Adjudication Officer's Decision under this Act)	0	1
Section 55M(15) Health Act, 2004	0	1
Total Health Cases	0	2
Road Transport		
Section 19, European Communities (Road Transport) (Organisation Of Working Time Of Persons Performing Mobile Road Transport Activities) Regulations, 2012	7	17
Section 20, European Communities (Road Transport) (Organisation Of Working Time Of Persons Performing Mobile Road Transport Activities) Regulations, 2012	0	3
Total Road Transport	7	20

<i>All other Cases received by the Court in 2016</i>		
Section 8A Unfair Dismissals Acts 1977 to 2015	164	*14
Section 7(1) Payment of Wages Act, 1991	103	*21
Section 8 (1) Terms of Employment (Information) Act1994-2012,	71	*11
Section 11 (1) EC (Protection of Employees on Transfer of Undertakings) Regulations 2003	25	2
Minimum Notice & Terms of Employment Acts 1973 to 2005	23	*0
Redundancy Payments Act 1967 to 2014	17	*0
Section 33 (1) Maternity Protection Act 1994	4	*1
Section 28 Workplace Relations Act 2015 - Appeal of Compliance Notice	2	*0
Competition Acts 2002 to 2014	2	*0
Section 42 Workplace Relations Act 2015 - Dismissal of Claim by Adjudication Officer	2	*0
European Communities (Protection of Employment) Regulations 2000	2	*0
Section 19 (1) Parental Leave Acts 1998 and 2006	2	*0
Section 8A(5) Prevention of Corruption Amendment Act, 2001	2	*0
Section 20(2) Criminal Justice Act, 2011	1	0
Section 81(1), Pensions Act 1990	0	2
TOTAL REFERRALS RECEIVED	1121	810

*** Referrals Received under new legislation from 1 October 2015 to 31 December 2015**

Note: Section 44 of the Workplace Relations Act, 2015, allows for an appeal of an Adjudication Officer's decision under the above employment rights provisions/enactments (excluding Redundancy Payments Act 1967, Unfair dismissals Act 1977, Employers' Insolvency Act, 1984 and Employment Equality Act 1998, which have separate provisions set out in those Acts). Schedule 5 of the Workplace Relations Act 2015 contains a full list of the provisions and enactments specified for the purpose of Section 44 of that Act.

<i>Section / Act / Application</i>	2016	2015
<i>Industrial Relations</i>		
Section 26(1), Industrial Relations Act, 1990 (Cases referred to the Court by the LRC)	140	141
Section 13(9), Industrial Relations Act, 1969 (Appeal against an Adjudication Officer's Recommendation)	101	111
Section 20(1), Industrial Relations Act, 1969 (Cases referred directly by the Union or workers- advance acceptance of Recommendation)	88	86
Section 20(2), Industrial Relations Act, 1969 (Cases referred directly by the parties- advance acceptance of Recommendation)	4	0
Section 26(5), Industrial Relations Act, 1990 (Cases referred to the Court in exceptional circumstances)	1	0
Section 2(1), Industrial Relations (Amendment) Act, 2001 as amended by Industrial Relations (Miscellaneous Provisions) Act, 2004 (Cases where negotiating procedures are not in place)	1	0
<i>Total Industrial Relations Cases</i>	335	338
<i>Equality</i>		
Section 83, Employment Equality Act, 1998 (Appeal against decision of an Adjudication Officer)	46	23
Section 77(12), Employment Equality Act, 1998 (Appeal against decision of an Adjudication Officer - time limit)	3	4

Section 77(2), Employment Equality Act, 1998 (Cases re dismissal arising from discrimination or victimisation)	0	3
Section 77A(2)(a), Employment Equality Acts, 1998 to 2008	0	1
Total Equality Cases	49	31
Organisation of Working Time		
Section 28(1), Organisation of Working Time Act, 1997 (Appeal against an Adjudication Officer's decision)	69	76
Section 28(8), Organisation of Working Time Act, 1997 (Complaint that Adjudication Officer's decision was not implemented)	45	97
Total Organisation of Working Time Cases	114	173
National Minimum Wage		
Section 27(1), National Minimum Wage Act, 2000 (Appeal against decision of an Adjudication Officer)	8	14
Section 31(1), National Minimum Wage Act, 2000 (Complaint that Adjudication Officer's decision was not implemented)	8	2
Total National Minimum Wage Cases	16	16
Protection of Employees (Part-time Work)		
Section 17(1) Protection of Employees (Part-time Work) Act, 2001 (Appeal against decision of an Adjudication Officer)	4	3
Section 17(8) Protection of Employees (Part-time Work) Act, 2001 (Complaint that Adjudication Officer's decision was not implemented)	1	0
Total Part-time Work Cases	5	3

Protection of Employees (Fixed-Term Work)		
Section 15(1) Protection of Employees (Fixed-Term Work) Act, 2003 (Appeal against decision of an Adjudication Officer)	12	19
Section 15(8) Protection of Employees (Fixed-Term Work) Act, 2003 (Complaint that Adjudication Officer's decision was not implemented)	3	0
Total Fixed Term Work Cases	15	19
<i>Employee Safety, Health & Welfare</i>		
Section 29(1) Safety, Health and Welfare at Work Act, 2005 (Appeal against decision of an Adjudication Officer)	11	8
Section 29(8) Safety, Health and Welfare at Work Act, 2005 (Complaint by employee that Adjudication Officer's Decision has not been implemented)	0	1
Total Safety, Health & Welfare Cases	11	9
<i>Temporary Agency Work</i>		
Section 25(2) Protection of Employees (Temporary Agency Work) Act 2012	2	13
Section 25(3) Protection of Employees (Temporary Agency Work) Act 2012	0	3
Total Temporary Agency Work cases	2	16
<i>Road Transport</i>		
Section 19, European Communities (Road Transport) (Organisation Of Working Time Of Persons Performing Mobile Road Transport Activities) Regulations, 2012	8	14
Section 20, European Communities (Road Transport) (Organisation Of Working Time Of Persons Performing Mobile Road Transport Activities) Regulations, 2012	0	3
Total Road Transport	8	17

<i>All other Cases Completed by the Court in 2016</i>		
Section 7(1) Payment of Wages Act 1991	59	*2
Section 8(1) Terms of Employment (Information) Act 1994 - 2012	46	*1
Section 8(A) Unfair Dismissals Acts 1977 to 2015	47	*0
Redundancy Payments Act 1967 to 2014	4	*0
Section 8A(5) Prevention of Corruption Amendment Act, 2001	4	*0
Minimum Notice & Terms of Employment Acts 1973 to 2005	3	*0
Section 33(1) Maternity Protection Act 1994	3	*0
Section 12(2) Protected Disclosures Act, 2014	3	0
Section 15 Employees (Provision of Information and Consultation) Act, 2006	2	2
Competition Acts 2002 to 2014	2	*0
European Communities (Protection of Employment) Regulations 2000	2	*0
Section 20(2) Criminal Justice Act, 2011	1	0
Section 81 (1) Pensions Act 1990	1	0
Section 55M(15) Health Act, 2004	0	1
Section 11 (1) EC (Protection of Employees on Transfer of Undertakings) Regulations 2003	16	0
<i>TOTAL CASES COMPLETED</i>	748	628

*** Cases Completed under new legislation which were received from 1 October 2015 to 31 December 2015**

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. The responsibilities and role of the Court have been considerably enhanced over the years both as a result of the increase in National and European employment legislation and the enactment of the Workplace Relations Act 2015 which provides that the Labour Court now has sole appellate jurisdiction in all disputes arising under employment rights' enactments.

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 2015 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 Workplace Relations Commission (by way of conciliation conferences' 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 Workplace 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 Adjudication Officer’s recommendations*

An industrial relations dispute involving one worker may be referred first to an Adjudicator for a Recommendation. The Adjudicator’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 of employment of workers of any class, type or group, made between a trade union or trade unions of workers and one or more than one employer or trade union of employers, that is binding only on the parties to the agreement in respect of the workers of that class, type or group.

- *Sectoral Employment Orders*

Upon receipt of a request to the Labour Court, it can initiate a review of the pay and pension and sick pay entitlements of workers in a particular sector and, if it deems it appropriate, make a recommendation to the Minister on the matter. Such a request (which must be substantially representative of employers and/or of workers) may be made by:-

- (a) A trade union of workers;
- (b) A trade union or an organisation of employers; or
- (c) A trade union of workers jointly with a trade union or an organisation of employers.

If the Minister is satisfied that the process provided for in the new legislation, has been complied with by the Labour Court, he/she shall make the Order. Where such an order is made it will be binding across the sector to which it relates, and will be enforceable by the Workplace Relations Commission.

- Joint Labour Committees / Employment Regulation Orders

This area of the Labour Court's activities is also described elsewhere in this Report.

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 order 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.

- Codes of Practice

The Industrial Relations Act 1990 makes provision for the preparation by the Workplace 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 the Employment Rights enactments and issuing determinations in regard to certain complaints of the non – implementation of Adjudication Officer decisions¹.

The Court also approves working time agreements under the Organisation of Working Time Act, 1997 and collective agreements regarding casual part-time employees under the Protection of Employees (Part-Time Work) Act, 2001.

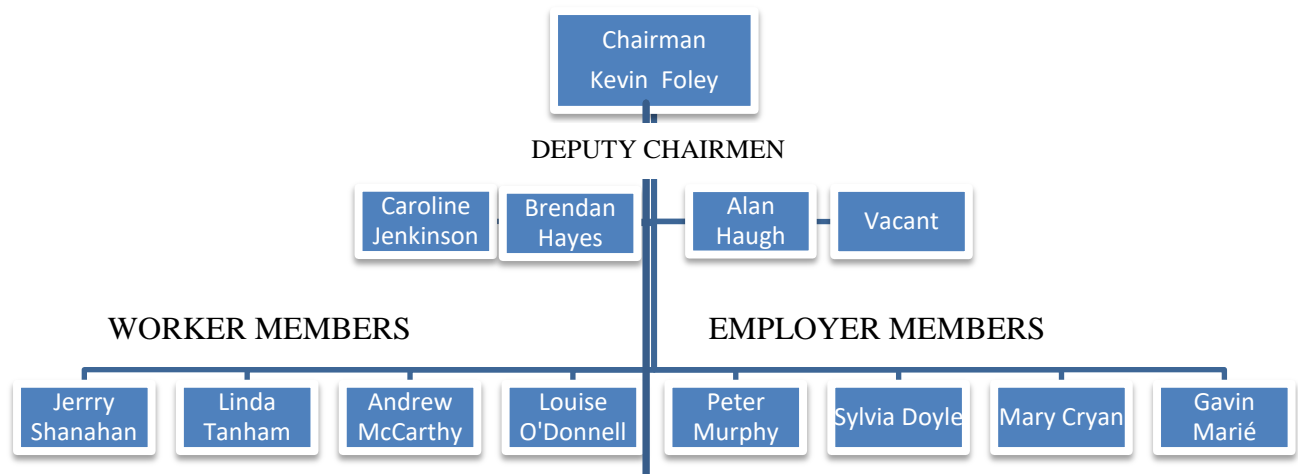
The enactment of the Workplace Relations Act 2015 provides that the Labour Court is the sole appellate body for Adjudication Officer decisions. This expanded function for the Labour Court will result in the Labour Court determining appeals of Adjudication Officer decisions across the full spectrum of employment rights legislation.

¹ From 1st October, 2015, if an employer fails to carry out a decision of an Adjudication Officer of the Workplace Relations Commission or a decision of the Labour Court arising from an appeal of an Adjudication Officer, within the prescribed time, an application may be made to the District Court for an order directing the employer/respondent to carry out the decision.

APPENDIX 5

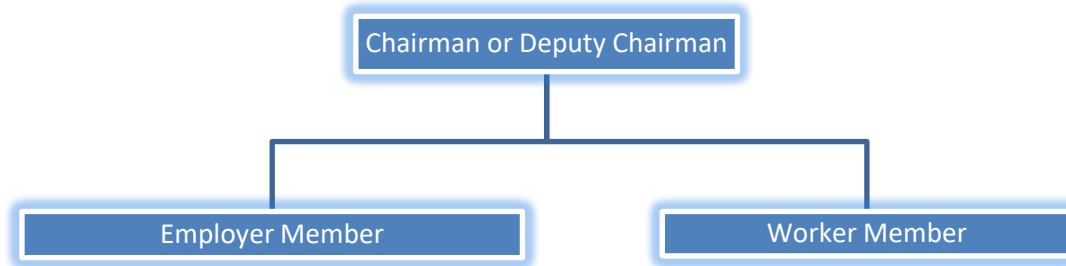
Structure of the Labour Court

THE LABOUR COURT CONSISTS OF 12 FULL-TIME MEMBERS - A CHAIRMAN, 3 DEPUTY CHAIRMEN, AND 8 ORDINARY MEMBERS, 4 OF WHOM ARE EMPLOYER MEMBERS AND 4 OF WHOM ARE WORKER MEMBERS.



Labour Court Hearing

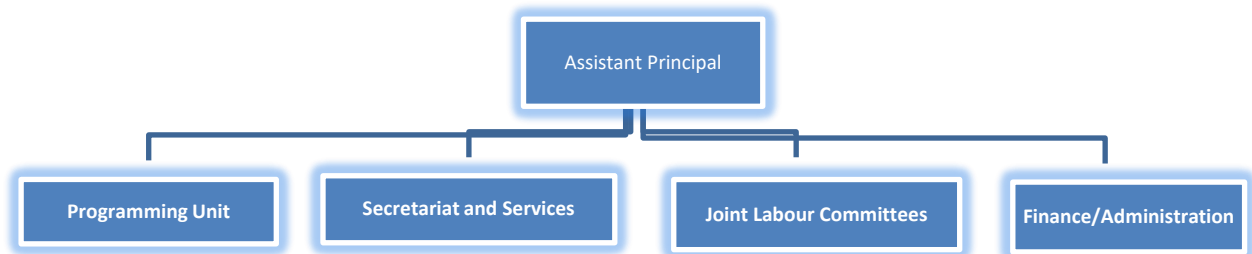
Each hearing of the Court is taken by a Division of the Court consisting of the Chairman or a Deputy Chairman of the Court, a Worker Member and an Employer Member.



Registrar

The Registrar to the Labour Court sources and provides timely legal services and advice to the Labour Court in carrying out its statutory functions.

Labour Court Administration



The Labour Court is supported in its function by an administration service which is staffed by permanent employees who are civil servants and part of the staffing establishment of the Department of Jobs, Enterprise and Innovation.

APPENDIX 6

FURTHER INFORMATION

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

The Labour Court
Lansdowne House
Lansdowne 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, <i>before</i> the hearing	Programming Section	(01) 6136608, 6136650, 6136610,
About a particular case, <i>after</i> the hearing	Relevant Court Secretary	As indicated at the hearing
Joint Labour Committees Registered Employment Agreements/Sectoral Employment Orders Employment Regulation Orders Hairdressing apprenticeship registrations	Joint Labour Committees/ Joint Industrial Councils Section	(01) 6136628, 6136622, 6136626 e-mail: jlc@labourcourt.ie
General information about industrial relations and employment rights matters.	Workplace Relations Customer Services	1890 80 80 90

APPENDIX 7

FINANCIAL REPORT FOR 2016

Financial Report for 2016	€
Pay:	2,211,483
Non-pay:	395,343
TOTAL	2,606,826

Main areas of non-pay expenditure	€
Post/Telephones	86,542
Office Equipment & Supplies	27,357
Office Premises	*159,888

*The Labour Court moved premises during 2016 from Tom Johnson House, Haddington Road, Dublin 4 to Lansdowne House, Lansdowne Road, Dublin 4.

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 2016 Key Actions and Performance Indicators

Action	Performance in 2016
Work in liaison with the Reform Project Office to implement and embed the early win initiatives under the Reform Programme	Single Online Workplace Relations Appeals Form available Continual liaison with Programme Delivery Group in relation to accommodation.
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	Liaison with Reform Project Office in relation to the structure and staffing of WRC and Labour Court Internal Rules and Procedures for new business processes adopted. Continual attendance at Project meetings as required
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 • holding of hearings • issuing of determinations • publishing of Determinations on website
Continued professional development programme for Court Members	7 conferences attended in 2016. Attendance by the Chairman at the European Labour Court Judges meeting
Provide secretariat to JLCs	Secretariat provided as required in 2016
The effective and efficient receipt of and deciding on proposals for, and applications to vary or cancel EROs	One ERO submitted to the Labour Court and signed by the Minister in 2016 (Contract Cleaning SI 548 of 2016) 27 th October 2016. Targets met for publishing proposals from JLC Secretariat provided as required in 2016

Action	Performance in 2016
<p>Decide applications to register/cancel registration of JICs</p> <p>Provide secretariat to JICs</p>	<p>No new or cancellations of JICs in 2016</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>One Registered Employment Agreement in 2016 between Dublin Bus and Bus Eireann and SIPTU, NBRU, TEEU, TSSA UNITE</p>
<p>The effective and efficient processing of applications to examine terms and conditions of employment in a sector</p>	<p>Three applications were received in 2016 respect of Sectoral Employment Orders. One did not meet the necessary legislative requirements; one was withdrawn and one was under consideration at end year.</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>